

[Cite as *In re Brown*, 2005-Ohio-1454.]

IN THE COURT OF CLAIMS OF OHIO
VICTIMS OF CRIME DIVISION

IN RE: BETTY K. BROWN	:	Case No. V2004-60962
BETTY K. BROWN	:	<u>ORDER OF A THREE-</u>
Applicant	:	<u>COMMISSIONER PANEL</u>
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{¶ 1} The applicant filed a reparations application seeking reimbursement of expenses incurred with respect to a January 22, 2003 assault incident, whereby she was stabbed in the hand by Latoiea Crayton. On July 23, 2004, the Attorney General denied the applicant's claim pursuant to former R.C. 2743.60(E)(3) contending that the applicant engaged in violent felonious conduct when she stabbed Latoiea Crayton in the arm on June 5, 2003. On August 16, 2004, the applicant filed a request for reconsideration. On September 20, 2004, the Attorney General denied the applicant's claim once again. On October 4, 2004, the applicant filed a notice of appeal to the Attorney General's Final Decision. Hence, this matter came to be heard before this panel of three commissioners on December 15, 2004 at 11:35 A.M.

{¶ 2} Neither the applicant nor anyone on her behalf appeared at the hearing. An Assistant Attorney General attended the hearing and presented testimony and brief comments for the panel's consideration. Anthony McMahan, a police officer with the Cleveland Police Department, testified that he was assigned desk duty on June 5, 2003 when Latoiea Crayton and Betty Brown arrived at the police station. Officer McMahan explained that Ms. Crayton was bleeding from her arm and was given medical attention for her injury. Officer McMahan stated

that Ms. Crayton informed him that Betty Brown had stabbed her. Officer McMahan further stated that Ms. Brown, during her interview, acknowledged that she had stabbed Ms. Crayton in the arm. Officer McMahan testified that shortly thereafter Betty Brown was arrested and charged with felonious assault.

{¶ 3} The Assistant Attorney General argued, based upon Officer McMahan's testimony, that the applicant engaged in violent felonious conduct, during the pendency of the claim, and accordingly the applicant's claim should be denied pursuant to former R.C. 2743.60(E)(3).

Former R.C. 2743.60(E)(3) states:

(E) 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:

(3) It is proved by a preponderance of the evidence that the victim or the claimant engaged, within ten years prior to the criminally injurious conduct gave rise to the claim or during the pendency of the claim, in an offense of violence, a violation of section 2925.03 of the Revised Code, or any substantially similar offense that also would constitute a felony under the laws of this state, another state, or the United States.

{¶ 4} From review of the file and with full and careful consideration given to all the information presented at the hearing, this panel makes the following determination. We find that the Attorney General has proven, by a preponderance of the evidence, that Betty Brown engaged in violent felonious conduct, during the pendency of the claim, when she stabbed Latoiea Crayton in the arm on June 5, 2003. Therefore, the September 20, 2004 Final Decision of the Attorney General shall be affirmed.

IT IS THEREFORE ORDERED THAT

{¶ 5} 1) The September 20, 2004 decision of the Attorney General is AFFIRMED;

{¶ 6} 2) This claim is DENIED and judgment is rendered in favor of the state of Ohio;

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

JAMES H. HEWITT III
Commissioner

KARL H. SCHNEIDER
Commissioner

GREGORY P. BARWELL
Commissioner

ID #\1-dld-tad-122004

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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