

Court of Claims of Ohio Victims of Crime Division

The Ohio Judicial Center

65 South Front Street, Fourth Floor
Columbus, OH 43215

614.387.9800 or 1.800.624.6263
www.cco.state.oh.us

IN RE: AKII WALKER

Case No. V2008-30235

AKII WALKER

Applicant

Commissioners:
Tim McCormack, Presiding
Karl C. Kerschner
Clarence E. Mingo II

ORDER OF A THREE-
COMMISSIONER PANEL

{¶ 1} On January 22, 2008, the applicant, Akii Walker, filed a compensation application seeking an award for medical expenses and work loss incurred as the result of an assault which occurred on December 5, 2007. On January 25, 2008, the Attorney General issued a Finding of Fact and Decision denying the applicant's claim pursuant to R.C. 2743.60(E)(1)(a), based on the applicant's conviction of possession of drugs, a felony of the fifth degree. On February 7, 2008, the applicant filed a request for reconsideration. On February 11, 2008, the Attorney General rendered a Final Decision finding there was no reason to modify its prior decision. Hence on May 21, 2008 a hearing was held before this panel of three commissioners.

{¶ 2} Assistant Attorney General Mellissia Fuhrmann appeared at the hearing. However, the applicant failed to appear. The Assistant Attorney General made brief comments for the panel's consideration and stated that the applicant's felony conviction on September 24, 1998, bars him from an award under the program. The felony conviction was within ten years of the occurrence of the criminally injurious conduct of December 5, 2007. Accordingly, the Assistant Attorney General urged the panel to affirm the Final Decision of the Attorney General.

{¶ 3} Commissioner Kerschner noted that the file contained a certified copy of the journal entry of the criminal case which is the requisite evidence necessary to establish a felony conviction.

{¶ 4} R.C. 2743.60(E)(1)(a) states:

(E) (1) Except as otherwise provided in division (E)(2) of this section, the attorney general, a panel of commissioners, or a judge of the court of claims shall not make an award to a claimant if any of the following applies:

(a) The victim was convicted of a felony within ten years prior to the criminally injurious conduct that gave rise to the claim or is convicted of a felony during the pendency of the claim.

{¶ 5} From review of the file and with full and careful consideration given to all the information presented at the hearing, we make the following determination. We find that the applicant's claim must be denied pursuant to R.C. 2743.60(E)(1)(a), since he was convicted of a felony within ten years of the occurrence of the criminally injurious conduct.

{¶ 6} IT IS THEREFORE ORDERED THAT

{¶ 7} 1) The February 11, 2008 decision of the Attorney General is
AFFIRMED;

{¶ 8} 2) This claim is DENIED and judgment is entered for the state of Ohio;

{¶ 9} 3) Costs are assumed by the court of claims victims of crime fund.

TIM MC CORMACK
Presiding Commissioner

[Cite as *In re Walker*, 2008-Ohio-4270.]

KARL C. KERSCHNER
Commissioner

CLARENCE E. MINGO II
Commissioner

ID #I:\VICTIMS\2008\30235\6-26-08 panel decision.wpd\DRB-tad

A copy of the foregoing was personally served upon the Attorney General and sent by regular mail to Cuyahoga County Prosecuting Attorney and to:

Filed 7-18-2008
Jr. Vol. 2269, Pg. 67
To S.C. Reporter 8-20-2008