

ANNUAL REPORT
OF THE
CRIME VICTIMS COMPENSATION FUND
OF THE
WEST VIRGINIA COURT OF CLAIMS

1990
(COVERING CALENDAR YEAR 1989)

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128331

Cheryle M. Hall,
Clerk

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U.S. Department of Justice
National Institute of Justice

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1990
REPORT TO THE LEGISLATURE
of the
CRIME VICTIMS COMPENSATION FUND
of the
COURT OF CLAIMS

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GENERAL INFORMATION

After eight years in existence, the West Virginia Crime Victims Compensation Fund continues to provide financial assistance to innocent victims who suffer the effects of violent crime in our state.

The staff of the Fund, under the supervision of the Clerk of the Court of Claims, consists of a deputy clerk, two investigators, one secretary, and a part-time typist. There are approximately 300 claims filed each year.

<u>Year</u>	<u>Applications Filed</u>	<u>Total of Awards</u>
1982	56	\$ 78,191.66
1983	101	\$ 150,395.81
1984	116	\$ 182,656.60
1985	170	\$ 529,478.25 & \$1,232.792.67 (Special Session)
1986	295	\$ 771,025.25
1987	300	\$ 561,607.55 & \$ 170,000.00 (noneconomic loss)
1988	279	\$ 826,871.63 & \$ 166,000.00 (noneconomic loss)
1989	283	\$ 842,022.11 & \$ 143,500.00 (noneconomic loss)

State of West Virginia
Office of the State Treasury
Thomas Loehr, State Treasurer

DESCRIPTION	CVR AMOUNT \$\$\$\$\$
BARBOUR-CIRCUIT COURT	42.00
BARBOUR-MAGISTRATE COURT	3,972.00
BELINGTON	657.00
JUNIOR	24.00
PHILIPPI	1,777.00
BERKELEY-CIRCUIT COURT	34.00
BERKELEY-MAGISTRATE COURT	20,043.00
HEDGESVILLE	0.00
MARTINSBURG	5,993.00
BOONE-CIRCUIT COURT	93.00
BOONE-MAGISTRATE COURT	4,411.05
DANVILLE	78.00
MADISON	162.00
SYLVESTER	0.00
WHITESVILLE	3.00
BRAXTON-CIRCUIT COURT	2.00
BRAXTON-MAGISTRATE COURT	6,524.00
EURNSVILLE	54.00
FLATWOODS	0.00
GASSAWAY	45.00
SUTTON	222.00
BROOKE-CIRCUIT COURT	110.00
BROOKE-MAGISTRATE COURT	3,745.00
BEECH BOTTOM	0.00
BETHANY	150.00
FOLLANSBEE	0.00
WEIRTON	4,737.00
WELLSBURG	543.00
CABELL-CIRCUIT COURT	175.00
CABELL-MAGISTRATE COURT	12,940.50
BARBOURSVILLE	1,143.00
HUNTINGTON	6,999.60
MILTON	471.00
CALHOUN-CIRCUIT COURT	19.00
CALHOUN-MAGISTRATE COURT	1,336.00
GRANTSVILLE	0.00
CLAY-CIRCUIT COURT	37.00
CLAY-MAGISTRATE COURT	1,866.00
CLAY	0.00
DODDRIDGE-CIRCUIT COURT	19.00
DODDRIDGE-MAGISTRATE CRT	3,957.00
WEST UNION	36.00
FAYETTE-CIRCUIT COURT	130.00
FAYETTE-MAGISTRATE COURT	17,502.00
ANSTED	705.00
FAYETTEVILLE	462.00
GAULEY BRIDGE	282.00
MEADOW BRIDGE	0.00
MONTGOMERY	747.00
MOUNT HOPE	690.00
OAK HILL	1,920.00
PAX	232.00
SMITHERS	1,452.00
THURMOND	0.00
GILMER-CIRCUIT COURT	9.00
GILMER-MAGISTRATE COURT	2,275.00
GLENVILLE	322.00
SAND FORK	0.00
GRANT-CIRCUIT COURT	22.00
GRANT-MAGISTRATE COURT	3,073.00

