



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

RICKY JACKSON

Plaintiff

V.

STATE OF OHIO

Defendant

Case No. 2015-00127-WI

Judge Patrick M. McGrath

ENTRY

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COURT OF CLAIMS
OF OHIO
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On February 12, 2015, the Cuyahoga 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 February 20, 2015, 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). Plaintiff also filed a motion for a preliminary judgment pursuant to R.C. 2743.48(B)(4).

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: * * * 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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necessary to cause the payment of that amount out of the emergency purposes special purpose account of the board." The adjusted annual amount determined by the auditor of state pursuant to R.C. 2743.49 currently in effect is \$51,901.58.

On March 6, 2015, the court ordered the parties to inform the court of the number of days that plaintiff was incarcerated in a state correctional institution for the offense of which he was found to be a wrongfully imprisoned individual. On March 16, 2015, plaintiff filed an "unopposed motion" for preliminary judgment. In the motion, plaintiff states that defendant does not oppose the motion, and that plaintiff was wrongfully incarcerated in state correctional institutions from January 21, 1976 until November 14, 2014. On March 18, 2015, the court conducted a status conference with the parties, during which the parties and the court verified the calculation of the number of days of plaintiff's wrongful incarceration in a state correctional institution, which totals 14,178 days.

Upon review, plaintiff's March 16, 2015 motion is GRANTED. Pursuant to R.C. 2743.48(B)(4), a preliminary judgment consisting of fifty percent of the amount described in division R.C. 2743.48(E)(2)(b) is rendered in favor of plaintiff in the amount of \$1,008,055.80. The warrant of payment of the preliminary judgment shall be payable to "Michele L. Berry, Attorney at Law, IOLTA for payment to Ricky Jackson for the funding of a non-qualified money market account or the purchase of an annuity contract for the benefit of Ricky Jackson for damages for physical injury caused by wrongful imprisonment," in care of Michele L. Berry, Esq., 114 East 8th Street, Cincinnati, Ohio, 45202.

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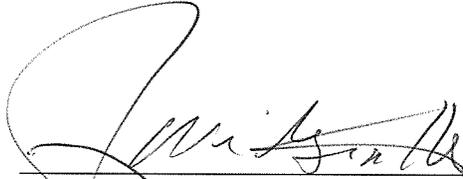
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Subject to the provisions of R.C. 2743.19(D), the clerk shall forward a certified copy of this preliminary judgment to the president of the controlling board.



PATRICK M. MCGRATH
Judge

cc:

Michele L. Berry
The Citadel
114 East 8th Street
Cincinnati, Ohio 45202

Ohio Attorney General
Court of Claims Defense Section
150 East Gay Street, 18th Floor
Columbus, Ohio 43215-3130

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