



# 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

JUDGMENT ENTRY

FILED  
COURT OF CLAIMS  
OF OHIO  
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On January 29, 2015, the court issued a preliminary judgment pursuant to R.C. 2743.48(B)(4), to plaintiff in the amount of \$31,792.86, which represents a payment of fifty percent of the amount described in R.C. 2743.48(E)(2)(b) for plaintiff's wrongful imprisonment in a state correctional institution for 461 days. In the entry, the court noted that it calculated plaintiff's award by using the adjusted annual amount determined by the auditor of state pursuant to R.C. 2743.49 in effect for 2014, inasmuch as the rate in effect for 2015 had not been published. The adjusted annual amount in effect for 2015 is \$51,901.58. Accordingly, the remaining award shall be calculated by using the 2015 rate for 461 days of wrongful imprisonment, minus the amount of the preliminary judgment.

On June 19, 2015, the parties filed a "joint stipulation in lieu of trial." On June 25, 2015, the court conducted a status conference with the parties to discuss the stipulation. As a result of the conference, the stipulation is hereby APPROVED, subject to the adjusted annual amount as noted above. Accordingly, all previously scheduled events are VACATED, and the court ORDERS the following:

Upon review of the evidence in the case file, including the joint stipulation, and pursuant to R.C. 2743.48(E)(2), the court finds that plaintiff has proven, by a preponderance of the evidence, that he is entitled to receive a sum of money that equals the total of each of the following amounts:

1) \$38,750, which represents reasonable attorney fees in the amount of 155 hours at a rate of \$250 per hour for plaintiff's representation in the underlying criminal

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matter, identified as Ashtabula Court of Common Pleas No. 2009 CR 92, the appeal of his criminal conviction in that case, the declaratory action for wrongful imprisonment identified as Ashtabula County Court of Common Pleas No. 2012 CV 20, and for representation in the instant case by attorney Ariana Tarighati;

2) \$33,756.73, which represents the remaining fifty percent of the amount described in R.C. 2743.48(E)(2)(b), for 461 days of plaintiff's wrongful imprisonment. Pursuant to the joint stipulation, \$5,484.82 of this amount shall be paid directly to the Ashtabula County Clerk of Courts for court costs for past convictions which are unrelated to the case for which plaintiff was wrongfully imprisoned;

3) The parties agree that no award shall be granted for any amount under either R.C. 2743.48(E)(2)(c) (lost wages) or R.C. 2743.48(E)(2)(d) (cost debts).

Accordingly, judgment is hereby rendered in favor of plaintiff in the amount of \$72,531.73, which includes the \$25 filing fee paid by plaintiff. The warrant of payment of judgment in the amount of \$28,296.91 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. The warrant of payment of judgment in the amount of \$38,750, which represents reasonable attorney fees, shall be payable to Ariana Tarighati, Esq., 34 South Chestnut Street, Suite 100, Jefferson, Ohio 44047-1092. The warrant of payment of judgment in the amount of \$5,484.82 shall be payable to Tami Pentek, Clerk of Courts, regarding court costs for Terry Swalley, 25 West Jefferson Street, Jefferson, Ohio 44047.

R.C. 2743.48(G) provides: "The clerk of the court of claims shall forward a certified copy of a judgment under division (F) of this section to the president of the controlling board. The board shall take all actions necessary to cause the payment of the judgment out of the emergency purposes special purpose account of the board." Therefore, subject to the provisions of R.C. 2743.19(D), the clerk shall forward a certified copy of this judgment to the president of the controlling board. Interest on the judgment shall be allowed per R.C. 2743.19.

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Court costs are absorbed by the court. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.



PATRICK M. MCGRATH  
Judge

cc:

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Peter E. DeMarco  
Assistant Attorneys General  
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Tami Pentek, Clerk of Courts  
25 West Jefferson Street  
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