

Annual Report

of the

Crime Victims Compensation Fund

of the

West Virginia Court of Claims

1994

(Covering Calendar Year 1993)

149010

**Cheryle M. Hall,
Clerk**

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U.S. Department of Justice
National Institute of Justice

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West Virginia Court of Claims

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Robert M. Steptoe
Presiding Judge

David M. Baker
Judge

Benjamin Hays Webb, II
Judge

Cheryle M. Hall
Clerk

Becky A. Ofiesh
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 of the Fund for calendar year 1993.

Respectfully,

A handwritten signature in cursive script that reads "Cheryle M. Hall".

Cheryle M. Hall,
Clerk

1994
REPORT TO THE LEGISLATURE
of the
CRIME VICTIMS COMPENSATION FUND
of the
COURT OF CLAIMS

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AWARDED CLAIMS FOR NONECONOMIC LOSS
(1994 CLAIMS BILL)

CV-91-286 Auvil

The 21-year-old claimant was shot in the arm, stomach, and side by an assailant in Marion County. An award of \$9,121.08 was granted for medical expenses, plus \$2,500.00 for pain and suffering.

CV-92-114a Barnes

The 31-year-old victim was shot and killed by her ex-husband in Preston County. An award was granted for funeral expenses, plus \$5,000.00 each on behalf of the victim's two minor children for sorrow and mental anguish.

CV-91-280 Bennett

The 79-year-old claimant was knocked to the ground during a purse-snatching incident in Cabell County, resulting in continuous pain in the left shoulder, and blurred vision. An award of \$327.68 was granted for her medical expenses, plus \$5,000.00 for pain and suffering.

CV-91-189 Bragg

Claimant's 44-year-old mother was shot and killed in Fayette County. An award of \$5,000.00 was granted for sorrow and mental anguish.

CV-92-267 Burton

The 24-year-old claimant was intentionally struck by a motor vehicle in Cabell County, causing permanent injury to her left foot. Medical expenses were paid by a collateral source. An award of \$1,000.00 was granted for pain and suffering.

CV-92-28 Bush

Claimant's 41-year-old husband was shot and killed in Kanawha County. Awards of \$5,000.00 each were granted on behalf of the victim's two minor children for sorrow and mental anguish.

CV-93-8 Clark

The 35-year-old claimant was shot in the legs by an assailant in Kanawha County. His medical bills were covered by the Department of Health and Human Services. An award of \$5,000.00 was granted for pain and suffering.

CV-92-125 Dakon

The 30-year-old claimant was struck in the back of the head with a club in Preston County. An award of \$35,000.00 was granted for his medical expenses, plus \$15,000.00 for pain and suffering.

CV-92-59 Davis

Claimant's 33-year-old wife was shot and killed in Mercer County. An award was granted for funeral expenses, plus \$1,000.00 each to the claimant and three minor children for sorrow and mental anguish.

CV-92-294 Dunkin

The 53-year-old claimant was hit head-on by a drunk driver in Berkeley County. An award of \$35,000.00 was granted for medical expenses and work loss, plus \$15,000.00 for pain and suffering.

CV-92-36 Foster

The claimant's 54-year-old husband was killed in the line of duty as a firefighter in Ohio County. He became trapped in a burning building resulting from arson. Awards of \$10,000.00 each were granted to the victim's spouse and minor child for sorrow and mental anguish.

CV-92-163 Fugate

The 30-year-old victim was shot and killed in Raleigh County. An award of \$1,000.00 was granted on behalf of the victim's minor child for sorrow and mental anguish.

CV-92-92 Gentry

The 39-year-old claimant was shot in the hand and arm while on duty as a deputy sheriff in Raleigh County. His medical bills and primary work loss were covered by Workers' Compensation. He did incur work loss for his secondary income, and suffered permanent injuries. An award of \$35,000.00 was granted for future loss of income, plus \$15,000.00 for pain and suffering.

CV-91-292 Green

The 30-year-old claimant was shot in the abdomen by a neighbor in Cabell County. An award of \$2,000.00 was granted for pain and suffering.

CV-90-12a&b Hall

Claimants' 23-year-old daughter was shot and killed by her ex-boyfriend in Kanawha County. An award of \$35,000.00 was granted for medical and funeral expenses, and loss of support for the victim's minor child. An additional \$5,000.00 was granted for sorrow and mental anguish.

CV-92-83 Heilig

The 44-year-old claimant was the victim of an assault and battery in McDowell County. The unprovoked attack resulted in post traumatic stress disorder. An award of \$426.94 was granted for his medical expenses, plus \$2,000.00 for pain and suffering.

CV-92-265 Lemley

The 38-year-old claimant was severely beaten by two assailants in Wood County. He suffered permanent injury to the right arm and elbow. An award of \$1,459.56 was granted for claimant's medical expenses and work loss, plus \$5,000.00 for pain and suffering.

CV-92-308 Martin

The 24-year-old claimant was stabbed by an intruder at her residence in Kanawha County. She suffered permanent injury to her right hand. An award of \$21,350.20 was granted for medical expenses and work loss, plus \$10,000.00 for pain and suffering.

CV-91-121a Rucker

The claimant's 37-year-old husband was beaten to death in Kanawha County. Awards of \$2,000.00 each were granted on behalf of the victim's two minor children for sorrow and mental anguish.

CV-92-345 Shane

The claimant's 15-year-old daughter was killed after being struck in the head with a baseball bat in Marshall County. An award of \$2,501.07 was granted for unreimbursed funeral expenses, plus \$10,000.00 for sorrow and mental anguish.

CV-91-191 Smith, S.

Claimant's 16-year-old son was assaulted with a baseball bat in Fayette County. He suffered permanent hearing loss. An award of \$1,000.00 was granted for pain and suffering.

