

[Cite as *In re Hoskins*, 2003-Ohio-2806.]

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

IN RE: PETER M. HOSKINS	:	Case No. V2002-51681
PETER M. HOSKINS	:	<u>ORDER OF A THREE-</u>
Applicant	:	<u>COMMISSIONER PANEL</u>

{¶1} This appeal came to be heard before this panel of three commissioners on March 19, 2003 at 10:55 A.M. upon the applicant's October 9, 2002 appeal from the September 24, 2002 Final Decision of the Attorney General.

{¶2} The Attorney General denied the applicant's claim for an award of reparations pursuant to R.C. 2743.52(A) contending that the applicant failed to prove by a preponderance of the evidence that he was a victim of criminally injurious conduct. The Attorney General stated that there was no evidence to support the applicant's assertion that he was assaulted. The applicant appealed the Attorney General's Final Decision.

{¶3} Neither the applicant nor anyone on his behalf appeared at the hearing. An Assistant Attorney General attended the hearing and briefly updated the panel concerning the events of this case. The Assistant Attorney General informed the panel that she finally was able to reach the detective that worked on the applicant's February 11, 2002 assault case. The Assistant Attorney General stated that the detective told her that it was his opinion that the

applicant was a legitimate victim of an assault. The Assistant Attorney General advised the panel that after speaking with the detective, she has now changed her position with respect to the applicant's claim for an award of reparations. The Assistant Attorney General then requested the claim be remanded to the Attorney General's office for economic loss calculations and decision.

{¶4} From review of the file and with full and careful consideration given to the information presented at the hearing, this panel makes the following determination. We find the applicant has proven, by a preponderance of the evidence, that he was a victim of criminally injurious conduct. Therefore, the September 24, 2002 decision of the Attorney General shall be reversed and the claim shall be remanded to the Attorney General for economic loss calculations and decision.

{¶5} IT IS THEREFORE ORDERED THAT

{¶6} 1) The September 24, 2002 decision of the Attorney General is REVERSED and judgment is rendered in favor of the applicant;

{¶7} 2) The claim is remanded to the Attorney General for economic loss calculations and decision;

{¶8} 3) This order is entered without prejudice to the applicant's right to file a supplemental compensation application pursuant to R.C. 2743.68;

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

KARL H. SCHNEIDER
Commissioner

JAMES H. HEWITT III
Commissioner

ROBERT B. BELZ
Commissioner

ID #3-dld-tad-040703
Filed 5-13-2003
Jr. Vol. 2249, Pgs. 207-209
To S.C. reporter 6-2-2003