DESCRIPTION	CVR AMOUNT \$\$\$\$\$
DAYARD	144.00
PETERSBURG	310.00
GREENBRIER-CIRCUIT COURT	154.00
GREENBRIER-MAGISTRATE CRT	12,124.00
ALDERSON	399.00
FALLING SPGS	0.00
LEWISBURG	1,062.00
QUINWOOD	330.00
RAINELLE	1,084.00
RONCEVERTE	393.00
RUPERT	0.00
WH SUL SPGS	600.00
HAMPSHIRE-CIRCUIT CRT	77.00
HAMPSHIRE-MAGISTRATE CRT	4,271.00
CAPON BRIDGE	0.00
POMNEY	1,537.00
HANCOCK-CIRCUIT COURT	51.00
HANCOCK-MAGISTRATE CRT	3,094.00
CHESTER	435.00
NEW CUMBERLAND	432.00
HARDY-CIRCUIT COURT	25.00
HARDY-MAGISTRATE COURT	3,148.00
MOOREFIELD	576.00
WARDENSVILLE	402.00
HARRISON-CIRCUIT COURT	178.00
HARRISON-MAGISTRATE CRT	12,835.72
ANMOORE	279.00
BRIDGEPORT	2,199.00
CLARKSBURG	4,245.00
LOST CREEK	0.00
LUMBERPORT	69.00
NUTTER FORT	216.00
SALEM	1,407.00
SHINNSTON	363.00
STONEWOOD	174.00
WEST MILFORD	0.00
JACKSON-CIRCUIT COURT	41.00
JACKSON-MAGISTRATE COURT	9,209.00
RAVENSWOOD	498.00
RIPLEY	360.00
JEFFERSON-CIRCUIT COURT	17.00
JEFFERSON-MAGISTRATE CRT	9,383.00
BOLIVAR	555.00
CHARLES TOWN	2,172.00
HARPER FERRY	252.00
PANSON	1,683.00
SHEPHERDSTOWN	1,281.00
KANAWHA-CIRCUIT COURT	438.00
KANAWHA-MAGISTRATE COURT	37,503.50
BELLE	42.00
CEDAR GROVE	423.00
CHARLESTON	13,411.00
CHESAPEAKE	24.00
CLENDENIN	171.00
DUNBAR	2,223.00
EAST BANK	63.00
GLASGOW	0.00
HANDLEY	1,362.00
MARMET	69.00
NITRO	674.00

DESCRIPTION	CVR AMOUNT \$\$\$\$\$\$\$\$
PRATT	504.00
SO CHARLESTON	2,301.00
ST. ALSANS	1,616.00
LEWIS-CIRCUIT COURT	26.00
LEWIS-MAGISTRATE COURT	13,547.41
JANE LEW	0.00
WESTON	1,218.00
LINCOLN-CIRCUIT COURT	45.00
LINCOLN-MAGISTRATE COURT	2,660.00
HAMLIN	3.00
WEST HAMLIN	141.00
LOGAN-CIRCUIT COURT	73.50
LOGAN-MAGISTRATE COURT	7,038.00
CHAPMANVILLE	123.00
LOGAN	293.00
MAN	447.00
MITCHELL HGTS	336.00
WEST LOGAN	117.00
MARION-CIRCUIT COURT	83.00
MARION-MAGISTRATE COURT	10,901.40
BARRACKVILLE	0.00
FAIRMONT	3,720.00
FAIRVIEW	204.00
FARMINGTON	262.00
GRANT TOWN	54.00
MANNINGTON	504.00
MONONGAH	96.00
RIVESVILLE	655.00
WORTHINGTON	0.00
MARSHALL-CIRCUIT COURT	21.00
MARSHALL-MAGISTRATE COURT	5,001.00
BENWOOD	1,842.00
CAMERON	42.00
GLEN DALE	3,317.00
MCNECHEN	2,460.00
WOUNDSVILLE	1,911.00
MASON-CIRCUIT COURT	6.00
MASON-MAGISTRATE COURT	3,269.00
HARTFORD	90.00
HENDERSON	120.00
LEON	0.00
MASON	327.00
NEW HAVEN	0.00
POINT PLEASANT	549.00
MCDOWELL-CIRCUIT COURT	131.00
MCDOWELL-MAGISTRATE COURT	5,544.00
ANAWALT	39.00
BRADSHAW	0.00
DAVY	24.00
GARY	411.00
JAEGER	0.00
KEYSTONE	567.00
KIMBALL	1,246.00
NORTHFORK	360.00
WAR	471.00
WELCH	612.00
MERCER-CIRCUIT COURT	104.00
MERCER-MAGISTRATE COURT	20,569.00
ATHENS	276.00
BLUEFIELD	1,425.00

