

ORIGINAL

IN THE COURT OF CLAIMS OF OHIO

ALBERT GRAVES)
c/o Friedman & Gilbert)
55 Public Square, Suite 1055)
Cleveland, OH 44113)

Plaintiff)

-vs-)

STATE OF OHIO)
Serve: Ohio Attorney General)
Mike DeWine)
30 E. Broad Street, 14th Floor)
Columbus, OH 43215)

Defendant)

2014-00989 WI
CASE NO. _____

JUDGE _____

COMPLAINT FOR WRONGFUL
IMPRISONMENT COMPENSATION

FILED
COURT OF CLAIMS
OF OHIO
2014 DEC 22 AM 11:37

For his Complaint, the Plaintiff states as follows:

1. Plaintiff was indicted in 2004 with various drug possession and drug trafficking offenses, along with a major drug offender specification. Following a trial in the Court of Common Pleas, Lorain County, in April, 2008, the Plaintiff was sentenced to eleven (11) years in prison.

2. On November 21, 2011, the Ninth District Court of Appeals reversed Plaintiff's conviction because the State did not present sufficient evidence for a conviction. The Ohio Supreme Court declined jurisdiction and all charges were dismissed on May 8, 2012.

3. On September 3, 2014, the Lorain County Court of Common Pleas, after remand from the Ninth District Court of Appeals, found that Plaintiff satisfied all the elements of Revised Code § 2743.48(A)(1), (2), (3) and (4). (See attached Exhibit A).

ON COMPUTER

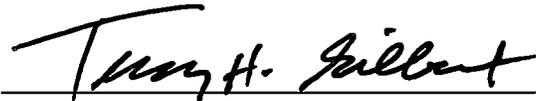
4. On December 9, 2014, the Lorain County Common Pleas Court found, after further briefing, that Plaintiff satisfied the requirements of Revised Code § 2743.48(A)(5) and declared that Plaintiff is a wrongfully imprisoned individual. (See attached Exhibit B).

5. Plaintiff was released from prison after serving approximately three (3) years, seven (7) months.

6. Plaintiff has met all the requirements of Ohio Revised Code § 2743.48(A)(1)-(5), and therefore is entitled to relief pursuant to said Section.

7. In addition to the specified damages for the wrongful imprisonment, Plaintiff suffered loss of income, wages, and other damages during the period of his incarceration, as well as other costs.

WHEREFORE, Plaintiff prays that this Court find that his Complaint is well taken and grant the requested statutory relief, including the awarding of attorney fees and costs associated with this action, and any other relief the Court deems equitable and just.



TERRY H. GILBERT (0021948)

Friedman & Gilbert

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Cleveland, OH 44113-1901

Telephone: (216) 241-1430

Facsimile: (216) 621-0427

E-Mail: tgilbert@f-glaw.com

Attorney for Plaintiff



FILED
LORAIN COUNTY

2014 SEP -3 P 1:49

LORAIN COUNTY COURT OF COMMON PLEAS
LORAIN COUNTY, OHIO

CLERK OF COMMON PLEAS
RON NABAKOWSKI

RON NABAKOWSKI, Clerk
JOURNAL ENTRY
Raymond J Ewers, Judge

ENTERED

Date 9/3/14

Case No. 12CV176687

ALBERT GRAVES
Plaintiff

TERRY H GILBERT
Plaintiff's Attorney (216) 241-1430

VS

STATE OF OHIO
Defendant

DANIEL F PETTICORD
Defendant's Attorney (440) 329-5455

Pursuant to the Ninth District Court of Appeals decision, this Court's decision dated September 27, 2013 decision is vacated. Further, pursuant to that decision, this Court finds that there are no genuine issues of material fact that all the elements of R.C. 2743.48(A)(1),(2), (3) and (4) have been met. Counsel shall brief the issue of whether the final requirement under R.C. 2743.48(A)(5) has been met. All Briefs shall be filed on or before September 25, 2014, and Briefs in Opposition shall be filed on or before October 16, 2014 and any Reply Briefs shall be filed on or before October 30, 2014. Court to rule thereafter.

