

Annual
Report

2011

Crime Victims
Compensation Fund

Cheryle M. Hall
Clerk of the Court

2011
Annual Report
of the
West Virginia Court of Claims
for the
Crime Victims Compensation Fund

Presiding Judge

The Honorable John G. Hackney Jr.

Judges

The Honorable Robert B. Sayre

The Honorable J. David Cecil

Cheryle M. Hall, Clerk

Becky A. Ofiesh, Chief Deputy Clerk



West Virginia Court of Claims

Crime Victims Compensation Fund

Presiding Judge
John G. Hackney Jr.
Judges
Robert B. Sayre
J. David Cecil

1900 Kanawha Blvd., E., Rm. W-334
Charleston, WV 25305-0610
Telephone (304) 347-4850
Toll free (877) 562-6878
Fax (304) 347-4915

Cheryle M. Hall
Clerk
Becky A. Ofiesh
Chief Deputy Clerk

Honorable Members of the
West Virginia State Legislature

It is my honor and privilege to present to you, in accordance with West Virginia Code §14-2A-21, the Annual Report of the West Virginia Crime Victims Compensation Fund. This report covers the activities for the Federal fiscal year 2010.

Respectfully,

A handwritten signature in blue ink that reads "Cheryle M. Hall".

Cheryle M. Hall,
Clerk

TABLE OF CONTENTS

	<u>Page</u>
Administrative costs.....	2
Claims:	
Age	14
Appeals	19-25
Award percentage by type of crime	9
Awards	8
Awards by county (map).....	10
Denials	16
Domestic violence.....	13
Filed	6
Filed by county.....	11
Gender	15
Orders issued	7
Processed by county (map)	5
Types of crimes	12
Events and recognitions.....	27-30
Federal grants	4
Funding	3
Other States' benefits	16
Summary of program.....	1
Summary of benefits.....	17

Summary of Program

Created in 1981, and effective January 1, 1982, the compensation program is administered by the West Virginia Court of Claims.

FUNDING

The program receives \$50 per felony, \$10 per misdemeanor, \$8 for each municipal infraction except parking tickets, and 20% of assessed fines in drunk driving cases. The program also receives an annual VOCA grant from the U.S. Department of Justice that equals 60% of the State's awards.

ELIGIBILITY REQUIREMENTS

- Reporting period: 72 hours
- Filing period: 2 years.
- Exceptions: Requirements may be waived for good cause; time periods begin when child victims attain age of majority.

PROCEDURES

Applications are submitted to the Court of Claims. An investigator performs an investigation and prepares a report that includes findings of fact and a recommendation. The report is sent to the applicant who has 30 days to respond. This initial response is handled informally by the investigator who reviews and comments on the response. One judge will review the file and issue an order to award or deny.

Appeals: The applicant has 21 days to request a hearing, which is held before a judge other than the initially deciding judge. The hearing judge's order is final.

BENEFITS

Maximum award:

- \$35,000 in personal injury cases
- \$100,000 in permanent disability cases (in addition to the \$35,000)
- \$50,000 in death cases

Compensable expenses:

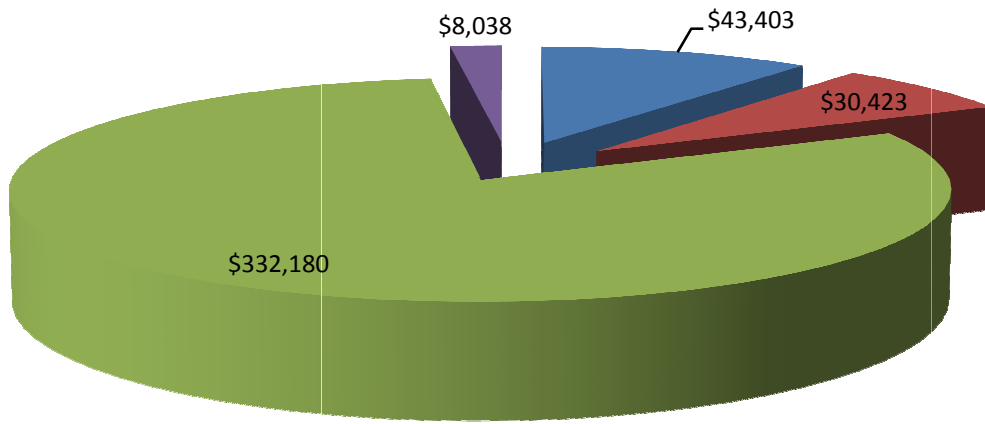
- Medical expenses
- Mental health counseling
- Mental health counseling for secondary victims Up to p to \$1,000
- Lost earnings/support
- Funeral/burial up to \$7,000
- Relocation up to \$2,000
- Travel to medical treatment facility
- Travel to criminal proceeding- Travel to return minor from out-of-state/out-of-country
- Replacement services
- Crime-scene cleanup up to \$1,000
- Meth lab cleanup (property owners) up to \$5,000
- Rehabilitation
- Attorney fees (public defender rates)



Crime Victims Compensation Fund

Administrative Funds

October 1 – September 30



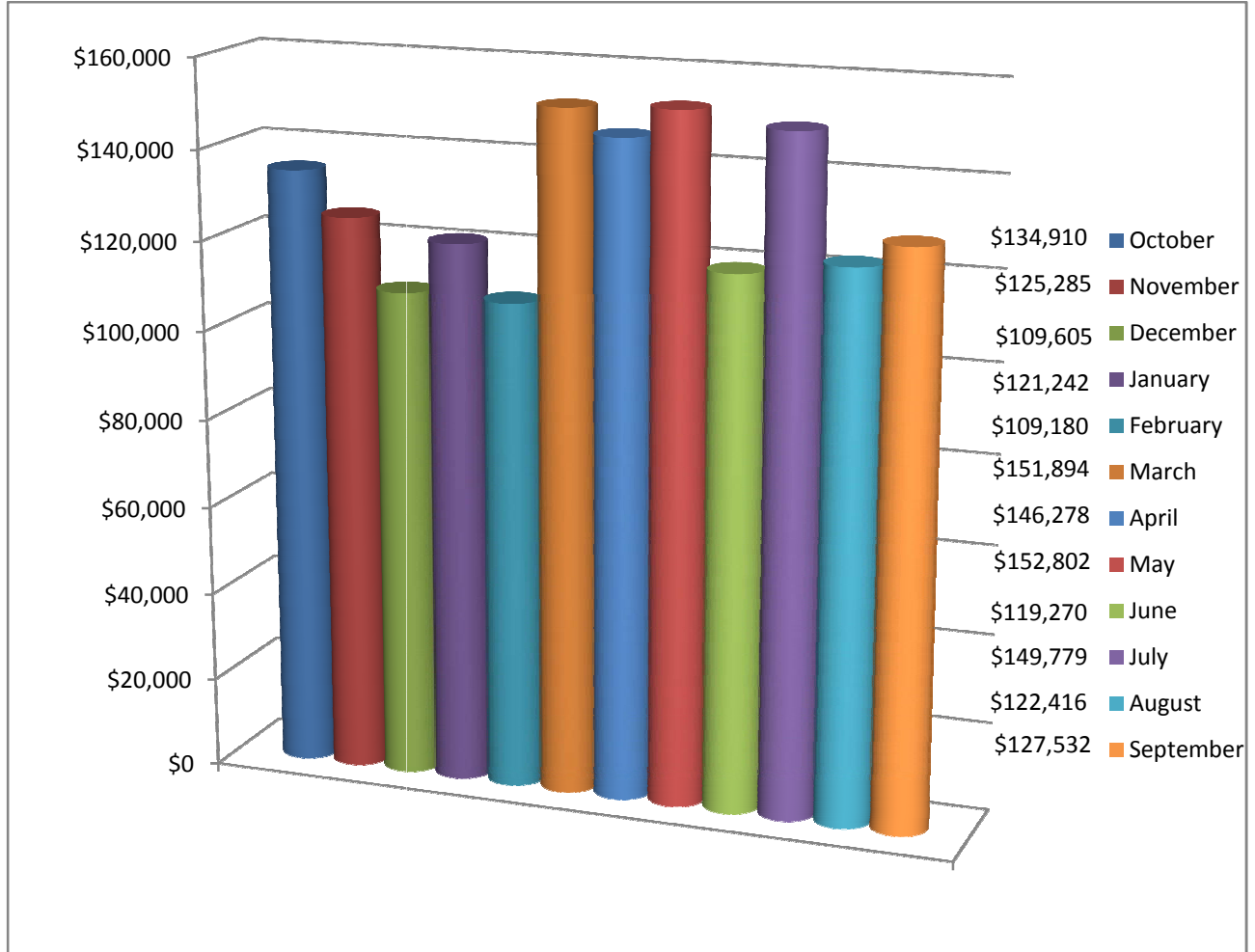
- Compensation of Judges
- Administrative Costs
- Personnel and Benefits
- Attorney Fees