DESCRIPTION	CVP AMOUNT \$\$\$\$\$\$\$\$
BRAMWELL	6.00
MATOAKA	975.00
CAKVALE	0.00
PRINCETON	4,083.00
MINERAL-CIRCUIT COURT	86.00
MINERAL-MAGISTRATE COURT	6,998.00
ELK GARDEN	0.00
KEYSER	1,233.00
PIEDMONT	120.00
RIDGELEY	531.00
MINGO-CIRCUIT COURT	12.00
MINGO-MAGISTRATE COURT	7,304.00
DELBARTON	360.00
GILBERT	108.00
KERMIT	135.00
MATEWAN	0.00
WILLIAMSON	1,524.00
MONONGALIA-CIRCUIT COURT	60.00
MONONGALIA-MAGISTRATE CRT	15,606.76
BLACKSVILLE	0.00
GRANVILLE	210.00
MORGANTOWN	13,641.50
OSAGE	0.00
STAR CITY	1,092.00
WESTOVER	1,299.00
MONROE-CIRCUIT COURT	30.00
MONROE-MAGISTRATE COURT	1,357.00
PETERSTOWN	0.00
UNION	0.00
MORGAN-CIRCUIT COURT	30.00
MORGAN-MAGISTRATE COURT	3,107.00
BERKELEY SPS./BATH	0.00
PAW PAW	483.00
BATH - BERKLEY SPRINGS	378.00
NICHOLAS-CIRCUIT COURT	60.00
NICHOLAS-MAGISTRATE COURT	13,653.00
PICHWOOD	120.00
SUMMERSVILLE	3,159.00
OHIO-CIRCUIT COURT	77.00
OHIO-MAGISTRATE COURT	15,122.00
BETHLEHEM	696.00
CLEARVIEW	141.00
TRIADDELPHIA	441.00
VALLEY GROVE	234.00
WEST LIBERTY	552.00
WHEELING	3,666.00
PENDLETON-CIRCUIT COURT	12.00
PENDLETON-MAGISTRATE CRT	5,049.00
FRANKLIN	201.00
PLEASANTS-CIRCUIT COURT	49.00
PLEASANTS-MAGISTRATE CRT	2,176.50
BELMONT	0.00
ST. MARYS	429.00
POCAHONTAS-CIRCUIT COURT	25.00
POCAHONTAS-MAGISTRATE CRT	2,724.00
DUPPIN	0.00
HILLSBORO	0.00
MARLINTON	270.00
PRESTON-CIRCUIT COURT	90.00
PRESTON-MAGISTRATE CRT	6,304.00
ALRIGHT	0.00

DESCRIPTION	CVR AMOUNT \$\$\$\$\$
BRANDONVILLE	0.00
BRUCETON MILLS	0.00
KINGWOOD	468.00
MASONTOWN	764.00
NEWBURG	0.00
REEDSVILLE	0.00
ROWLESBURG	30.00
TERRA ALTA	387.00
TUNNELTON	36.00
PUTNAM-CIRCUIT COURT	41.00
PUTNAM-MAGISTRATE COURT	15,056.00
SANCRÖFT	213.00
SUFFALO	0.00
ELEANOR	81.00
HURRICANE	510.00
POCA	316.00
WINFIELD	0.00
PALEIGH-CIRCUIT COURT	243.00
PALEIGH-MAGISTRATE CRT	45,694.01
SECKLEY	5,645.00
LESTER	540.00
MABSCOTT	216.00
PHODELL	138.00
SOPHIA	697.00
RANDOLPH-CIRCUIT COURT	40.00
RANDOLPH-MAGISTRATE CRT	6,706.10
SEVERLY	0.00
ELKINS	1,212.00
HARMAN	0.00
HUTTONSVILLE	0.00
MILL CREEK	507.00
MONTROSE	0.00
WOMELSDROFF	0.00
RITCHIE-CIRCUIT COURT	83.00
RITCHIE-MAGISTRATE CRT	6,260.00
AUBURN	0.00
CAIRO	0.00
ELLENBORO	0.00
HARRISVILLE	144.00
PENNSBORO	426.00
PULLMAN	0.00
ROANE-CIRCUIT COURT	10.10
ROANE-MAGISTRATE COURT	3,798.00
REEDY	0.00
SPENCER	0.00
SUMMERS-CIRCUIT COURT	21.00
SUMMERS MAGISTRATE-COURT	4,454.00
HINTON	3.00
TAYLOR-CIRCUIT COURT	61.00
TAYLOR-MAGISTRATE CRT	3,139.00
FLEMINGTON	0.00
GRAFTON	834.00
TUCKER-CIRCUIT COURT	13.00
TUCKER-MAGISTRATE CRT	2,229.00
DAVIS	0.00
HAMBLETON	0.00
HENDRICKS	0.00
PARSONS	528.00
THOMAS	0.00
TYLER-CIRCUIT COURT	19.00