CV-92-195 Vanhoose

The 49-year-old claimant was attacked and beaten at his residence in Cabell County. He suffered permanent disability of the left hand and forearm. An award of \$11,348.63 was granted for medical expenses and work loss, plus \$5,000.00 for pain and suffering.

CV-92-105 Ward, M.

The 21-year-old claimant was stabbed in the neck by a juvenile in Raleigh County. An award of \$1,080.20 was granted for medical expenses, plus \$2,500.00 for pain and suffering.

CV-92-335 Ward, T.

The 43-year-old claimant was severely beaten by an assailant in Wood County. He suffered a fractured skull, broken nose, and permanent damage to his left arm. An award of \$342.17 was granted for unreimbursed medical expenses, plus \$10,000.00 for pain and suffering.

CV-92-147 Wayt

The 31-year-old claimant was struck in the head by an assailant in Marshall County, resulting in the loss of an eye. An award of \$26,310.38 was granted for medical expenses, plus \$15,000.00 for pain and suffering.

CV-92-253 Wellman

The 23-year-old claimant was parked in her vehicle in Cabell County when an assailant attacked her and repeatedly slammed the car door on her foot. Her medical expenses were paid by a collateral source, but an award of \$15,000.00 was granted for pain and suffering.

CV-92-84 Wells (Santer)

Claimant's 35-year-old sister was killed in an automobile accident involving a drunk driver in Wood County. An award was granted for funeral expenses, plus \$2,500.00 each on behalf of the victim's four minor children for sorrow and mental anguish.

CV-92-337 Wisnbaler

Claimant's 13-year-old son was the victim of a sexual assault in Marion County. His medical bills were paid by the Department of Health and Human Services. An award of \$2,000.00 was granted for pain and suffering.

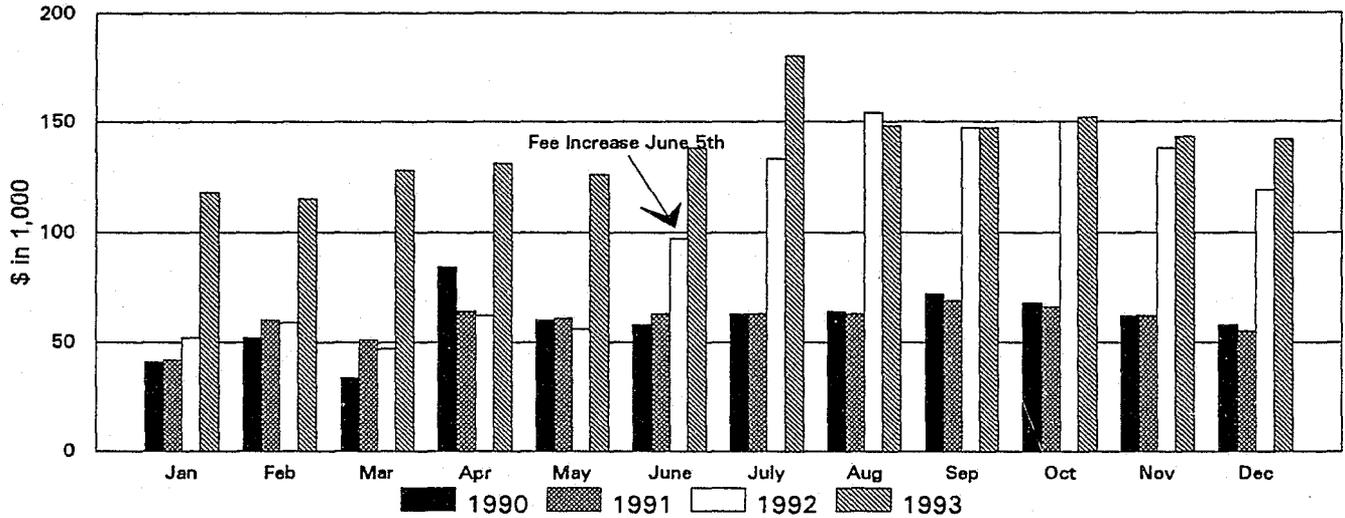
Crime Victims Compensation Fund

Withdrawals

1992-93 FY

Administrative costs of the Crime Victims Compensation Fund . . .	\$	24,999.04
Compensation of Judges	\$	1,679.24
Compensation of Commissioners	\$	0.00
Compensation of Personnel	\$	136,958.13
Amount awarded as Attorney Fees	\$	12,952.55
		<hr/>
	TOTAL	\$ 176,588.96

W.Va. Crime Victims Compensation Fund
Funds Collected



Yearly Collections:

1990	\$713,890.21
1991	\$718,352.70
1992	\$1,212,461.71
1993	\$1,666,638.07

Statistical Analysis, Graphs, and Charts

prepared by

John P. Fulks

Federal Grants

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

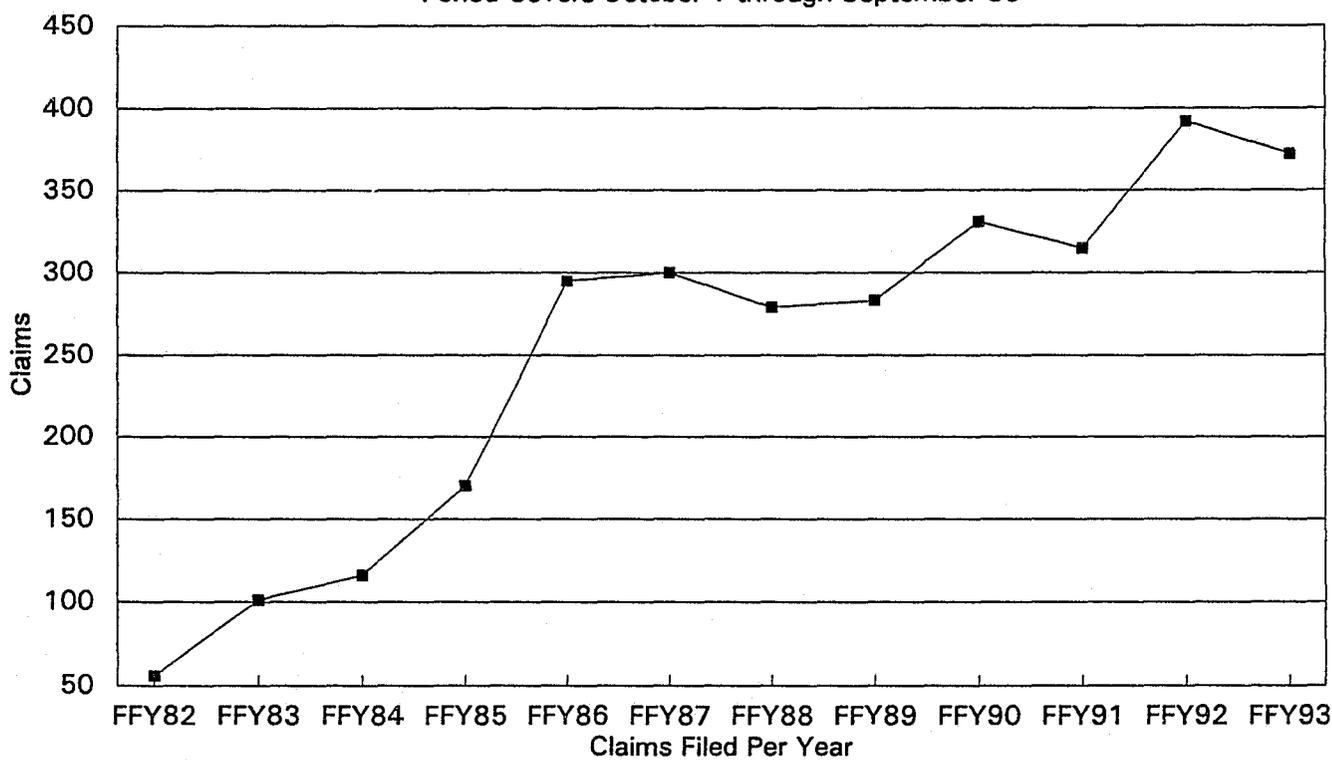
The U.S. Department of Justice, Office of Justice Programs, has allocated these funds to state compensation programs based on a formula of 35%-40% of the previous fiscal year claims awarded by each program.

West Virginia has received a total of \$2,171,000.00 in federal funds for its compensation program.