TOTAL: \$414,044

Crime Victims Compensation Fund

State Funds Collected by Month

October 1 – September 30



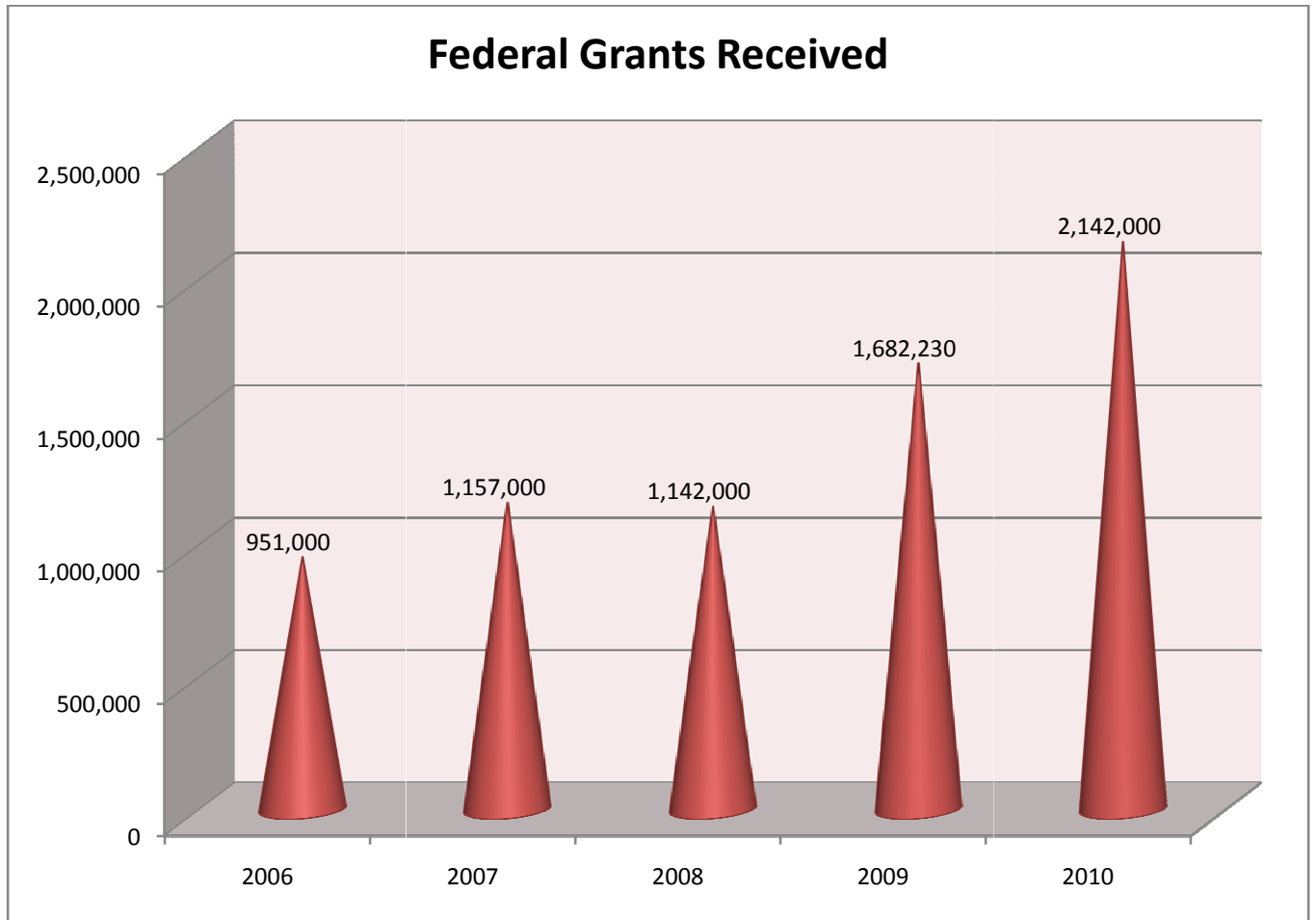
FFY total \$,1,570,193

Federal Grants

Under the Federal Victims of Crime Act (VOCA) of 1984, federal monies became available to state compensation programs and victim assistance programs.

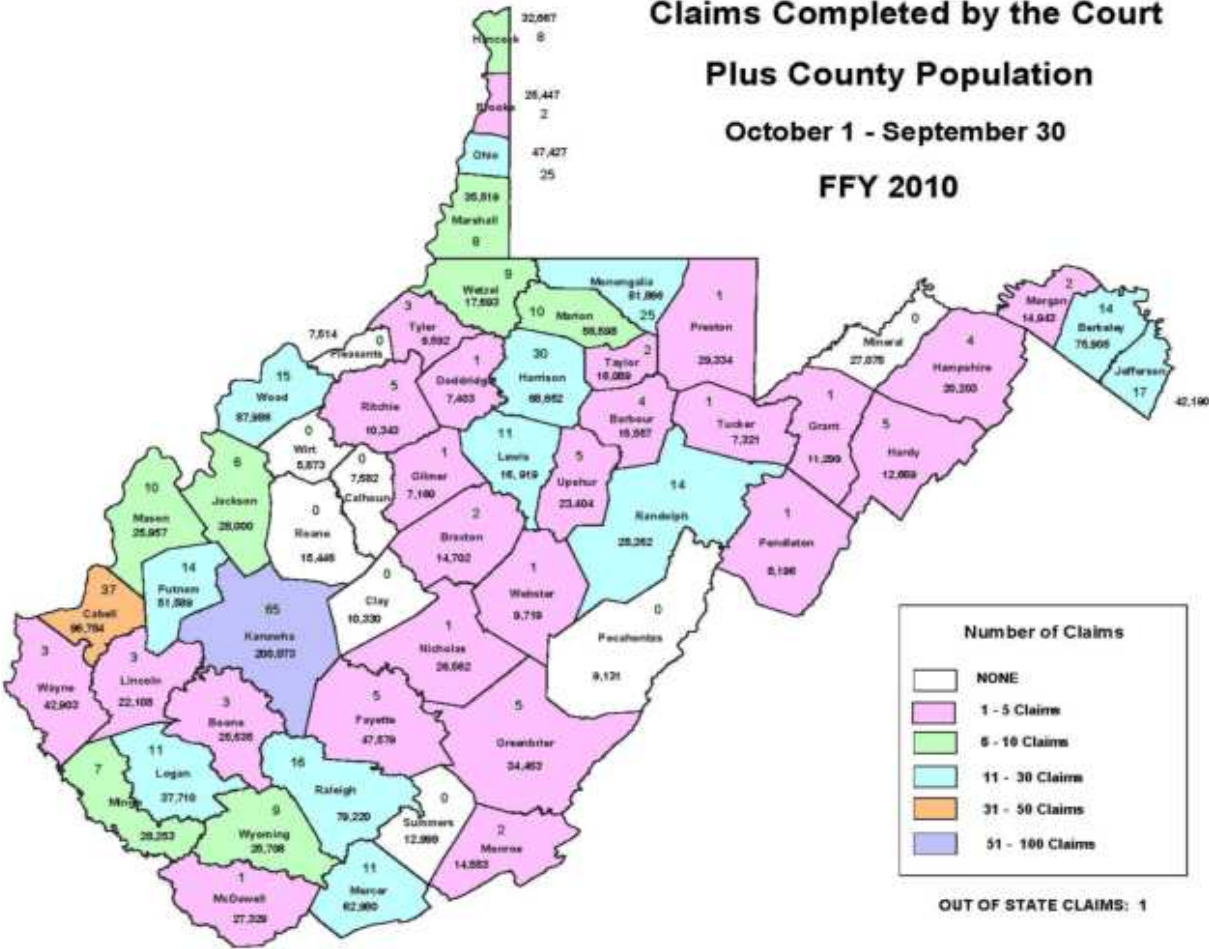
The U.S. Department of Justice, Office of Justice Programs, allocates these funds to state compensation programs based on a formula of 60% of the previous fiscal year's awarded claims.

Beginning with the 1995 grant, programs are permitted to use up to 5% for administrative expenses, which includes purchasing equipment, hiring personnel, and travel expenses. However, the administrative expenses may not supplant state funds.



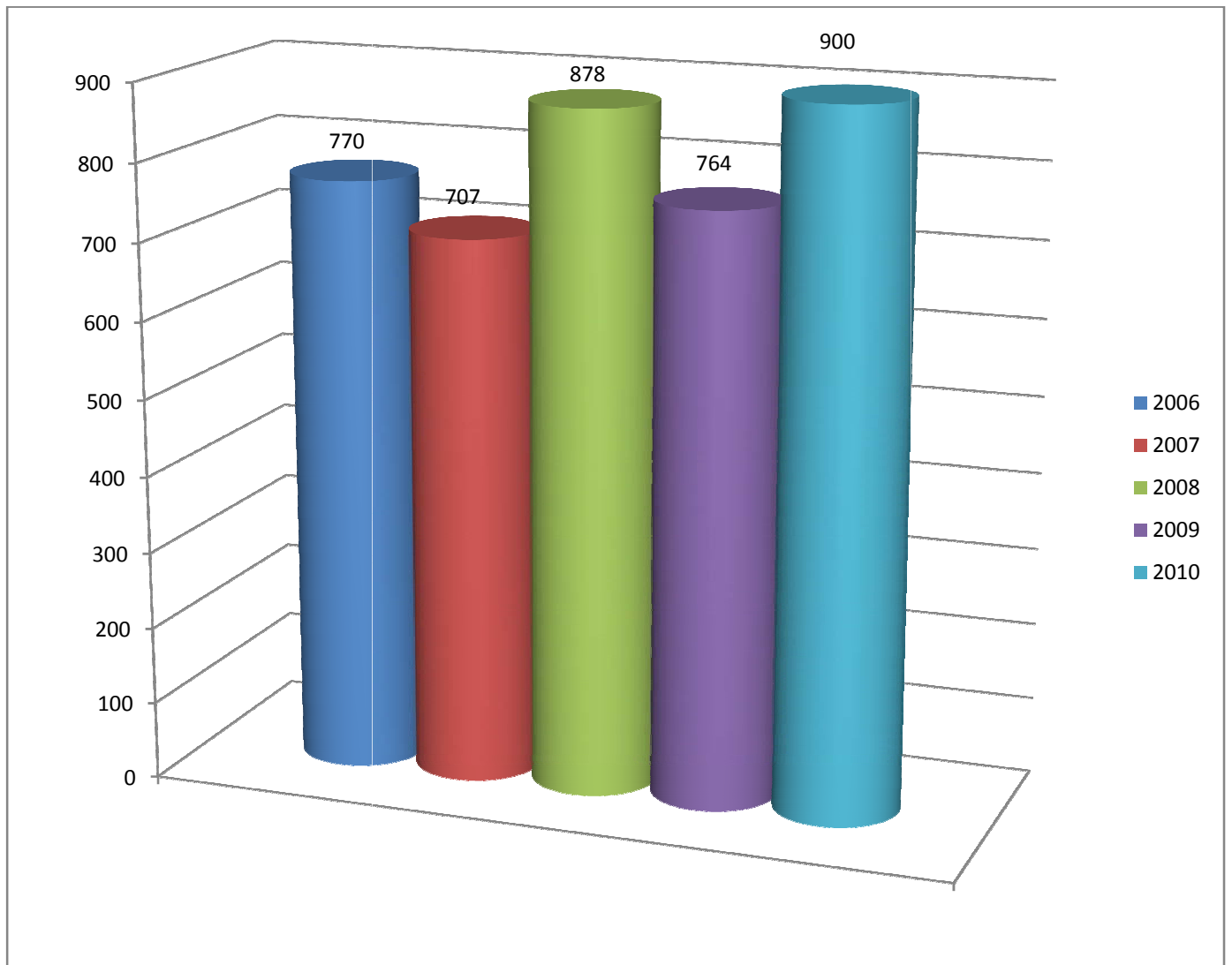
West Virginia has received a total of \$15,401,230 in federal funds for its compensation program since 1986 (the first grant year). The 2009 amount includes a one-time stimulus grant of \$348,230.