DESCRIPTION	CVR AMOUNT \$\$\$\$\$
TYLER-MAGISTRATE COURT	1,748.00
FRIENDLY	0.00
MIDDLEBORNE	372.00
PADEN CITY	576.00
SISTERSVILLE	572.00
UPSHUR-CIRCUIT COURT	28.00
UPSHUR-MAGISTRATE COURT	7,432.00
EUCKHANNON	1,633.00
WAYNE-CIRCUIT COURT	103.00
WAYNE-MAGISTRATE COURT	8,478.00
CEREDO	1,044.00
FORT GAY	171.00
KENOVA	903.00
WAYNE	39.00
WEBSTER-CIRCUIT COURT	16.00
WEBSTER-MAGISTRATE CRT	1,450.00
CAMDEN ON GAULEY	0.00
COWEN	18.00
WEBSTER SPGS	99.00
WETZEL-CIRCUIT COURT	13.00
WETZEL-MAGISTRATE CRT	2,645.00
HUNDRED	12.00
LITTLETON	0.00
N MARTINSVILLE	1,449.00
PINE GROVE	0.00
SMITHFIELD	0.00
WIRT-CIRCUIT COURT	16.00
WIRT-MAGISTRATE COURT	952.00
ELIZABETH	0.00
WOOD-CIRCUIT COURT	99.00
WOOD-MAGISTRATE COURT	20,655.00
NORTH HILLS	0.00
PARKERSBURG	8,991.00
VIENNA	2,079.00
WILLIAMSTOWN	690.00
WYOMING-CIRCUIT COURT	11.00
WYOMING-MAGISTRATE COURT	2,613.65
MULLENS	684.00
OCEANA	846.00
PINEVILLE	391.00
=====	
FY 89 Total	653,013.50

FEDERAL GRANTS

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

The U.S. Department of Justice, Office of Justice Programs, has allocated these funds to state compensation programs based on a formula of 35%-40% of the previous fiscal year claims awarded by each program.

West Virginia has received a total of \$1,133,000.00 in federal funds for its compensation program.

<u>Grant</u>	<u>Year</u>	<u>Award</u>
86-VC-GX-0054	1986	\$ 53,000.00
87-VC-GX-0054	1987	\$ 64,000.00
88-VC-GX-0054	1988	\$593,000.00
89-VC-GX-0054	1989	\$423,000.00

CRIME VICTIMS COMPENSATION FUND

WITHDRAWALS

Administrative costs of the Court of Claims 1988-89FY.....	\$	34,279.19
Compensation of Judges.....	\$	4,340.00
Compensation of Commissioners.....	\$	0.00
Compensation of Court Personnel.....	\$	77,216.90
Amount awarded as Attorney Fees.....	\$	7,886.90
TOTAL EXPENDITURES.....	\$	123,722.99

AWARDED CLAIMS FOR NONECONOMIC LOSS

CV-88-33 Angalich

Claimant's 45-year-old husband was the victim of an assault and battery in Ohio County. He died from his injuries two months later. An award of \$2,500.59 was made for funeral expenses and dependent's economic loss, and awards of \$5,000.00 each were granted to the claimant and her minor child for sorrow, mental anguish, and solace.

CV-88-119 Argabright

The 66-year-old claimant was beaten and robbed in Nicholas County. He suffered a loss of sight in the left eye. An award of \$4,778.92 was made for medical expenses, and \$15,000.00 was granted for emotional distress and pain and suffering.