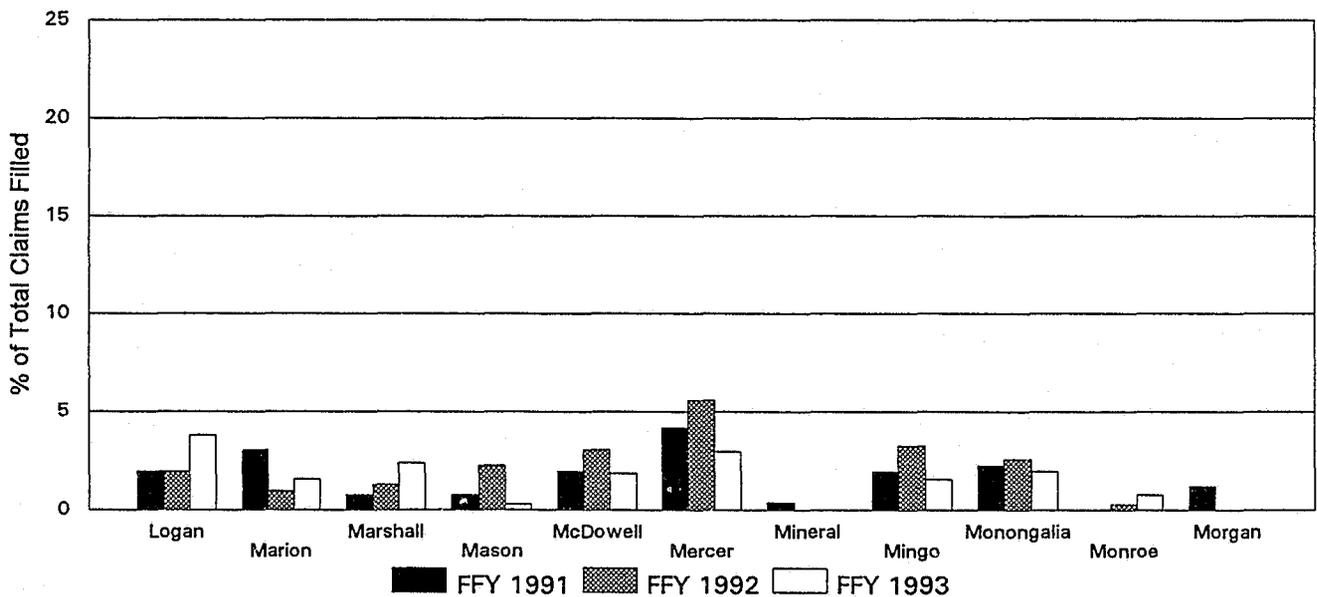
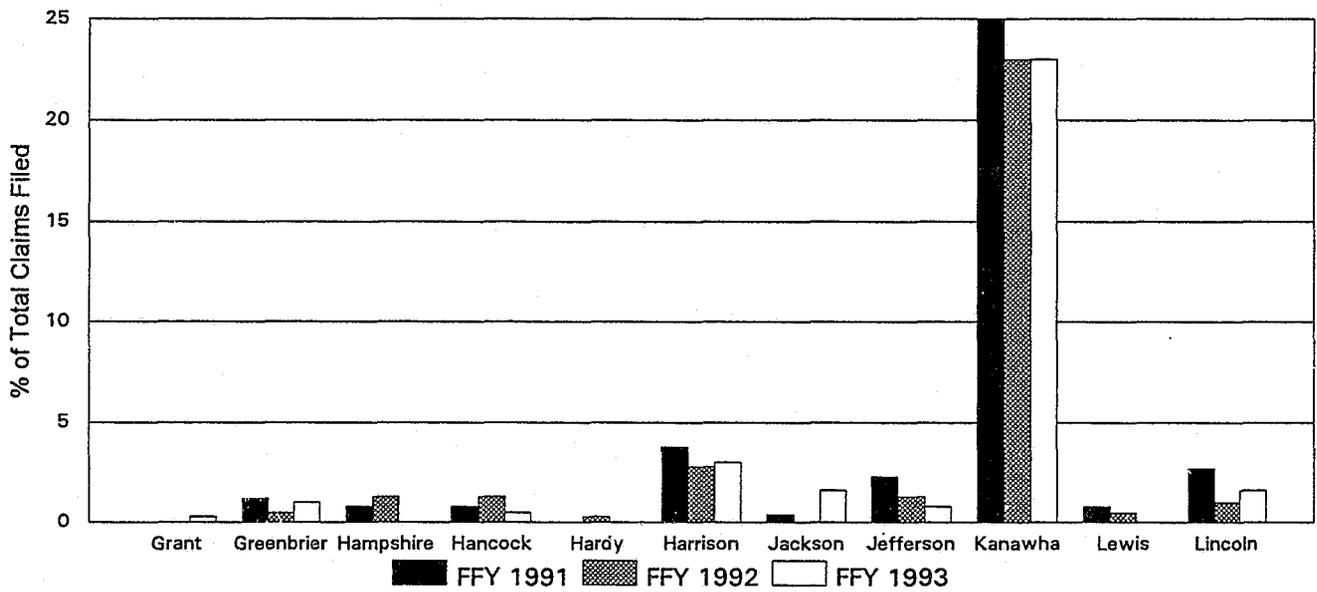
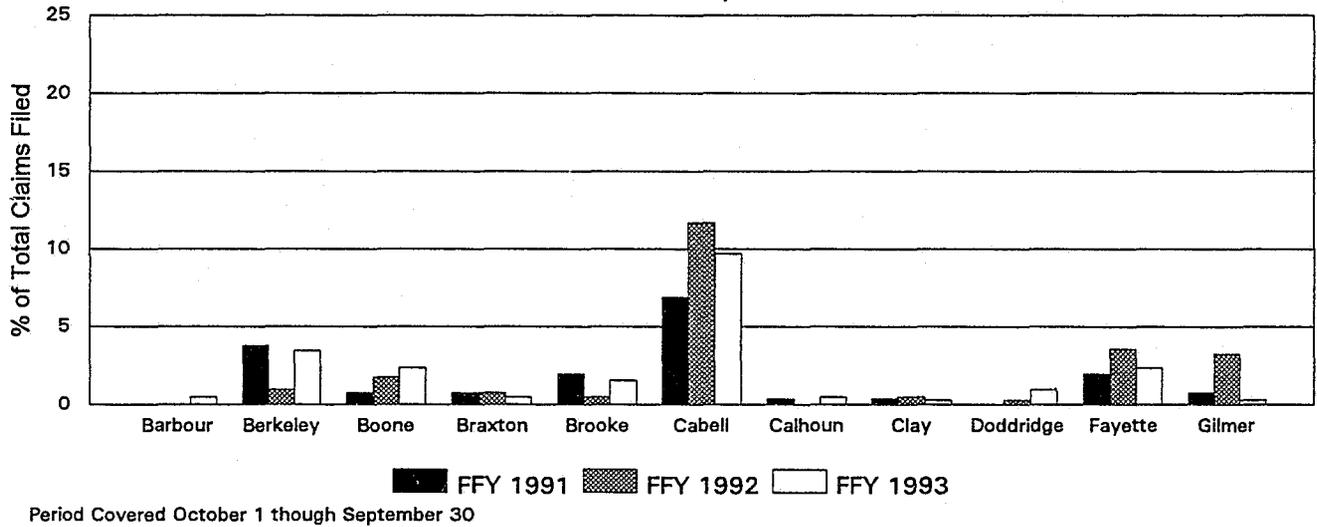
Grant	Year	Award
86-VC-GX-0054	1986	53,000.00
87-VC-GX-0054	1987	64,000.00
88-VC-GX-0054	1988	593,000.00
89-VC-GX-0054	1989	423,000.00
90-VC-GX-0054	1990	173,000.00
91-VC-GX-0054	1991	191,000.00
92-VC-GX-0054	1992	245,000.00
93-VC-GX-0054	1993	249,000.00
94-VC-GX-0054	1994*	180,000.00
TOTAL		2,171,000.00

