

ORIGINAL

FILED
COURT OF CLAIMS
OF OHIO

IN THE OHIO COURT OF CLAIMS

2015 JAN 15 PM 3: 20

ALBERT GRAVES

Plaintiff

v.

THE STATE OF OHIO

Defendant

Case No. 2014-00989 WI

Judge Patrick M. McGrath
Magistrate Holly True Shaver

ANSWER

For its answer to the allegations of the Complaint, filed December 22, 2014, Defendant the State of Ohio states as follows:

1. Paragraph 1 is denied for lack of knowledge as Plaintiff has not attached certified copies of the judgment entries. Further answering paragraph 1, the decision of the jury and the sentence imposed by the Lorain County Common Pleas Court speak for themselves and Defendant denies any inconsistent allegations. Any remaining allegations of paragraph 1 are denied for lack of knowledge.

2. Paragraph 2 is denied for lack of knowledge as Plaintiff has not attached certified copies of the appellate decisions. Further answering paragraph 2, the decision of the Ninth District Court of Appeals and the Ohio Supreme Court in question speak for themselves and Defendant denies any inconsistent allegations. Any remaining allegations of paragraph 2 are denied for lack of knowledge.

3. Paragraph 3 is admitted insofar as it alleges that Plaintiff has attached to the Complaint copies of what appears to be a judgment entry from the Lorain County Court of Common Pleas. Further answering paragraph 3, the judgment entry in question speaks for itself

ON COMPUTER

and Defendant denies any inconsistent allegations. Any remaining allegations of paragraph 3 are denied for lack of knowledge.

4. Paragraph 4 is admitted insofar as it alleges that Plaintiff has attached to the Complaint copies of what appears to be a judgment entry from the Lorain County Court of Common Pleas. Further answering paragraph 4, the judgment entry in question speaks for itself and Defendant denies any inconsistent allegations. Any remaining allegations of Paragraph 3 are denied for lack of knowledge.

5. Paragraph 5 is admitted insofar as it alleges that Plaintiff was conveyed into the custody and control of the Ohio Department of Rehabilitation and Correction on or about April 18, 2008 and was released on or about November 28, 2011. Any remaining allegations of Paragraph 5 are denied.

6. Paragraph 6 states legal conclusions rather than factual allegations and thus requires no response. However, if this Court determines that a response is required, paragraph 6 is denied for lack of knowledge.

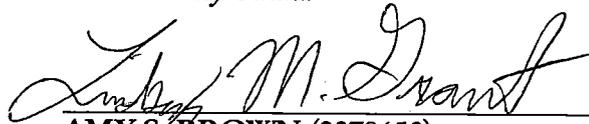
7. Paragraph 7 is denied for lack of knowledge.

AFFIRMATIVE DEFENSES

1. Plaintiff has failed to state a claim for which relief may be granted.

Respectfully submitted,

MICHAEL DE WINE
Ohio Attorney General



AMY S. BROWN (0079650)
Senior Assistant Attorney General
LINDSEY M. GRANT (0088167)
Assistant Attorney General
Ohio Attorney General's Office

Court of Claims Defense Section
150 East Gay Street, Floor 18
Columbus, OH 43215
(614) 466-7447 *Office*
Amy.Brown@ohioattorneygeneral.gov
Lindsey.Grant@ohioattorneygeneral.gov

COUNSEL FOR DEFENDANT

CERTIFICATE OF SERVICE

On January 15, 2015, we sent an electronic copy of this document via email to
Plaintiff's Counsel: Terry H. Gilbert at tgilbert@f-glaw.com.



AMY S. BROWN (0079650)
LINDSEY M. GRANT (0088167)
Assistant Attorneys General