Claims Completed by the Court Plus County Population October 1 - September 30 FFY 2010



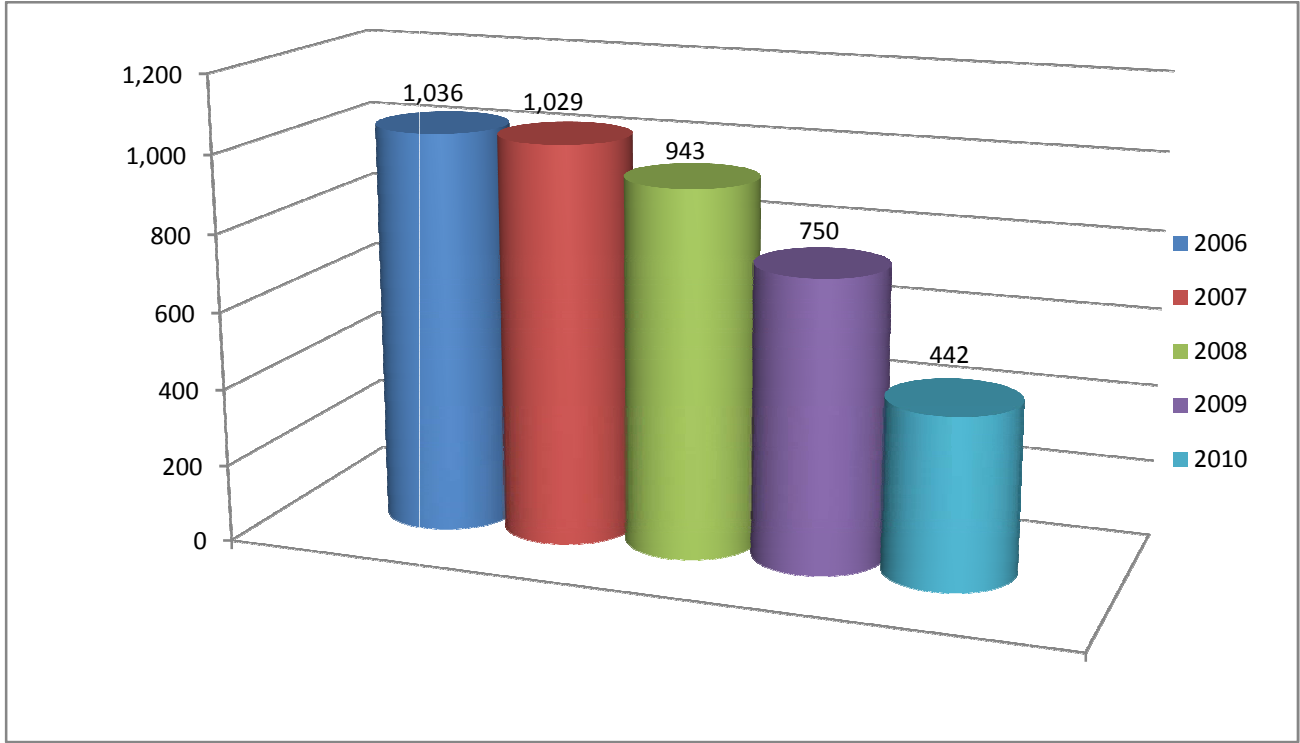
Crime Victims Compensation Fund

Claims Filed Per Year

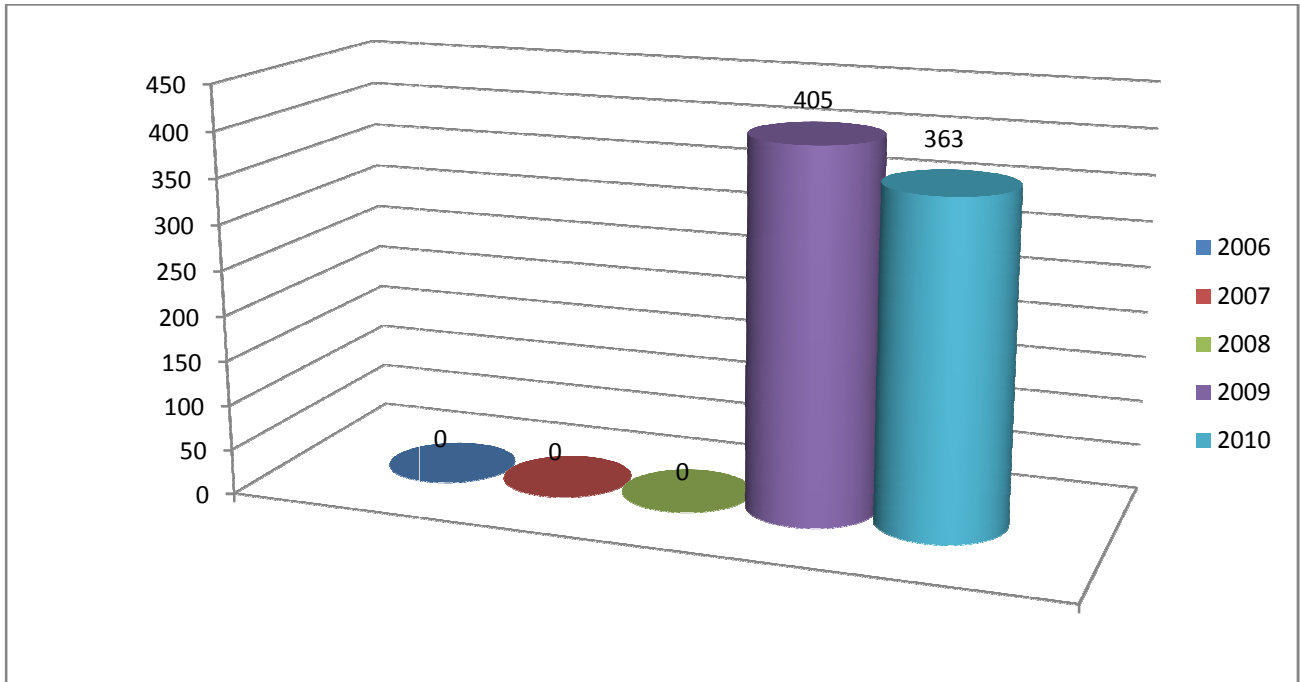


Crime Victims Compensation Fund

Orders Issued by the Court Per Year - INITIAL



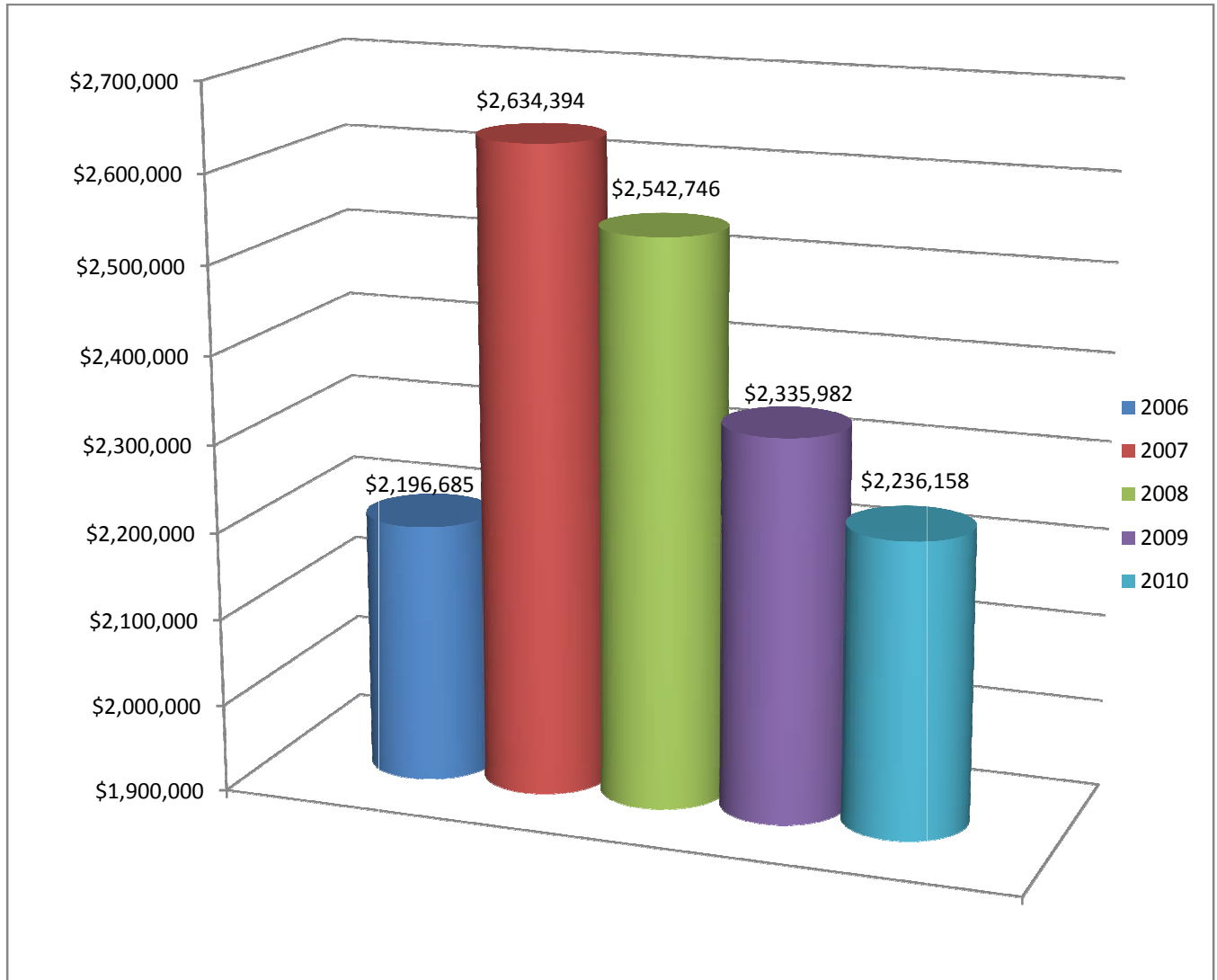
Orders Issued by the Court Per Year – SUPPLEMENTALS



Years prior to 2009 included supplemental awards.

