



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

www.cco.state.oh.us

IN RE: STANLEY BENTLEY

STANLEY BENTLEY

Applicant

Case No. V2011-60107

Commissioners:
Susan G. Sheridan, Presiding
William L. Byers IV
E. Joel Wesp

ORDER OF A THREE COMMISSIONER PANEL

{1}On September 27, 2010, the applicant, Stanley Bentley, filed a compensation application as the result of an aggravated robbery which occurred on June 2, 2009. On October 4, 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 attempted robbery, a felony of the third degree, on August 20, 2002 which was within ten years of the occurrence of the criminally injurious conduct. On October 22, 2010, the applicant submitted a request for reconsideration. On December 20, 2010, the Attorney General rendered a Final Decision finding no reason to modify its initial decision. On January 26, 2011, the applicant filed a notice of appeal from the Attorney General's December 20, 2010 Final Decision.

{2}Hence, a hearing was held before this panel of commissioners on April 20, 2011 at 12:15 P.M.

{3}Certified Legal Intern Yan Chen and Principal Assistant Attorney General Matthew Hellman appeared on behalf of the state of Ohio. The applicant did not attend the hearing.

{4}The Attorney General made a brief statement for the panel's consideration. The Attorney General referenced the Journal Entry of the Cuyahoga County Court of Common Pleas, submitted with the Attorney General's Brief, which reported that the applicant pled guilty to attempted robbery, a felony of the third degree, on August 20, 2002. R.C. 2743.60(E)(1)(a) requires that the applicant's claim for an award of reparations be denied if the applicant was convicted of a felony within ten years of the occurrence of the criminally injurious conduct. The applicant was shot during a robbery on June 2, 2009. Accordingly, the Attorney General urged this panel of commissioners to affirm the Final Decision of the Attorney General. 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 of the brief statement made by the Attorney General at the hearing, we find the applicant's claim should be denied pursuant to R.C. 2743.60(E)(1)(a), due to the felony conviction of the applicant within ten years of the criminally injurious conduct. Therefore, the December 20, 2010 decision of the Attorney General is affirmed.

IT IS THEREFORE ORDERED THAT

{7}1) The December 20, 2010 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.

SUSAN G. SHERIDAN
Presiding Commissioner

WILLIAM L. BYERS IV
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 Cuyahoga County Prosecuting Attorney and to:

Filed 5-27-11
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