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I HEREBY CERTIFY THIS TO BE A TRUE COPY
OF THE ORIGINAL ON FILE IN THIS OFFICE
RON NABAKOWSKI, LORAIN COUNTY
CLERK OF THE COURT OF COMMON PLEAS
BY Christy [Signature] DEPUTY

Raymond J Ewers
RAYMOND J EWERS, JUDGE

COUNSEL SHALL PROVIDE A COURTESY COPY DIRECTLY TO JUDGE EWERS' CHAMBERS BY FACSIMILE AT (440) 329-5731 OR BY E-MAIL AT KMACKINTOSH@LORAINCOUNTY.US OF ALL NOTICES OF DISMISSAL, MOTIONS OR ANY OTHER PLEADING THAT REQUIRES THE COURT'S ATTENTION. COUNSEL SHALL NOT RELY UPON THE FILING WITH THE CLERK OF COURTS THAT THE COURT HAS BEEN NOTIFIED OF SUCH FILING.

cc: Atty Gilbert
APA Petticord



EXHIBIT
A

ENTERED

FILED
LORAIN COUNTY

2014 DEC -9 P 2:29

CLERK OF COMMON PLEAS
RON NADAKOWSKI

IN THE COURT OF COMMON PLEAS
LORAIN COUNTY, OHIO

ALBERT GRAVES)

CASE NO. 12CV176687

Plaintiff)

JUDGE RAYMOND J. EWERS

vs)

JOURNAL ENTRY

STATE OF OHIO, et al.,)

Defendants)

This case came before this Court on a Brief on Remand. Pursuant to the decision of the Ninth District Court of Appeals, this Court's decision dated September 27, 2013 is vacated.

Briefs were submitted on the application of 2743.48(A)(5) only.

This Court finds that the Plaintiff, Albert Graves, has met his burden and that he satisfies the requirements of O.R.C. 2743.48(A)(5) and is thus a "wrongfully imprisoned person."

IT IS SO ORDERED.

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Judge Raymond J. Ewers

cc:
Terry H. Gilbert
Daniel F. Petticord

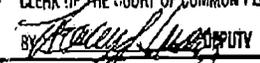
HEREBY CERTIFIED THIS TO BE A TRUE COPY
OF THE ORIGINAL ON FILE IN THIS OFFICE
RON NADAKOWSKI, LORAIN COUNTY
CLERK OF THE COURT OF COMMON PLEAS
BY  DEPUTY

EXHIBIT
B

FRIEDMAN & GILBERT
ATTORNEYS AT LAW

GORDON S. FRIEDMAN
TERRY H. GILBERT

PAUL J. CRISTALLO
OF COUNSEL

December 17, 2014

Clerk of Court
Court of Claims of Ohio
The Ohio Judicial Center
65 South Front Street
Third Floor
Columbus, OH 43215

FILED
COURT OF CLAIMS
OF OHIO
2014 DEC 22 AM 11:37

Re: Albert Graves v. State of Ohio

Dear Clerk:

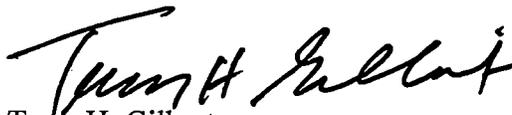
Enclosed please find the original and two (2) copies of a Complaint for Wrongful Imprisonment Compensation for filing with the Court relative to the above-captioned matter. Also enclosed is a check in the amount of \$25.00 representing the filing fee.

Please return a time-stamped copy of the Complaint to me in the enclosed self-addressed, stamped envelope.

Thank you for your attention.

Very truly yours,

FRIEDMAN & GILBERT



Terry H. Gilbert
tgilbert@f-glaw.com

THG/mm

Enclosures