Crime Victims Compensation Fund

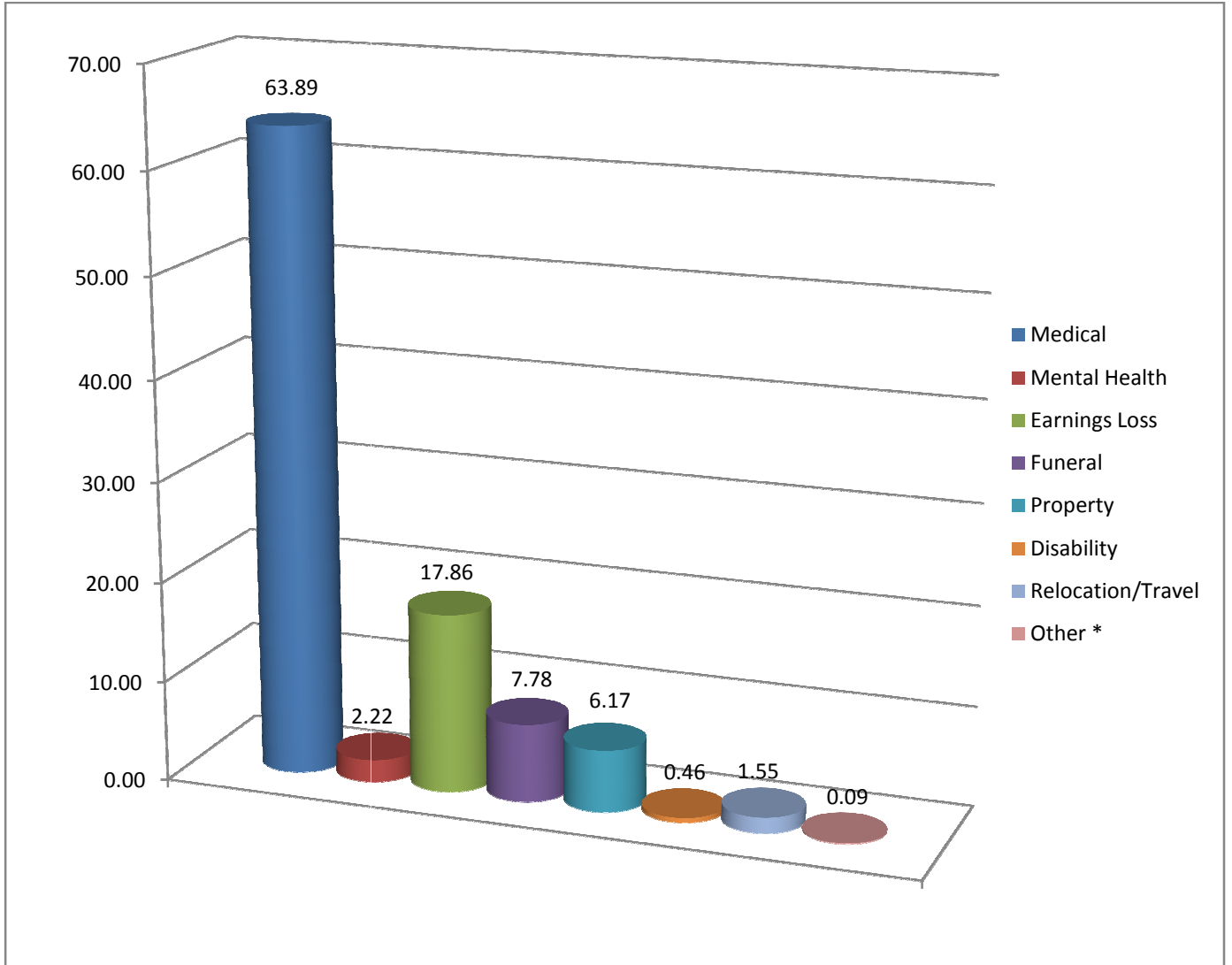
Awards



Years prior to 2009 included supplemental awards.

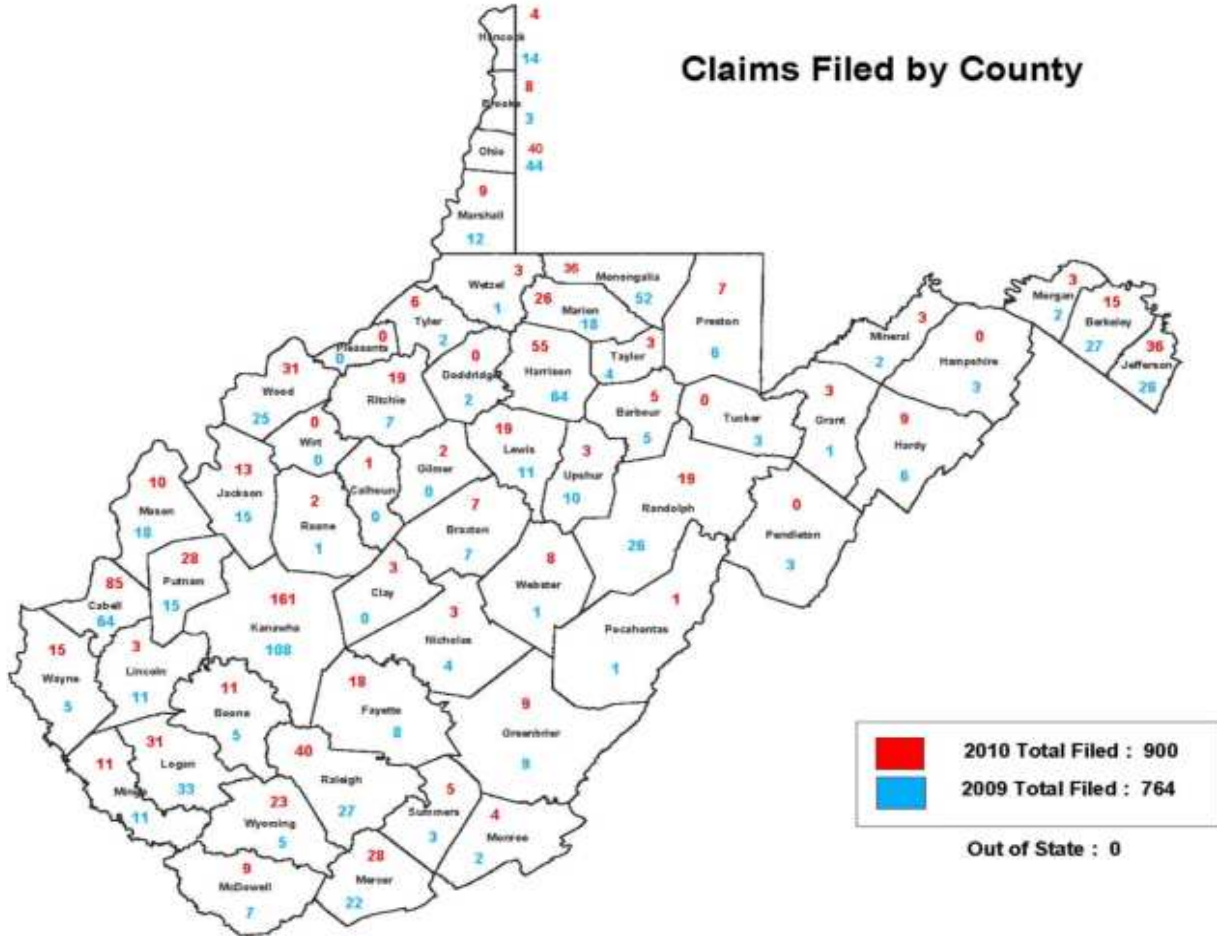
Crime Victims Compensation Fund

Percent of Total Awards by Type



* Includes: Replacement Services Loss, Dependent's Economic Loss, and Lost Scholarships.

