



Court of Claims of Ohio

The Ohio Judicial Center
65 South Front Street, Third Floor
Columbus, OH 43215
614.387.9800 or 1.800.824.8263
www.cco.state.oh.us

TERRY SWALLEY

Plaintiff

v.

THE STATE OF OHIO

Defendant

Case No. 2014-00854-WI

Judge Patrick M. McGrath

ENTRY

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FILED
COURT OF CLAIMS
OF OHIO

On November 25, 2013, the Ashtabula County Court of Common Pleas issued a judgment entry stating that plaintiff has established that he was a wrongfully imprisoned individual in accordance with R.C. 2743.48. No appeal has been taken from that entry.

On October 27, 2014, plaintiff filed his complaint for wrongful imprisonment, along with certified copies of the judgment entries of the court of common pleas associated with his conviction and sentencing, and the determination that he was a wrongfully imprisoned individual, in compliance with R.C. 2743.48(E)(1). On November 21, 2014, defendant filed its answer.

R.C. 2743.48(B)(4) states: "Within sixty days after the date of the entry of the determination by the court of common pleas in the county where the underlying criminal action was initiated that a person is a wrongfully imprisoned individual, the clerk of the court of claims shall forward a preliminary judgment to the president of the controlling board requesting the payment of fifty per cent of the amount described in division (E)(2)(b) of this section to the wrongfully imprisoned individual.¹ The board shall take all actions

¹R.C. 2743.48(E)(2)(b) states: "In a civil action as described in division (D) of this section, upon presentation of requisite proof to the court of claims, a wrongfully imprisoned individual is entitled to receive a sum of money that equals the total of each of the following amounts: (b) For each full year of imprisonment in the state correctional institution for the offense of which the wrongfully imprisoned individual was found guilty, forty thousand three hundred thirty dollars or the adjusted amount determined by the auditor of state pursuant to section 2743.49 of the Revised Code, and for each part of a year of being so imprisoned, a pro-rated share of forty thousand three hundred thirty dollars or the adjusted amount determined by the auditor of state pursuant to section 2743.49 of the Revised Code;"

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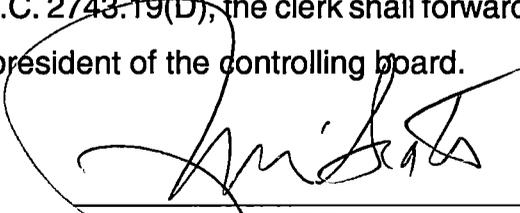
ENTRY

necessary to cause the payment of that amount out of the emergency purposes special purpose account of the board.”

On January 7, 2015, the court conducted a status conference with the parties. On January 16, 2015, the parties filed a joint stipulation that plaintiff was wrongfully incarcerated in a state correctional institution for a total of 461 days. The adjusted annual amount determined by the auditor of state pursuant to R.C. 2743.49 in effect is \$50,344.75.²

Therefore, pursuant to R.C. 2743.48(B)(4), a preliminary judgment consisting of fifty per cent of the amount described in division R.C. 2743.48(E)(2)(b) is rendered in favor of plaintiff in the amount of \$31,792.86. The warrant of payment of the preliminary judgment shall be payable to plaintiff, Terry Swalley, in care of his attorney, Ariana Tarighati, Esq., 34 South Chestnut Street, Suite 100, Jefferson, Ohio 44047-1092.

Subject to the provisions of R.C. 2743.19(D), the clerk shall forward a certified copy of this preliminary judgment to the president of the controlling board.



PATRICK M. MCGRATH
Judge

cc:

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²As of the time of this entry, the adjusted annual amount in effect for 2015-2016 has not been published.

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