



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

IN RE: STANLY L. HOFFMAN

STANLY L. HOFFMAN

Applicant

Case No. V2011-60115

Commissioners:

Karl C. Kerschner, Presiding

Susan G. Sheridan

E. Joel Wesp

ORDER OF A THREE COMMISSIONER PANEL

{1}On November 24, 2010, the applicant, Stanly Hoffman, filed a compensation application as the result of an assault which occurred on April 5, 2010. On December 6, 2010, the Attorney General issued a finding of fact and decision denying the applicant's claim pursuant to R.C. 2743.60(E)(1)(a), since the applicant was convicted of a felony, tampering with records on August 24, 2009. The felony conviction was within ten years of the occurrence of the criminally injurious conduct. On December 13, 2010, the applicant filed a request for reconsideration. On January 31, 2011, the Attorney General rendered a Final Decision finding no reason to modify the initial decision. On February 7, 2011, the applicant filed a notice of appeal from the January 31, 2011 Final Decision of the Attorney General. Hence, a hearing was held on this matter on May 4, 2011 at 10:20 A.M.

{2}The applicant appeared at the hearing, while Assistant Attorney General Melissa Montgomery appeared on behalf of the state of Ohio.

{3}The applicant stated he was severely beaten by fellow inmates on April 5, 2010, while he was incarcerated at the Marion Correctional Institution. The applicant

acknowledged that he had previously been convicted of a felony and pursuant to R.C. 2743.60(E)(1)(a) he is barred from receiving an award of reparations.

{4}The Attorney General stated that R.C. 2743.60(E)(1)(a) is clear and no exceptions are permitted. Accordingly, the Attorney General's Final Decision should be affirmed. Whereupon, the hearing was concluded.

{5}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."

{6}From review of the case file and upon full and careful consideration given to the testimony of the applicant and the statement of the Attorney General, we find the applicant's claim should be denied pursuant to R.C. 2743.60(E)(1)(a), due to his felony conviction which was within ten years of the criminally injurious conduct. Therefore, the January 31, 2011 Final Decision of the Attorney General is affirmed.

IT IS THEREFORE ORDERED THAT

{7}1) The January 31, 2011 decision of the Attorney General is AFFIRMED;

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

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

KARL C. KERSCHNER
Presiding Commissioner

SUSAN G. SHERIDAN
Commissioner

E. JOEL WESP
Commissioner

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

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