Claims Filed by County

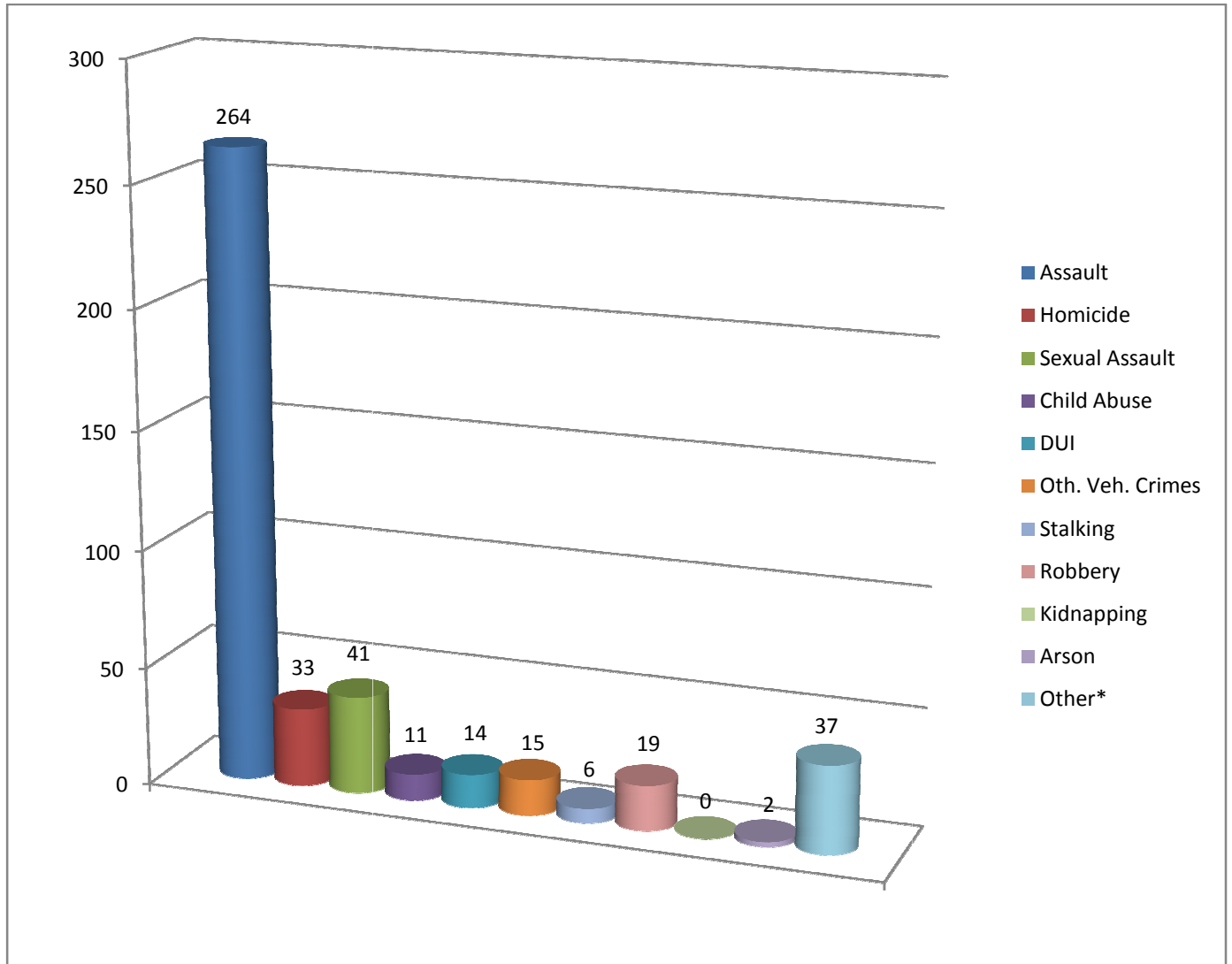


■ 2010 Total Filed : 900
■ 2009 Total Filed : 764

Out of State : 0

Crime Victims Compensation Fund

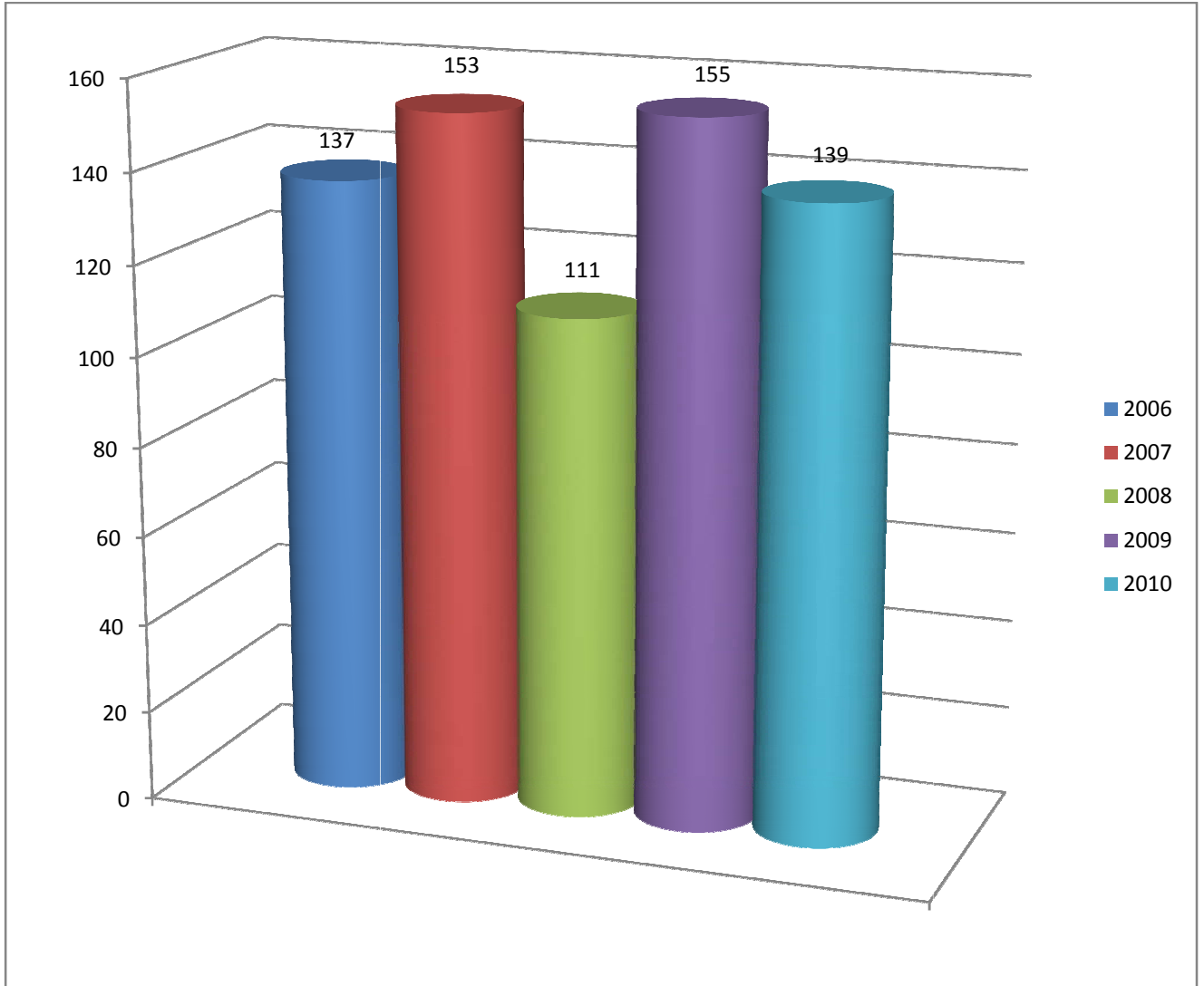
Claims Paid by Type of Crime



*Includes: dog bite – arson- hunting accident –road rage

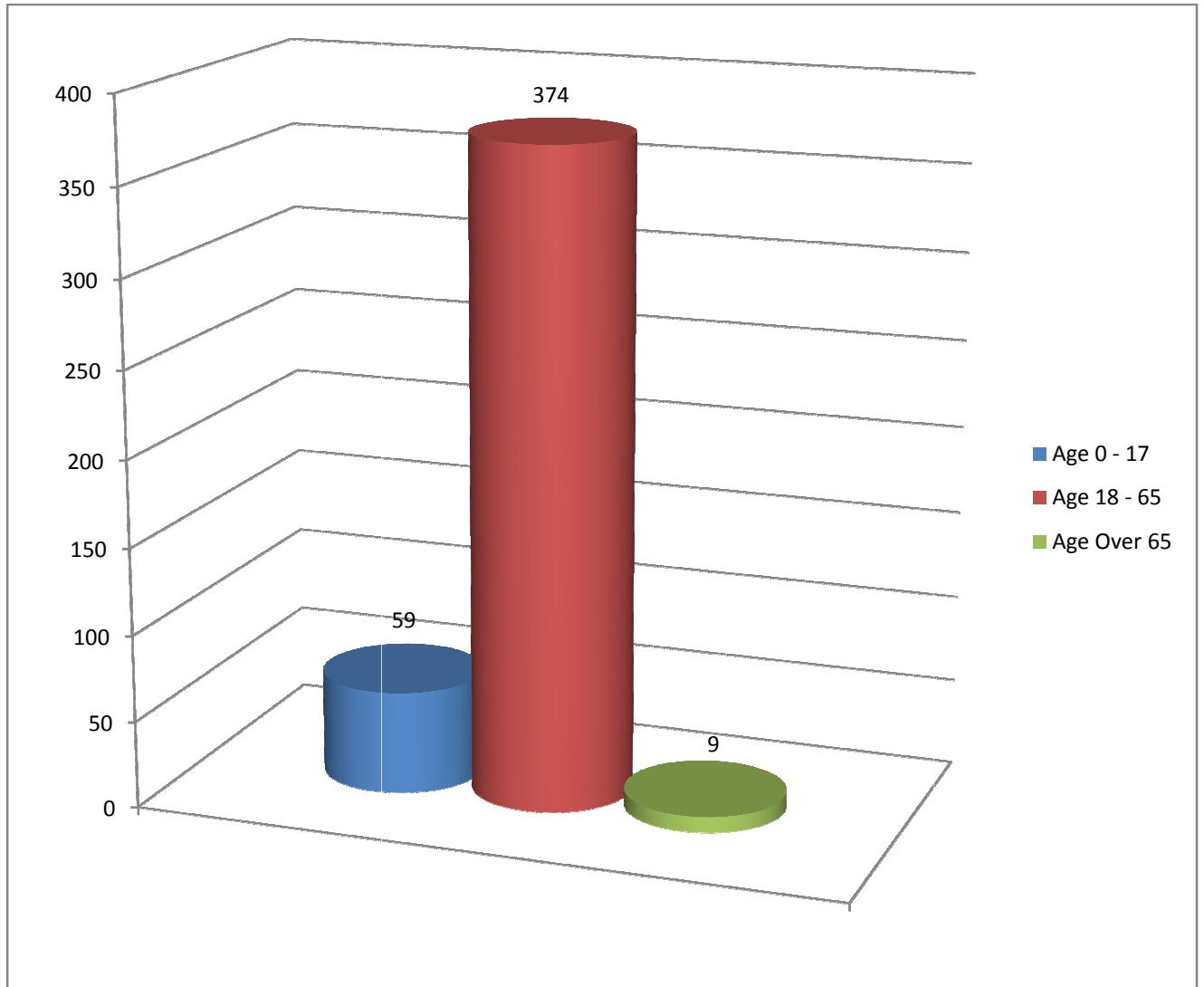
Crime Victims Compensation Fund

Claims Involving Domestic Violence



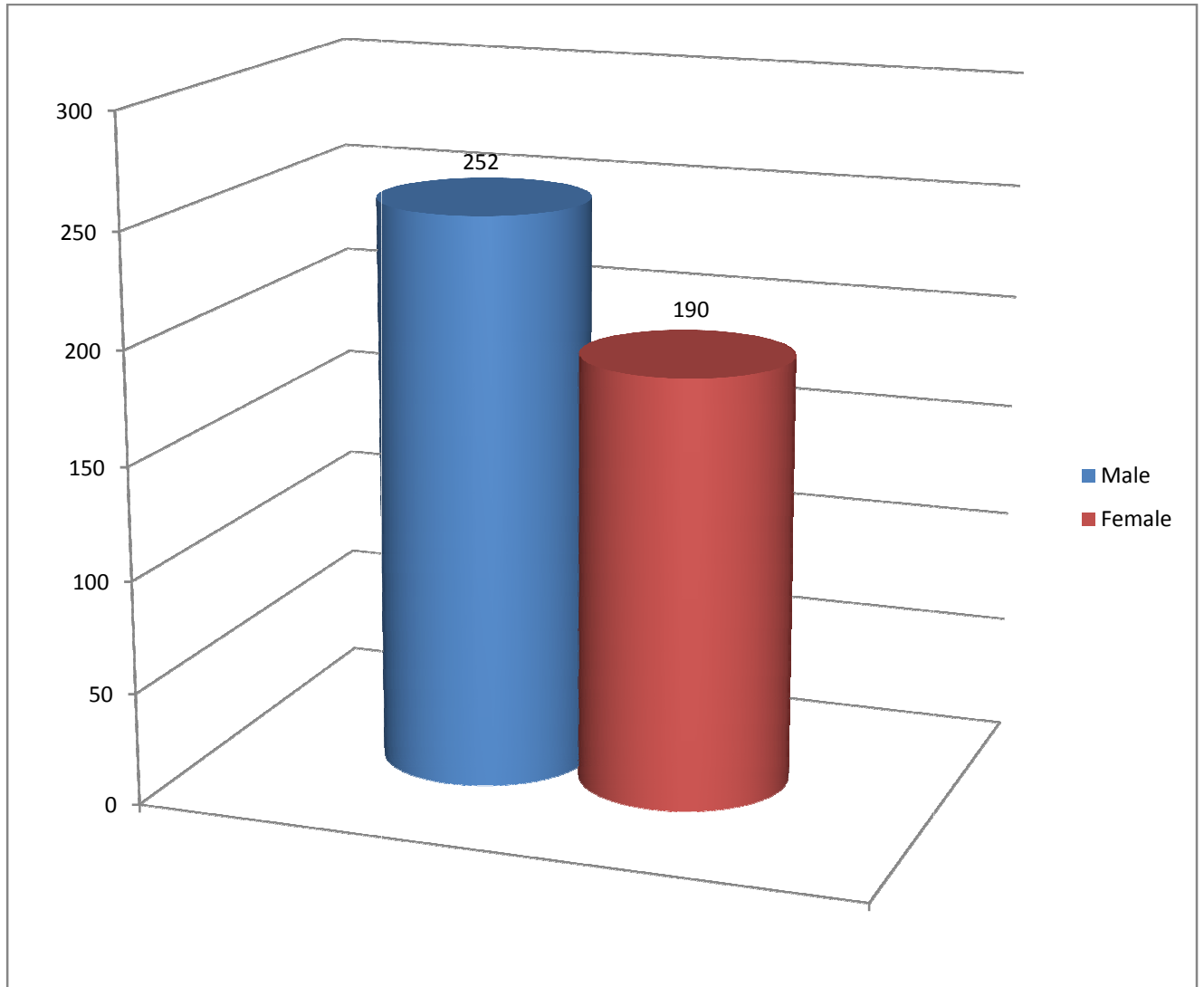
Crime Victims Compensation Fund

Claims Completed by AGE



Crime Victims Compensation Fund

Claims Completed by GENDER



Crime Victims Compensation Fund

Denied Claims

October 1 - September 30

<u>Reason for Denial</u>	<u>Number</u>
Claim for loss of property	6
Claim not filed within two years	10
Claim withdrawn.....	1
Crime not reported timely to law enforcement	10
Crime occurred outside West Virginia	2
Crime within penal institution	2
Duplicate claim.....	3
Held in abeyance.....	1
Incomplete information supplied	5
No criminal conduct.....	24
No economic loss*	1
Reached maximum award	1
Secondary victim not qualified	1
Undetermined conduct.....	3
Unjust benefit to offender	1
Victim failed to cooperate with police or claim investigator.....	75
Victim guilty of contributory misconduct	<u>69</u>
	TOTAL: 215

* The claim was denied because no economic loss was established at the time. However, if at a later date the victim suffers an economic loss, the Court may make an award.

Crime Victims Compensation Fund

Summary of Benefits

<i>Category</i>	<i>Effective Date</i>	<i>Award Amount</i>
Awards paid directly to provider	06/12/1987	
Awards paid directly to funeral home	07/01/1988	
Claimant travel to other country to get minor	04/01/2008	3,000
Claimant travel to other state to get minor	04/01/2008	2,000
College tuition allowable expense	03/02/1999	
Crime scene cleanup - excluding meth lab	01/01/2002	1,000
Crime scene cleanup - meth lab	04/01/2008	5,000
Criminal injurious conduct outside US	07/01/2009	
Death award limit	07/01/2008	50,000
Disability injury	01/01/2002	100,000
Funeral award limit	07/01/2008	7,000
Hit and run included in criminal conduct	04/01/2008	
Personal injury limit	07/01/2009	35,000
Victim relocation	07/01/2009	2,000
Victim travel expenses to court	01/01/2002	
Victim travel expenses to/from treatment facility	07/01/2009	
Work loss for parent of minor	04/01/2008	
Fee amounts	06/07/1996	\$8 munic cts. \$10 oth. courts plus 20% of DUI fines and \$50 ea. felony conv.
Victim's mileage reimbursement	02/09/2010	0.405/mile

West Virginia Crime Victims Compensation Fund

CLAIMS HEARD ON APPEAL

- CONTRIBUTORY MISCONDUCT**
- INNOCENT VICTIM**
- NOT TIMELY FILED**

The following is a compilation of head notes representing decisions from **July 1, 2009 - June 30, 2010.**

CONTRIBUTORY MISCONDUCT

CV-08-0499 M.B.C.

