

1. State of West Virginia ex rel. Angela Y. Smith v. West Virginia Crime Victims Compensation Fund and the Court of Claims of the State of West Virginia,
No. 12-0117

Procedural Background:

The Supreme Court of Appeals of West Virginia granted a writ of certiorari to consider this case. A writ of certiorari is an extraordinary remedy to review a decision of an inferior court when there is no other statutory right of review provided.

Factual Background:

Angela Smith's son was a student at Marshall University when he was shot and killed. Angela Smith filed an application for an award under the Crime Victims Compensation Act following the death of her son. The Crime Victims Compensation Fund, administered by the Court of Claims, provides compensation to innocent victims of crime who satisfy the requirements of the Crime Victims Compensation Act. The Court of Claims found that her son was an innocent victim of crime and determined that Angela Smith was entitled to reimbursement for her son's medical, funeral and burial expenses. Angela Smith also requested reimbursement for her son's unpaid student loan obligations because she is the co-signor of her son's student loans. The request for reimbursement for her son's student loan obligations was denied. As a basis for the denial, the Court of Claims determined that student loan obligations do not fall within the definition of "lost scholarship" as provided in W.Va. Code § 14-2A-3(m). At issue is whether reimbursement of student loans can be made within the provisions of the Crime Victims Compensation Act.

Applicable Statute: W.Va. Code § 14-2A-3(m) provides:

"'Lost scholarship' means a scholarship, academic award, stipend or other monetary scholastic assistance which had been awarded or conferred upon a victim in conjunction with a post-secondary school educational program and which the victim is unable to receive or use, in whole or in part, due to the injuries received from criminally injurious conduct."

Petitioner Angela Smith's Argument: The petitioner asserts that student loan obligations are compensable under the Crime Victims Compensation Act and fall within the meaning of "other monetary scholastic assistance." The petitioner contends that the Legislature intended for "other monetary scholastic assistance" to be interpreted broadly to adequately compensate innocent victims of crime and their families.

Respondent Court of Claims's Argument: The respondent argues that the Legislature intended for scholarships, academic awards and stipends to be compensable under the Crime Victims Compensation Act. The respondent maintains that student loans or any other contractual obligations for repayment of debts do not fall under the definition of "lost scholarship" under the statute.