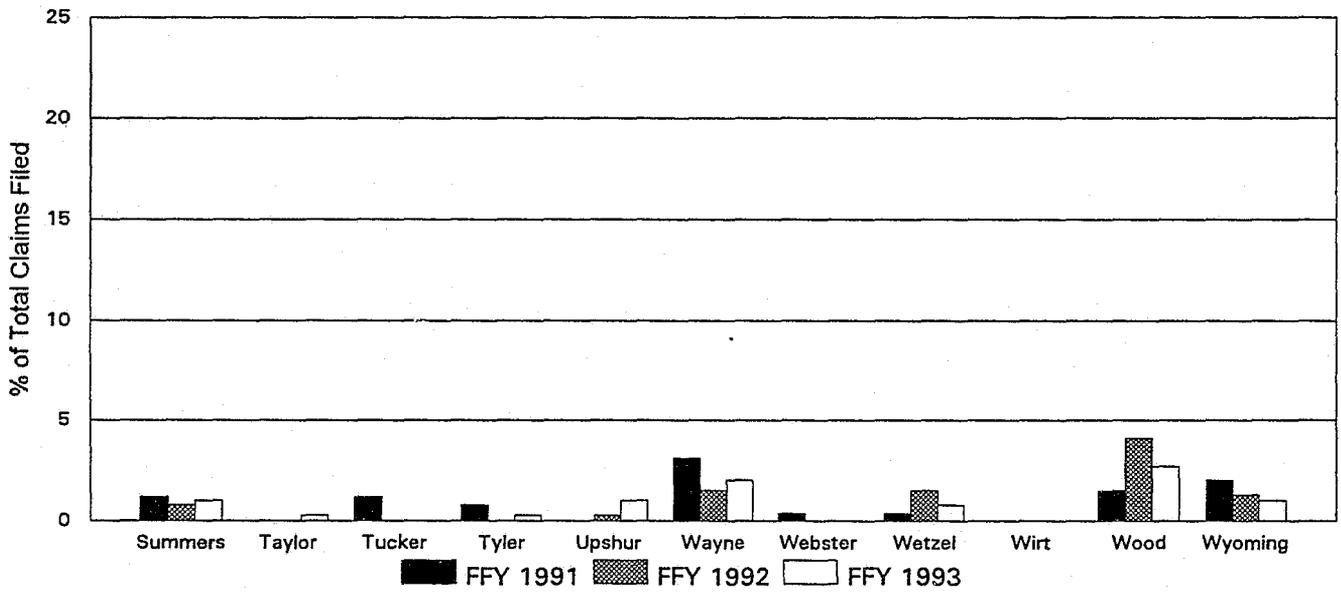
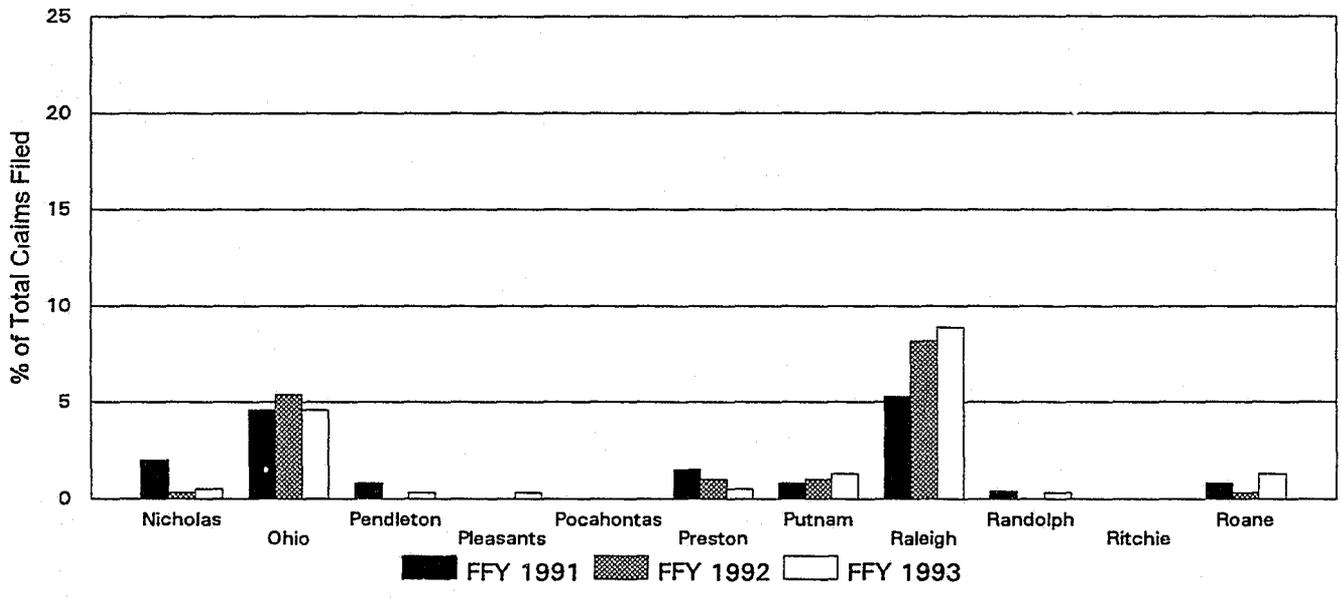
*Expected in spring of 1994.

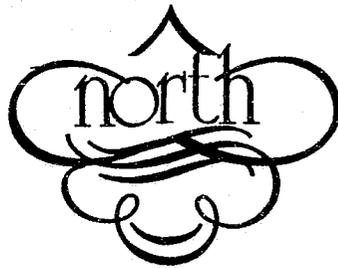
W.Va. Crime Victims Compensation Fund Period Covers October 1 through September 30