The twenty-one-year-old claimant was the victim of criminally injurious conduct on June 20, 2008. The claimant had gone out for dinner and drinks with Christina Mendenhall and David Griffith (the offender). Afterwards, they returned to the claimant's residence where Ms. Mendenhall and the offender were spending the night. The claimant testified that the offender became disruptive and violent. The claimant told them that they needed to leave and locked her door. Ms. Mendenhall and the offender proceeded to pound on the claimant's door. The claimant grabbed a knife to intimidate them and make them leave. The offender kicked the door open and threw the claimant to the ground. He took the knife from her and cut her on the throat and chin. The offender then pulled the claimant off the ground, pushed her against several objects in her house and threw beer bottles at her. The Court determined that the Claimant had satisfied her burden of proving that she was an innocent victim of crime. The Claimant did not commit any unlawful or tortious acts, and was not the aggressor. The Court was constrained by the evidence to reverse its previous ruling. Award of \$14,954.90.

CV-09-0251 M.T.C.

The twenty-one-year-old claimant was the victim of criminally injurious conduct on December 4, 2007, in Barboursville, Cabell County. The claimant went to the office of his former employer (the offender) to have him sign some paperwork. The offender refused to assist the claimant. As the claimant was exiting the office, he directed profane language at the offender. The offender ran after him, and the claimant shut the door on the offender's hands. Then, the offender punched the claimant three or four times in the mouth and head. The Court's Order denying the claim was based on the fact that the record did not establish that the claimant was in fact free from any contributory misconduct. Since the claimant provoked the incident with the offender, the claimant was not an innocent victim of crime. Claim disallowed.

CV-07-0422 P.L.H.

The claimant's 23-year-old daughter, Victoria M. Harmon, died after being subjected to criminally injurious conduct in Danville, Boone County. On June 1, 2007, Amanda Kersey gave the decedent and Nicholas Ball a ride to Mr. Ball's apartment where Mr. Ball retrieved fentanyl patches. The three then proceeded to the decedent's residence where they arrived at

approximately 11:00 p.m. In the early morning, the decedent's aunt heard Mr. Ball repeatedly asking for help as he was unable to awaken the decedent. Ms. Walton found Victoria Harmon lying on the floor. Ms. Walton called 911. The paramedics arrived and determined that Ms. Harmon was deceased. The Court found that the victim voluntarily partook in the use of alcohol and controlled substances, in combination with fentanyl, leading to her death. Claim disallowed.

CV-08-0782 M.P.H.

