

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.
CLA0100023

Status: Approved
 Meeting Date: 2/22/2016

GENERAL INFORMATION

Agency Court of Claims Division/Institution 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:	Fiscal Year(s) 2016 Bill No. HB 64 Eligible for OBM Director Approval? No
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TRANSFER 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	\$337,433.98	\$849,502.80
	CLA01	2016		GRF	015402	Wrongful Imprisonment Fund	\$337,433.98	\$849,502.80

SIGNATURES

 <hr/> Agency Director or Authorized Agent 01/21/2016 <hr/> Date	02/22/2016 <hr/> On The Date Of  <hr/> Controlling Board President/OBM Director
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AGENCY CONTACT

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REQUIRED EXPLANATION OF REQUEST

The Court of Claims respectfully requests Controlling Board approval to transfer \$337,433.98 from 911614 CB Emergency Purposes to the Court of Claims of Ohio 015402 Wrongful Imprisonment Fund for payment of a settlement agreement to plaintiff, Jack Dempsey, for damages resulting from his wrongful imprisonment by the State of Ohio.

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.

Finally, R.C. 2743.48(B)(4) states that within sixty days after the date of the entry of the determination by the court of common pleas, the clerk of the court of claims shall forward a preliminary judgment to the president of the controlling board requesting the payment of fifty percent of the amount described in division (E)(2)(b) of this section to the wrongfully imprisoned individual. The board shall take all actions necessary to cause the payment of that amount out of the emergency purposes special purpose account of the board.

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 Cuyahoga County to that effect. The plaintiff meets the definition of a wrongfully imprisoned individual.

On January 20, 2016, the Court of Claims granted Plaintiff damages in the amount of \$337,433.98. [Pursuant to R.C. 2743.15(B), no interest of any kind is allowed on any compromise or settlement of any civil action against the state.]

Attachments		Controlling Board Request No.: CLA0100023
Attachment Type	Attachment Description	
Other	Settlement Agreement & Entry	