W. Va. Crime Victims Compensation Fund Claims Filed by Counties

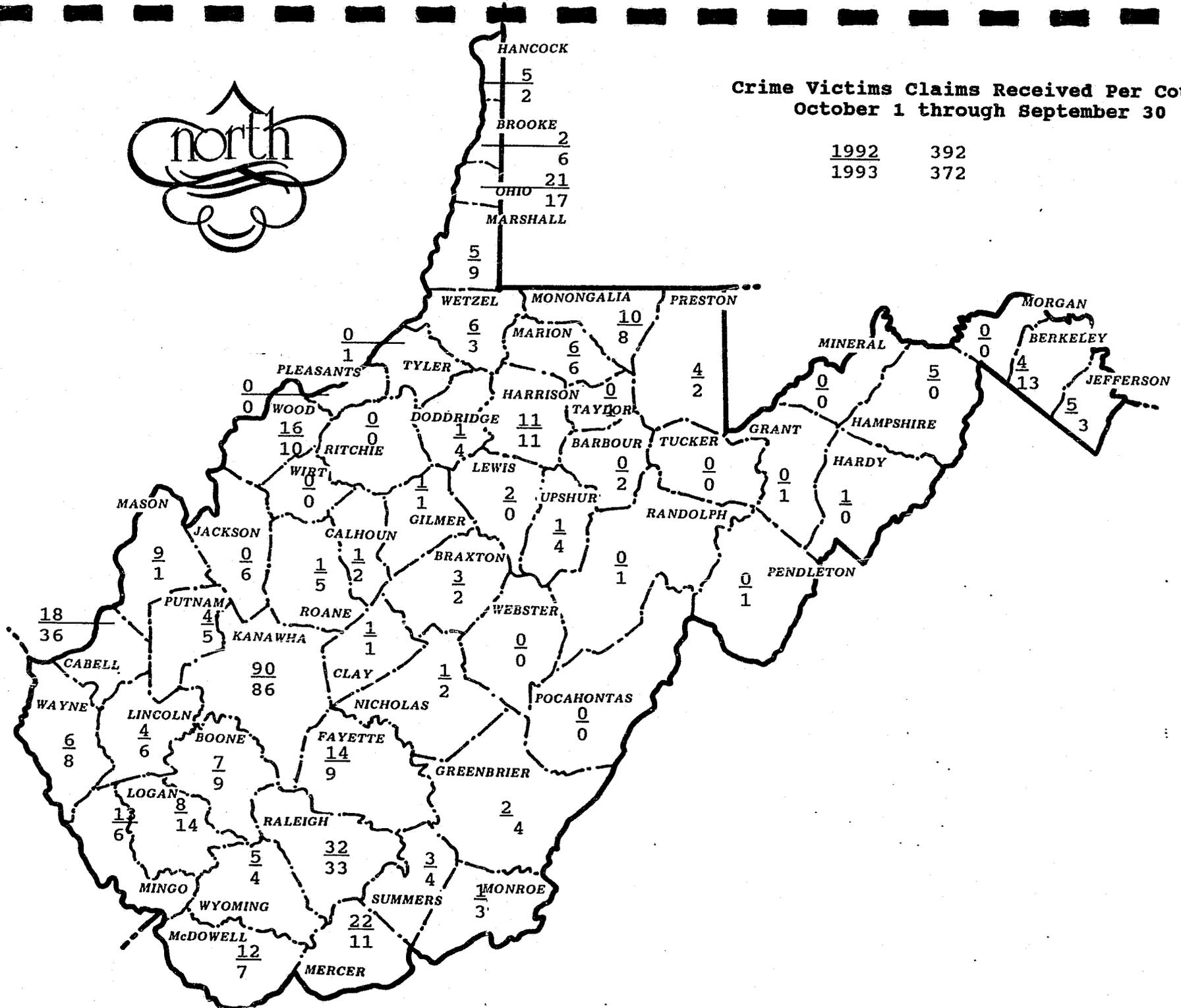




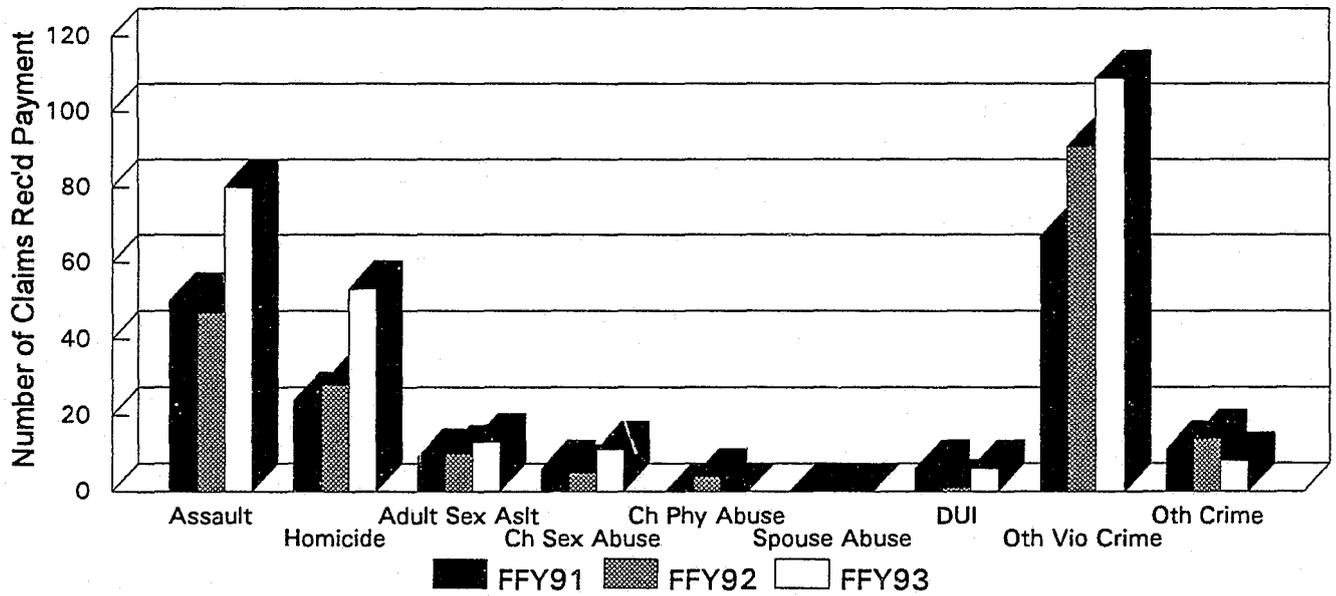


Crime Victims Claims Received Per County
October 1 through September 30

1992	392
1993	372

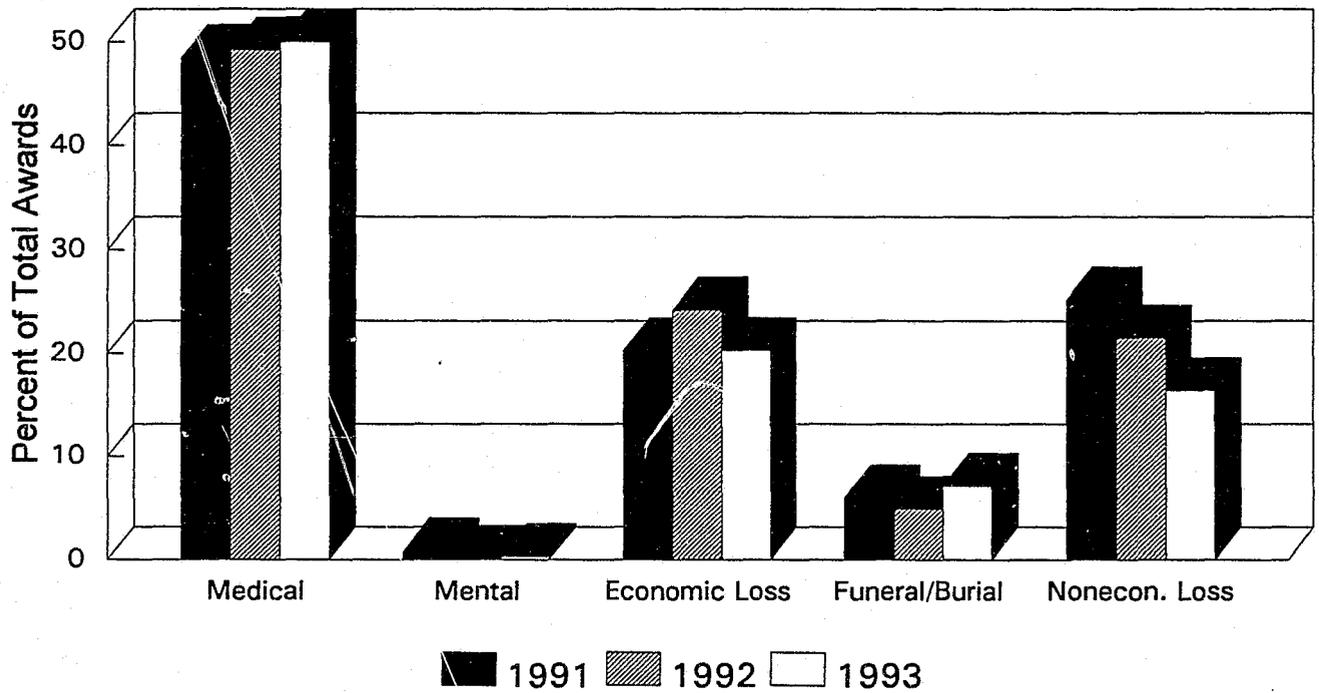


W.Va. Crime Victims Compensation Fund Crimes