The twenty-one-year-old claimant was the victim of criminally injurious conduct on November 19, 2008, in Berkeley County. While sitting in his vehicle at Lindsey Terrace Apartments in Martinsburg, the claimant was shot in the leg by Nelson D. Rodriguez. The offender was arrested for malicious wounding and attempted murder. The Court determined that the claimant did not commit any unlawful or tortious acts. However, upon further evidence that was submitted, the Court reduced the claimant's award by twenty-five (25%) percent. Award of \$2,082.08.

CV-07-0648 E.P.M.

Claimant's 25-year-old son, Luis (Joey) Paige, was the victim of criminally injurious conduct in Morgantown, Monongalia County. The victim was fatally shot in the stairwell of The District Apartments. The victim's friend, Anthony Pooler, testified that the victim did not contribute in any way to the events that led to his death. The Court's Order denying the claim was based on the fact that the record did not establish that the victim was free from any contributory misconduct. The Court reversed its previous ruling and found that the victim was an innocent bystander. Award of \$6,000.00.

CV-08-0199 D.P.

On September 1, 2007, the Claimant's 29-year-old son, Brandon R. Perrine, was the victim of criminally injurious conduct in Bluewell, Mercer County. The Claimant testified that she was not present when the events occurred. She stated that the victim was drinking at the Fox Rocks Bar. He accepted a ride from the offender, Michael Galligher Jr., who was an acquaintance. The offender, who was intoxicated, borrowed a vehicle and proceeded on US Route 52 towards the claimant's house. A deputy sheriff noticed that the driver of the vehicle was speeding and attempted to stop the vehicle. The offender led the officer on a high speed chase, which ended when the offender lost control and struck a tree. Claimant's son was ejected from the vehicle and suffered fatal injuries. The Court recognized that the victim's actions in accepting a ride from an intoxicated driver did not fall within the express meaning of "contributory misconduct" as defined by W.Va. Code § 14-2A-3(l). However, the intent of the Legislature would be subverted if victims who voluntarily accepted a ride from an intoxicated driver were found to be entirely innocent victims. Such a result would be contrary to public policy. In the instant case, the Court found that the victim's actions warranted a reduction in recovery in the amount of 40%. Award of \$3,494.87.

CV-03-0559 C.J.N.

Year old son, Kreggory Don Ward, was the victim of criminally injurious conduct in Pence Springs, Summers County. Mr. Ward was at the residence of his girlfriend, Clara Mitchell, when he was attacked and beaten to death by her son, a juvenile at the time.

Claimant testified that her son had knowledge that dangerous activities, including drug usage and violent acts, had taken place at his girlfriend's residence. She further stated that she did not want her son going to his girlfriend's residence. Respondent avers that the victim's intoxication was causally connected to the injury he sustained at the time of this incident. The Court found that the victim had knowledge of the illegal and dangerous activities that had taken place at this girlfriend's residence. The victim's intoxication inhibited the very real concern that he should have had for his own safety. However, the Court found that the victim was beaten without any provocation, and was trying to extricate himself from the situation when he was unjustifiably attacked. Thus, the Court found that the victim's actions warranted a reduction in the award by forty-five (45%) percent. Award of \$2,624.43.

CV-06-0633 M.A.W.

The 20-year old claimant was the victim of criminally injurious conduct near Sardis in Harrison County. In the early morning of October 8, 2006, the claimant and Seneca Garrett, Robert Gelpi, Patrick Ellisher, Greg Cottrill, and Megan Cox, were en route to an isolated location called Mars Mines, a rural strip mining site. Their intended destination was the summit of a particular hill. The group proceeded in two separate vehicles, all intending to engage in festivities commensurate with the birthday of Seneca Garrett. After the festivities, they descended the hill in Mr. Cottrill's truck. When they reached the bottom they observed that Ms. Whited's mother's vehicle had been vandalized. The claimant chased the offenders. One of the offenders struck Seneca Garrett with a 4x4 landscaping timber, killing him. The claimant went to Mr. Garrett's aid and attempted to shield him from further attacks. The Court's initial denial was based on the Claim Investigator's finding that the claimant engaged in contributory misconduct. While the Court does not condone nor encourage confrontation with violent criminals, the Court will not deny an award merely because a claimant had the audacity to chase criminals in an attempt to learn their identities. Nor will the Court deny an award because the claimant exposed his or her person to harm's way while defending a fallen and helpless comrade who has been brutally attacked. Award of \$22,348.98.

CV-08-0656 R.O.

Robert Oxley Sr.'s property, which was occupied by the claimant's son and his girlfriend, was found to have been contaminated by the manufacture of methamphetamine. The claimant testified that he was unaware that his son was involved in methamphetamine production until sometime subsequent to his son's arrest. Since the cost to have the property demolished was substantially less than the cost to have the property decontaminated, claimant decided to demolish it. The Court found that the claimant did not have knowledge of his son's use or manufacture of methamphetamine. Further, the Court found that even though claimant had the property demolished, claimant was still entitled to an award. Award of \$5,000.00.

CV-07-0498 R.K.F.

In the early morning hours of April 30, 2007, the claimant's 21-year-old son was the victim of criminally injurious conduct in Fairdale, Raleigh County. Claimant's son was killed during an altercation with his former stepbrother. The 911 tape revealed that the victim was mutually combative in the physical altercation. In addition, the toxicology report indicated that alcohol was present in the victim's blood at a concentration of .10%, and the sedatives diazepam,

nordiazepam, and 7-aminoclonazepam were also present. The Court found that the claimant was guilty of contributory misconduct. Claim disallowed.

CV-09-0212 J.A.M.

The claimant's daughter was injured in a motor vehicle accident in Wheeling, Ohio County, on March 25, 2008. She was riding as a passenger in a vehicle which left the roadway, struck a bus shelter, and rolled on its top. The claimant's daughter died of her injuries six days later. It was clear that the claimant's daughter was an innocent victim of crime, as the driver's blood alcohol level was above the legal limit. The issue for the Court was whether the claimant was entitled to dependent's economic loss. The claimant testified that her daughter was three weeks away from obtaining her nursing degree. It was the claimant's position that her daughter's career earnings would allow her to support her parents in their later years. The Court found that such support is not an "allowable expense" under the statute.

CV-08-0599 C.J.N.

The 33-year-old claimant was injured in an altercation in Wheeling, Ohio County. He and his fiancée had left a bar to go home in her vehicle when the offender began following them. At one point, he blocked her vehicle from entering the road leading toward their home. The claimant exited the vehicle to talk with the offender. When he approached, the offender kicked the claimant, who tried to return to the other vehicle. The offender pushed the claimant and then struck him. The claim was initially denied on the basis of contributory misconduct. The Court reversed its decision, finding that the claimant did nothing to provoke the incident, and an award of \$6,250.95 was granted for his medical expenses.

CV-09-0302 D.J.F.

The 50-year-old claimant was beaten unconscious by several assailants in Ranson, Jefferson County. The claim was originally denied on the basis of contributory misconduct. Upon appeal, the Court found that, as there were conflicting accounts of the events that transpired that evening, the claimant could not satisfy his burden of proving that he was an innocent victim of crime. Claim denied.

CV-08-0664 H.A.F.

Property owned by the claimant in Kanawha County was found to have been the site of a clandestine drug (methamphetamine) laboratory. The residence was occupied by the claimant's stepson, who was arrested. The claim was initially denied because the claimant lived next door to the residence, and therefore had to be aware of the illegal activity. Upon appeal, the claimant established that he only visited there approximately once per week, that he worked nights, and that he was completely unaware of his stepson's activities. The Court reversed its prior decision and granted an award of \$5,000.00 for the cleanup of the property.

CV-09-0175 G.M.G.

The 56-year-old claimant was struck by a motor vehicle as he crossed the street in Charleston, Kanawha County. The claim was initially denied on the basis of contributory misconduct because the Court found that the claimant had been intoxicated and was walking in

the middle of the street when he was struck. Upon appeal, the Court found that the police report revealed that the claimant was actually in the intersection, and the driver was cited for driving left of center. The previous ruling was reversed.

-22-

CV-08-0455 C.E.W.

The claimant's daughter was severely injured, and her other daughter was killed, in a tragic motor vehicle accident in Berkeley County. The young women had left a bar with the offender, who was later found to have been intoxicated. The claim was initially denied on the basis of the victims' contributory misconduct in accepting a ride with an impaired driver. Upon appeal, the Court found that the victims' actions were not unlawful nor intentionally tortious, and therefore did not constitute contributory misconduct. The Court ruled instead that the appropriate basis for denial was assumption of the risk - whether the claimants' daughters were aware of the driver's impaired condition when they accepted a ride with him. Although the driver had appeared to be unimpaired, his blood alcohol level taken at the hospital indicated otherwise. The Court found that there was an unaccounted-for period of time during which there was no eyewitness testimony concerning the volume of alcohol consumed by the offender. Therefore, absent a preponderance of evidence that the claimants' daughters were unaware of his condition, the initial denial was upheld.

CRIMINAL CONDUCT

CV-08-0780 D.B.

Claimant's minor child suffered second and third-degree burns while he and his brother were spending the night at a friend's house. The children were left unsupervised and were playing with a lit candle. The claim was initially denied due to a lack of criminal conduct. Upon appeal, the decision was reversed. The Court found that the offender, the adult responsible for supervising the children but who was asleep at the time, did commit a crime. He was later prosecuted and pled guilty to Causing the Neglect of a Child Creating Risk of Injury, in violation of W.Va. Code §49-7-7(a). An award was granted for unreimbursed medical expenses.

CV-08-0760 A.C.C.

The claimant's teen-age daughter was shot in the face by an unknown assailant in Charleston, Kanawha County. She told police that she had no recollection of the incident, and did not know if the shooting was on purpose or an accident. The claim was denied for failure of the claimant to establish that criminally injurious conduct had occurred.

CV-09-0227 A.B.M.

The 20-year-old claimant was the victim of a sexual assault in Elkins, Randolph County. The claim was initially denied for failure of the claimant to establish that criminally injurious conduct did in fact occur. Upon appeal, the Court found that the claimant did not recall the events in sufficient detail for the Court to establish that she was the victim of criminal conduct. The prior ruling was upheld.

