

[Cite as *In re Reese*, 2005-Ohio-4233.]

IN THE COURT OF CLAIMS OF OHIO

VICTIMS OF CRIME DIVISION

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IN RE: WILLIAM A. REESE : Case No. V2004-61128  
LISA M. REESE : ORDER OF A THREE-  
Applicant : COMMISSIONER PANEL

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{¶ 1} The applicant filed a reparations application seeking reimbursement of expenses incurred with respect to a September 11, 2003 alleged assault and robbery incident involving her now comatose husband, William Reese. On August 31, 2004, the Attorney General denied the claim pursuant to R.C. 2743.52(A) contending that the applicant failed to prove, by a preponderance of the evidence, that William Reese was a victim of criminally injurious conduct. On September 30, 2004, the applicant filed a request for reconsideration asserting that her husband was injured during an assault and robbery. On October 28, 2004, the Attorney General denied the claim once again. On November 15, 2004, the applicant filed a notice of appeal contending that money was stolen from her husband's person. Hence, this matter came to be heard before this panel of three commissioners on May 18, 2005 at 11:30 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 oral argument for the panel's consideration. Sergeant Marc Rogols of the Ohio State Highway Patrol testified, via telephone, that he was the first plain clothed officer to respond at the scene of the incident on September 11, 2003. Sergeant Rogols indicated that a motorist telephoned the Toledo Post concerning an individual laying alongside the roadway on I-475. Sergeant Rogols explained that when he arrived at the scene William Reese had already been transported to the hospital. Sergeant Rogols stated that he reviewed the area for physical evidence and found particles of blood and hair on the pavement. Sergeant Rogols testified that he then went to the hospital to speak to the applicant concerning what transpired that night. Sergeant Rogols noted that William Reese was unconscious when he arrived at the hospital and that he has yet to regain consciousness. Sergeant Rogols stated that Lisa Reese was highly intoxicated and hence he was unable to obtain any specific information about the incident from her. However, Sergeant Rogols noted that since that night he has interviewed the applicant on several occasions, but Mrs. Reese is still unable to provide accurate

information concerning the evening of September 11, 2003. Sergeant Rogols testified that he is unable to rule out an assault upon Mr. Reese, but noted that none of the evidence found at the scene suggests that he was assaulted. Sergeant Rogols stated that: 1) William Reese's wallet was found in his pant's pocket virtually undisturbed, 2) that Mr. Reese's injuries, which were a blow to the head and minor cuts and bruises, 3) and that no weapon was found, do not substantiate an assault upon Mr. Reese. Sergeant Rogols noted that William Reese's physician is also unable to explain his comatose state.

{¶ 3} 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. Although we empathize with the applicant, we presently find that the applicant has failed to prove, by a preponderance of the evidence, that William Reese was a victim of criminally injurious conduct. Sergeant Rogols testified that none of the evidence found substantiates the applicant's contention that her husband was assaulted. Therefore, the October 28, 2004 decision of the Attorney General shall be affirmed.

{¶ 4} IT IS THEREFORE ORDERED THAT

{¶ 5} 1) The October 28, 2004 decision of the Attorney General is AFFIRMED;

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

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

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GREGORY P. BARWELL  
Commissioner

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JAMES H. HEWITT III  
Commissioner

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TIM MC CORMACK  
Commissioner

ID #\7-dld-tad-5520

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

Filed 7-14-2005  
Jr. Vol. 2257, Pgs. 170-172  
To S.C. Reporter 8-12-2005