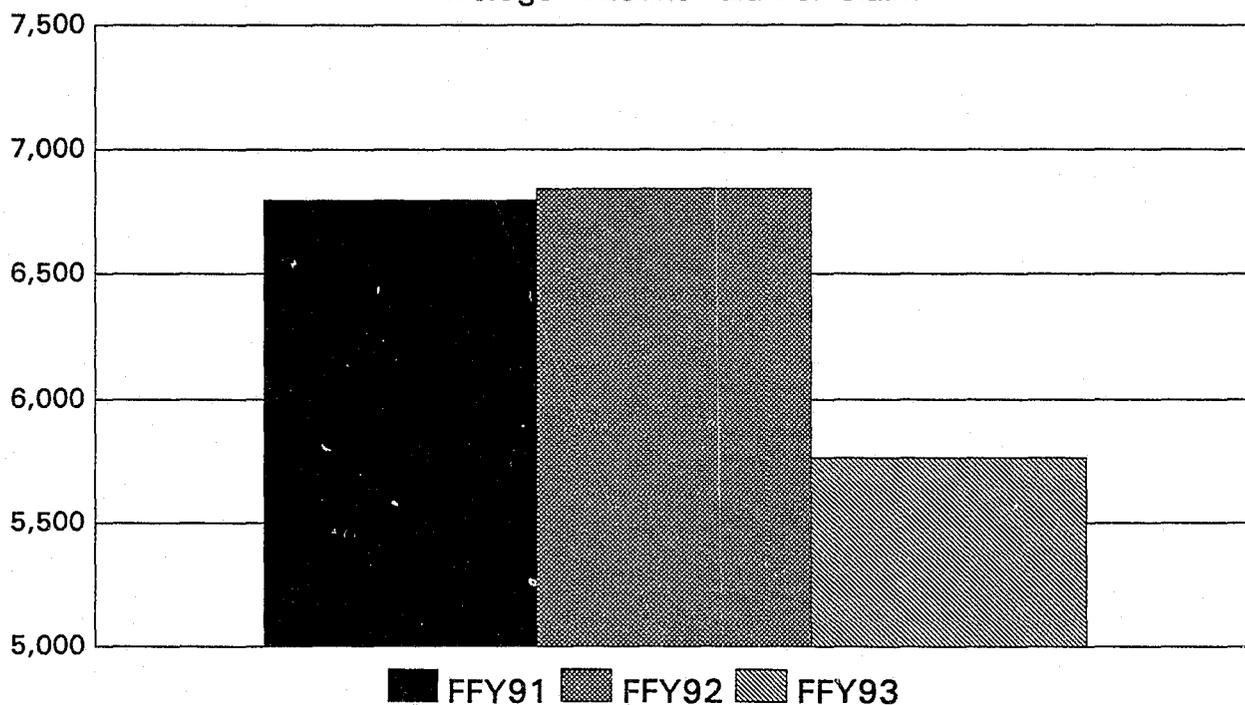
Covers Period October 1 through September 30

W.Va. Crime Victims Compensation Fund Types of Awards



Covers Period October 1 through September 30

W.Va. Crime Victims Compensation Fund Average Amount Paid Per Claim



Total Awarded by the Court:

FFY1991	\$1,576,072
FFY1992	\$1,367,974
FFY1993	\$1,613,671

West Virginia Court of Claims

Crime Victims Compensation Act Statute Changes

<i>Effective Date</i>	1982 1/1/82	1985 4/13/85*	1987 6/12/87*	1988 7/1/88*	1989 7/6/89*	1990 6/8/90*	1992 1/1/92*	1992 6/5/92	1993 1/1/93	1993 7/1/93
Awards to Funeral Homes	no			yes						
Awards to Providers	no		yes							
Death Limit	\$20,000	\$50,000					\$30,000			
Fee Amounts	\$3			\$3 munic. \$4 all other courts		+ \$10 DUI 1st off. ** + \$25 DUI 2nd off. + \$50 DUI 3rd off.		\$8 munic. court \$10 oth courts + 20% of DUI fines		
Funeral Expense Limit	\$500	\$1,250	\$2,000	\$3,000						
Pain & Suffering Limit		\$5,000***	\$15,000				eliminated			
Personal Injury Limit	\$20,000		\$35,000				\$20,000			
Resident Victim Inj. in State Without CV Prog.	no				yes					
Sorrow, Mental Anguish	no	yes					eliminated			
Victim's Mileage Reimbursement @	\$0.20/mi.					8/16/92 \$0.23/mi.		7/1/92 \$0.26/mi	\$0.275 per mile	\$0.28 per mile

*Date of crime on or after this date.

**These fee schedules replaced in 1992.

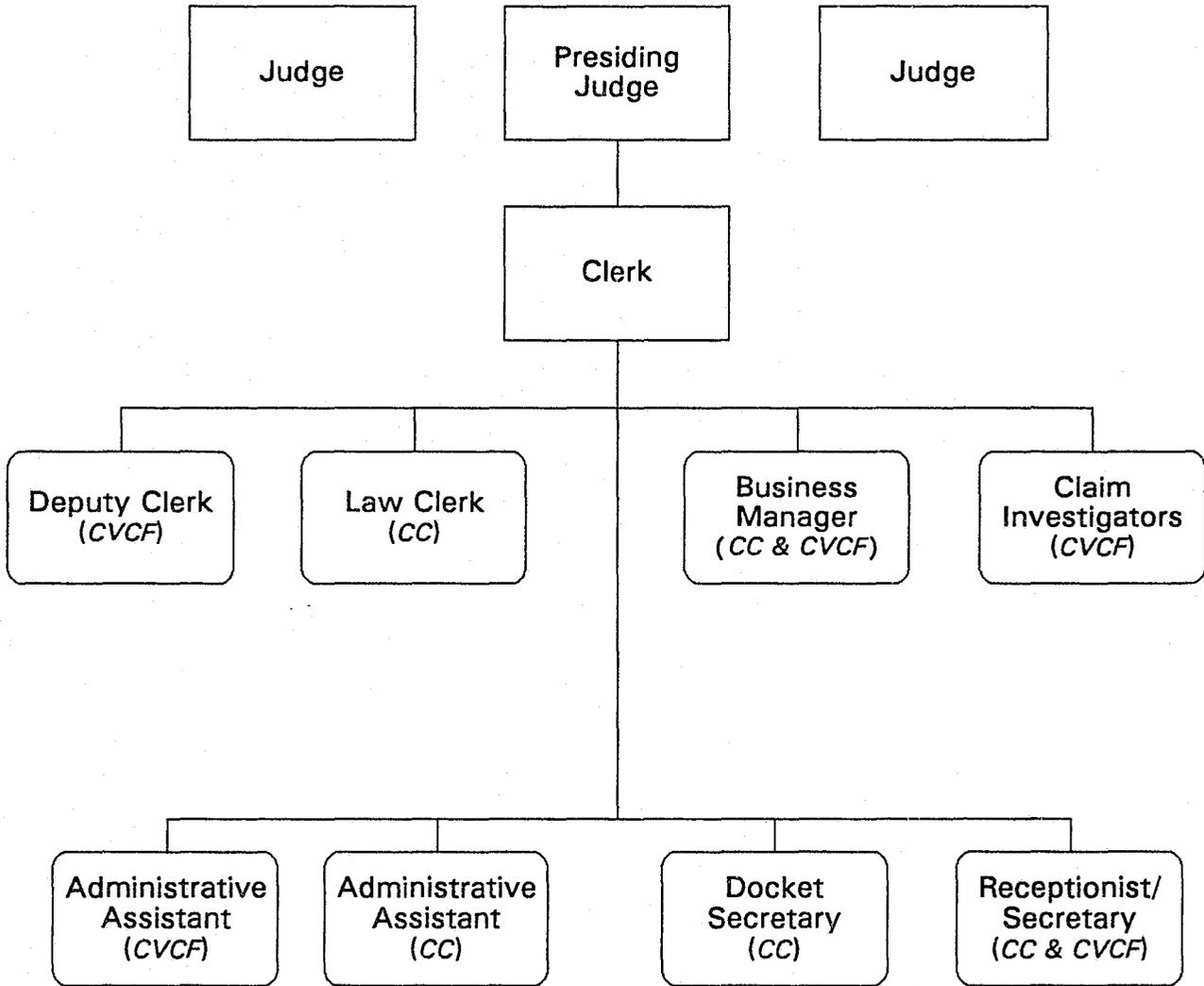
***Sexual assault victims only.

DENIED CLAIMS

<u>Reason For Denial</u>	<u>Number of Claims Denied</u>
Crime occurred outside West Virginia	0
Crime occurred within penal institution	0
Claim not filed within two years	4
Claim for loss of property	10
No criminal conduct	1
Crime not reported	4
Victim failed to cooperate with police or investigator	19
No economic loss	21
Victim was guilty of contributory misconduct	66
Incomplete information supplied	11
Duplicate claim	2
Claim withdrawn	<u>1</u>
TOTAL.....	139

West Virginia Court of Claims

Organization Chart



Legend

CC - Court of Claims

CVCF - Crime Victims Compensation Fund