ECONOMIC LOSS

CV-05-0311 C.E.P.

The claimant was the victim of a shooting on April 22, 2004. An award of \$4,859.51 was granted for his medical expenses. At issue upon appeal was the claimant's request for reimbursement of the \$6,000.00 he paid to family members to care for him during his convalescence. The Court found that the claimant's extensive injuries did result in prolonged physical impairment, and awarded the sum of \$3,000.00.

CV-08-0299 N.D.H.

The 35-year-old claimant was the victim of domestic battery and sexual assault in Martinsburg, Berkeley County. The Claim Investigator found the claimant to have been an innocent victim of crime, but did not recommend an award because of a possible pre-existing condition and the availability of a collateral source. Upon appeal, counsel for the Fund conceded that the claimant's post-traumatic stress did in fact the result from the assault, and the Court granted an award of \$1,238.35 for her medical expenses.

CV-07-0497 T.F.S.

The 38-year-old claimant was shot in the leg by an assailant in Pennsboro, Ritchie County. He subsequently lost part of the leg due to infection. Awards totaling \$3,203.09 were granted for the claimant's medical expenses. At issue upon appeal was whether the claimant was entitled to recover additional out-of-pocket expenses for: reconstruction of his porch for wheelchair-accessibility; installation of a downstairs shower; child care costs; in-home health care costs; purchase of a refrigerator to store his medications; the cost of miscellaneous medical supplies; vacation pay for his wife; and travel expenses related to his medical care. The Court approved the costs for the porch reconstruction, downstairs shower, and refrigerator. The Court found that the child care and in-home health care were provided by relatives, not certified providers, and that the wife's vacation pay was not an allowable expense under the statute. Medical supplies and mileage expenses were ruled compensable if the proper documentation is submitted.

INNOCENT VICTIM

CV-06-0303 W.D.W.

On May 19, 2005, the 45-year-old claimant was the victim of criminally injurious conduct in Beckley, Raleigh County. The claimant and the offenders had an altercation in the parking lot of the claimant's doctor's office. The Court found that the claimant voluntarily engaged in the verbal and physical altercation with the offenders. Since the claimant failed to retreat, it was the Court's determination that the claimant was not an innocent victim of crime. Claim disallowed.

CV-07-0211 J.H.S.

At approximately 10:21 p.m. on March 31, 2007, the claimant's 21-year-old son, Jonathan R. Shaw, was the victim of criminally injurious conduct near Alpena, Randolph County. The victim was hosting a party at Lower Cheat. The victim's younger brother, Robbie Shaw, was also present at the camp area. The offender, who harbored animosity toward the victim, provoked the victim by propositioning his younger brother for sex, knowing full well this would incite a confrontation with the victim. The victim was unarmed when he approached the

offender and justifiably took umbrage at the inappropriate solicitation. The victim's actions were predictable as far as the offender was concerned and a reasonable inference exists that the offender's behavior was intended to inflame the passions of the victim given the history of animosity between the two that stemmed from high school days. Consequently, the Court found that the victim was unjustifiably shot to death by the offender. Award of \$13,918.20.

CV-08-131 M.T.Y.

On December 30, 2007, the 23-year-old claimant was the victim of criminally injurious conduct in Beckley, Raleigh County. The Claimant and his girlfriend were at a bar in the Beckley Mall with their friends. An altercation began on the sidewalk outside the bar. One of the claimant's friends directed racial slurs at one of the offenders. One of the offenders struck the claimant while another one of the offenders kicked him. The claimant was taken to Raleigh General Hospital where he was treated for multiple facial fractures. There is credible evidence indicating that it was not the claimant who directed racial slurs at the offenders, even though the claimant was in the presence of a friend who may have used such language. The claimant testified that he was trying to avoid conflict with the offenders and was trying to de-escalate the situation. Thus, the Court found that the claimant was an innocent victim of crime, free from contributory misconduct. Award of \$2,772.33.

NOT TIMELY FILED

CV-05-0623 M.A.H.

On March 2, 2002, the claimant was the victim of criminally injurious conduct in Charles Town, Jefferson County. The claimant was driving her friend's vehicle on WV Route 340 when a vehicle being driven by a drunk driver collided with the rear of the vehicle she was driving. The claimant filed her application for compensation on December 16, 2005. Since the claim was filed more than two years from the date of the criminally injurious conduct, the Claim Investigator recommended that the claim be denied. The Court issued an Order denying the claim on the basis that the statute of limitations had expired. A hearing was held on November 3, 2009. The main issue before the Court on appeal was whether the claimant's application was filed within the two-year statute of limitations. Although the Court was sympathetic to the claimant, no evidence was submitted to establish that the claim was filed prior to the expiration of the two-year statute. of limitations. Claim was denied.

WV STATE VICTIM ASSISTANCE ACADEMY

The second annual Victim Assistance Academy was held on the campus of West Virginia State University from July 19 thru July 23, 2010. This year we accepted and confirmed 56 attendees representing 50 agencies serving 46 counties in West Virginia.

The primary partners in this initiative were West Virginia State University, the West Virginia Division of Justice and Community Services, and the West Virginia Crime Victim Compensation Fund, supported by eight other federal, state, and community-based organizations. This project is funded by a three-year grant from the US Department of Justice, Office of Victims of Crime. The Academy's goal is the delivery of a comprehensive, academically-based, fundamental education for victim assistance providers, victim advocates, criminal justice personnel, and allied professionals who routinely work with crime victims. The Academy is an academically-based course providing fundamental education on victimology, victims' rights, and victim services. It meets the training needs of a broad range of victim service providers and allied professionals, thereby enhancing the services received by crime victims throughout the State. Teaching and encouraging collaboration is another goal of the Academy. The attendees do many hands-on exercises which help them interact with others and develop new friendships as well as professional contacts that will aid their efforts in helping victims in the future.

To those involved, this week is known to be an intense, but a fun week. It is a great learning and networking opportunity for all involved. Thanks to all of the State Victim Assistance Steering Committee, instructors, and attendees for their commitment and participation in making this year's Academy a huge success!



WV
S
V
A
A

OPERATION REACH OUT



Operation Reach Out was established in 2001 by the United States Attorney's Office for the Southern District of West Virginia, in conjunction with the WV Victim Assistance Committee and various other federal, state and local government and nonprofit organizations to celebrate National Crime Victims Rights' Week. The free, one day event features many fun-filled, family events and displays such as : child identification kits; police cars; emergency response vehicles; car seat safety; fire trucks and safety house; face painting, Jupiter Jump; clowns; refreshments; games and prizes. Most importantly, victim service and crime prevention classes are taught and information is distributed by numerous agencies and organizations to provide valuable resources, tools and safety tips to the community.

OPERATIONREACHOUT

THE CHOICE BUS VISITS WEST VIRGINIA

During the month of April, a customized bus aimed at reducing dropout rates visited students in Wheeling, Lewisburg, and Charleston. The bus is half-school bus and half-prison cell and is designed to show young people the importance of completing their education. As participants enter the bus, they are seated and shown a four-minute movie which quizzes them on the earning potential of a dropout versus a high school and college graduate. It also talks about the likelihood of dropouts ending up incarcerated, including testimonials from inmates who express regret for quitting school. After the movie, attention is directed to the back of the bus, which is made into a prison cell illustrating the reality of what it would feel like to live in one. Students are encouraged to enter the cell and actually take part in the experience. At the end of the demonstration, students receive a pledge card to commit to finishing school and making positive choices. The entire process lasts about twenty minutes and targets grades 6-10. Encouraging students to make positive choices and to recognize the consequences of making negative choices is a theme that is reiterated throughout this powerful prevention effort. This opportunity was made possible by The Mattie C. Stewart Foundation, a national non-profit organization established in 2007 that focuses on reducing the dropout rate. For more information, please visit www.mattiecstewart.org.



The Choice Bus was part of Operation Reach Out activities on April 19, 2010, at the State Capital Complex.

CHOICE BUS

WV CRIME VICTIMS COMPENSATION
FUND 2010 TECHNICAL TRAINING

DATE: OCTOBER 6, 2010
FLATWOODS, WEST VIRGINIA



TWENTY-THREE PEOPLE FROM THE VICTIM SERVICES FIELD ATTENDED THIS TRAINING IN AN EFFORT TO LEARN MORE ABOUT COMPLIANCE ISSUES, HOW TO FILE ELECTRONIC CLAIMS, AND TO DISCUSS CASE SCENARIOS. THE CRIME VICTIMS FUND STAFF THANKS ALL THOSE WHO PARTICIPATED, AND TRULY APPRECIATES THE WORK THAT THEY DO!



CVT Technical Training

SVAA

WV STATE VICTIM ASSISTANCE ACADEMY

The second annual Victim Assistance Academy was held on the campus of West Virginia State University from July 19 thru July 23, 2010. This year we accepted and confirmed 56 attendees representing 50 agencies serving 46 counties in West Virginia.



The primary partners in this initiative were West Virginia State University, the West Virginia Division of Justice and Community Services, and the West Virginia Crime Victim Compensation Fund, supported by eight other federal, state, and community-based organizations. This project is funded by a three-year grant from the US Department of Justice, Office of Victims of Crime. The Academy's goal is the delivery of a comprehensive, academically-based, fundamental education for victim assistance providers, victim advocates, criminal justice personnel, and allied professionals who routinely work with crime victims. The Academy is an academically-based course providing fundamental education on victimology, victims' rights, and victim services. It meets the training needs of a broad range of victim service providers and allied professionals, thereby enhancing the services received by crime victims throughout the State. Teaching and encouraging collaboration is another goal of the Academy. The attendees do many hands-on exercises which help them interact with others and develop new friendships as well as professional contacts that will aid their efforts in helping victims in the future.

To those involved, this week is known to be an intense, but a fun week. It is a great learning and networking opportunity for all involved. Thanks to all of