

[Cite as *In re Boyd*, 2004-Ohio-935.]

**IN THE COURT OF CLAIMS OF OHIO**  
**VICTIMS OF CRIME DIVISION**

IN RE: JAMES W. BOYD	:	Case No. V2003-40780
JAMES W. BOYD	:	<u>ORDER OF A THREE-</u>
Applicant	:	<u>COMMISSIONER PANEL</u>
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{¶1} On April 3, 2003, the applicant filed a reparations application seeking reimbursement for expenses incurred with respect to an alleged assault on July 13, 1970. On May 16, 2003, the Attorney General denied the applicant’s claim pursuant to R.C. 2743.56(B) and R.C. 2743.60(A) contending that the applicant failed to file a timely reparations application. On June 18, 2003, the applicant filed a request for reconsideration. On July 30, 2003, the Attorney General issued a Final Decision denying the claim once again. On August 25, 2003, the applicant filed an appeal of the Attorney General’s Final Decision. On September 11, 2003, the Attorney General filed a Brief recommending that the Final Decision be affirmed since the alleged criminally injurious conduct occurred prior to the existence of the enactment of the Crime Victims Reparations Act. Hence, this matter came to be heard before this panel of three commissioners on November 19, 2003 at 10:15 A.M.

{¶2} Neither the applicant nor anyone on his behalf appeared at the hearing. An Assistant Attorney General attended the hearing and stated that he rests on his September 11, 2003 Brief. The panel chairman concluded the hearing.

{¶3} From review of the file, this panel makes the following determination. We find that the applicant has failed to prove that he is eligible to receive an award of reparations. In his September 11, 2003 Brief, the Assistant Attorney General stated that this claim should be denied because the alleged criminally injurious conduct on which this claim is based occurred prior to the effective date of the Crime Victims Reparations Act. Amended Substitute S.B. 153 Section 10, effective July 1, 2000, provided temporary authority to pay certain claims. For one year, beginning on July 1, 2000, the Attorney General was required to accept applications for economic loss arising from criminally injurious conduct, that would have been classified *at least* a felony of the first degree if the incident had occurred on July 1, 2000, and that occurred prior to January 3, 1976, the effective date of the Crime Victims Reparations Act. In this case, the conduct on which this claim is based allegedly occurred in 1975, however the application was not timely filed, and the alleged criminally injurious conduct (assault) would not have been classified as a first degree felony had the incident occurred on July 1, 2000. Based upon the above reasons, this claim must be denied. Therefore, the July 30, 2003 decision of the Attorney General shall be affirmed.

{¶4} IT IS THEREFORE ORDERED THAT

{¶5} 1) The July 30, 2003 decision of the Attorney General is AFFIRMED;

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

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

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KARL H. SCHNEIDER  
Commissioner

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LEO P. MORLEY  
Commissioner

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JAMES H. HEWITT III  
Commissioner

ID #\1-dld-tad-112503

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

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To S.C. Reporter 3-2-2004