

STATE OF OHIO  
 CONTROLLING BOARD  
 30 East Broad Street, 34th Floor  
 Columbus, Ohio 43215-3457  
 (614) 466-5721 FAX:(614) 466-3813

**OPERATING TRANSFER**

Controlling Board No.  
**CLA0100021**

Status: Approved  
 Meeting Date: 8/17/2015

**GENERAL INFORMATION**

<b>Agency</b> Court of Claims  <b>Division/Institution</b> Court of Claims	<input type="radio"/> Waiver of Competitive Selection (Revised Code Section 127.16B) <input type="checkbox"/> No Competitive Opportunity <input type="checkbox"/> Agency Released Competitive Opportunity <input type="radio"/> Agency Released Competitive Opportunity (Revised Code Section 127.162) <input type="radio"/> Other Statutory Authority/Bill Section: <input checked="" type="radio"/> Operating Transfer Request (Revised Code Section 127.14)  <input checked="" type="checkbox"/> Appropriation <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Other Statutory Authority/Bill Section:	<b>Fiscal Year(s)</b> 2016  <b>Bill No.</b> HB 64  <b>Eligible for OBM Director Approval?</b> No
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**TRANSER INFORMATION**

From	To	FY	Fund Group	Fund Code	Appropriation Line Item	Appropriation Line Item Name	Transfer Amount	Prev Rel Amount
CEB01		2016		5KM0	911614	CB Emergency Purpose	\$72,794.04	\$0.00
	CLA01	2016		GRF	015402	Wrongful Imprisonment Fund	\$72,794.04	\$0.00

**SIGNATURES**

 <hr/> Agency Director or Authorized Agent  07/13/2015 <hr/> Date	08/17/2015  <hr/> On The Date Of   <hr/> Controlling Board President/OBM Director
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**AGENCY CONTACT**

Name: Jennie B Parks	Title: Director of Operations
Phone: (614) 387 - 9804	Fax: (614) 387 - 9836
E-Mail: jparks@ohiocourtclaims.gov	

**REQUIRED EXPLANATION OF REQUEST**

The Court of Claims respectfully requests Controlling Board approval to transfer \$72,531.73, plus interest (\$262.31), from fund 5KM0, ALI 911614 CB Emergency Purposes to the Court of Claims of Ohio Fund GRF, ALI 015402, Wrongful Imprisonment Fund, for payment of a judgment to plaintiff, Terry Swalley, for damages resulting from his wrongful imprisonment by the State of Ohio from February 3, 2010 through May 9, 2011.

R.C. 2743.48(A) defines a wrongfully imprisoned individual as one: (1) who was charged with a felony (2) who was found guilty of a felony (3) who was sentenced to a term of imprisonment in a state correctional institution (4) whose conviction was vacated, or dismissed, or reversed on appeal (5) and where, subsequent to sentencing and/or imprisonment, an error in procedure resulted in the individual's release, or it was determined by a court of common pleas that the offense of which the individual was found guilty either was not committed by the individual or was not committed by any person.

Further, R.C. 2743.48(E) provides that in a civil action in the Court of Claims the complainant may establish that the claimant was a wrongfully imprisoned individual by submitting to the Court of Claims a certified copy of both the judgment entry and the determination of

the court of common pleas that the claimant was a wrongfully imprisoned individual.

The plaintiff has shown that he meets all conditions for wrongful imprisonment and has, in addition, submitted the determination of the Court of Common Pleas of Ashtabula County to that effect. The plaintiff meets the definition of a wrongfully imprisoned individual.

On July 6, 2015, the Court of Claims approved the judgment granting Plaintiff damages in the amount of \$72,531.73. Pursuant to R.C. 2743.18(B)(1), interest shall be allowed on a judgment rendered against the state in a civil action for each day between the date of entry of the judgment and the date of payment of the judgment or for sixty days from the date of entry of the judgment, whichever is less. The 2015 interest rate as certified by the Ohio tax commissioner is 3%. The daily interest amount is  $\$72,531.73 \times .03/365 = \$5.9615120547945$ . August 19th is 44 days from the judgment date of July 6th. Forty-four days worth of interest would therefore come to  $\$262.30653041095$ , which rounds to \$262.31. Total Damages is \$72,794.04.

CLA0100017

Attachments		Controlling Board Request No.: CLA0100021
Attachment Type	Attachment Description	
Other	Judgment Entry	
Other	Certification of Judgment to Controlling Board President	