CV-88-114 Cazad

The 24-year-old claimant was the victim of a shooting in Cabell County. He suffered amputation of a finger on the right hand. An award of \$24,119.83 was made for medical expenses and lost income, and \$5,000.00 was granted for emotional distress and pain and suffering.

CV-89-21 Ellis

Claimant's 28-year-old ex-husband was shot and killed in Wyoming County. Awards of \$5,000.00 each for sorrow, mental anguish, and solace were granted to the claimant on behalf of two minor children.

CV-88-183 Escue

The 32-year-old claimant was the victim of a shooting in Summers County. He suffered an eye injury and brain damage. An award of \$35,000.00 was made for medical expenses and lost income, and \$15,000.00 was granted for emotional distress and pain and suffering.

CV-88-192 Freeland

The 26-year-old claimant was injured in a motor vehicle accident in Calhoun County involving reckless driving. The claimant is confined to a wheelchair with permanent injuries. An award of \$35,000.00 was made for her medical expenses, and \$15,000.00 was granted for emotional distress and pain and suffering.

CV-88-178 Fulmer

The 39-year-old claimant was the victim of a sexual assault in Lewis County. An award of \$436.00 was made for medical expenses, and \$3,500.00 was granted for emotional distress and pain and suffering.

CV-87-294b Galati

The 59-year-old claimant was the victim of a sexual assault during a robbery at her home in Kanawha County. An award of \$283.00 was made for medical expenses, and \$5,000.00 was granted for emotional distress and pain and suffering.

CV-88-74 McCauley

The 37-year-old claimant was the victim of a shooting in Barbour County. An award of \$477.80 was made for medical treatment, and \$5,000.00 was granted for emotional distress and pain and suffering.

CV-88-198 Oldham

The claimant's 23-year-old daughter was strangled to death in Kanawha County. An award of \$1,250.00 was made for funeral and burial expenses, and \$5,000.00 was granted to the claimant as guardian of the victim's minor child for sorrow, mental anguish, and solace.

CV-86-39 Price

Claimants are the guardians of two minor children whose 24-year-old mother was found strangled to death in Greenbrier County. An award of \$1,156.25 was made to the victim's father for funeral and burial expenses, and \$20,000.00 was granted to the claimants as guardians of the victim's two minor children for sorrow, mental anguish, and solace.

CV-88-184 Rakes

Claimant's 29-year-old sister was killed in Logan County. An award of \$3,000.00 was made to the claimant and her spouse for funeral and burial expenses, and \$5,000.00 was granted to the claimant as guardian of the victim's minor child for sorrow, mental anguish, and solace.

CV-89-28 Riffle

The 31-year-old claimant was the victim of an assault and battery in Mason County. An award of \$3,145.93 was made for medical epenses, and \$2,500.00 was granted for emotional distress and pain and suffering.

CV-87-25 Riggall

The 35-year-old claimant was attacked and severely beaten in Kanawha County. An award of \$4,070.65 was made for medical expenses, and \$5,000.00 was granted for emotional distress and pain and suffering.

CV-88-182 Shawver

The 19-year-old claimant was the victim of a shooting in Fayette County. An award of \$26,077.43 was made for medical expenses and lost wages, and \$15,000.00 was granted for emotional distress and pain and suffering.

CV-87-70 Tice

Claimant's 54-year-old father was shot and killed in Pleasants County. An award of \$5,000.00 was granted to the guardian on behalf of the claimant for sorrow, mental anguish, and solace.

CV-88-186 Williams

The 18-year-old claimant was injured in a motor vehicle accident involving a drunk driver in Jefferson County. An award

of \$2,500.00 was granted for emotional distress and pain and suffering.

DENIED CLAIMS

<u>Reason For Denial</u>	<u>Number of Claims Denied</u>
Crime occurred outside West Virginia	1
Victim was related to offender or lived in same household	0
Claim not filed within two years	0
Claim for loss of property	4
No criminal conduct	14
Crime not reported	6
Victim failed to cooperate with police or investigator	4
No economic loss	28
Victim was guilty of contributory misconduct	34
Incomplete information supplied	3
Duplicate claim	<u>1</u>
TOTAL.....	95