



Court of Claims of Ohio Victims of Crime Division

The Ohio Judicial Center
65 South Front Street, Fourth Floor
Columbus, OH 43215
614.387.9860 or 1.800.824.8263
www.cco.state.oh.us

IN RE: TOMMIE L. BROOKS

Case No. V2009-40102

TOMMIE L. BROOKS

Commissioners:
Thomas H. Bainbridge, Presiding
Karl C. Kerschner
Lloyd Pierre-Louis

Applicant

ORDER OF A
THREE-COMMISSIONER PANEL

{¶ 1} On September 3, 2008, the applicant, Tommie Brooks, filed a compensation application as the result of an assault that occurred on August 19, 2008. On December 31, 2008, the Attorney General issued a finding of fact and decision denying the applicant's claim for an award of reparations pursuant to R.C. 2743.60(E)(1)(d), since the applicant was convicted of domestic violence on August 3, 1999 which was within ten years of the occurrence of the criminally injurious conduct. On January 12, 2009, the applicant submitted a request for reconsideration. The applicant asserted he was arrested for domestic violence but was not convicted of the offense. On January 26, 2009, the Attorney General rendered a Final Decision finding no reason to modify its initial decision. On February 2, 2009, the applicant filed a notice of appeal from the January 26, 2009 Final Decision of the Attorney General. Hence, a hearing was held before this panel of commissioners on May 6, 2009 at 9:30 A.M.

{¶ 2} Assistant Attorney General Tyler Brown appeared on behalf of the state of Ohio. The applicant did not attend the hearing. The Attorney General made a brief statement for the panel's consideration. The Attorney General referred to documentation submitted

with the Attorney General's brief which evidences a conviction for domestic violence which occurred on August 3, 1999. The Attorney General noted that this conviction was within ten years of the criminally injurious conduct which occurred on August 19, 2008. Accordingly, the Attorney General requested its decision be affirmed. Whereupon, the hearing was concluded.

{¶ 3} R.C. 2743.60(E)(1)(d) states:

{¶ 4} "(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:

{¶ 5} "(d) The claimant was convicted of a violation of section 2919.22 or 2919.25 of the Revised Code, or of any state law or municipal ordinance substantially similar to either section, within ten years prior to the criminally injurious conduct that gave rise to the claim or during the pendency of the claim."

{¶ 6} From review of the file and with full and careful consideration given to all the information presented at the hearing, we find the applicant's claim was properly denied pursuant to R.C. 2743.60(E)(1)(d). Therefore, the January 26, 2009 decision of the Attorney General is affirmed.

{¶ 7} IT IS THEREFORE ORDERED

{¶ 8} 1) The January 26, 2009 decision of the Attorney General is AFFIRMED;

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

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

THOMAS H. BAINBRIDGE
Presiding Commissioner

KARL C. KERSCHNER
Commissioner

LLOYD PIERRE-LOUIS
Commissioner

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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 7-1-2009

Jr. Vol. 2272, Pgs. 124-126

To S.C. Reporter 8-14-2009