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.
CLA0100025

Status: In-Process
Meeting Date: 5/2/2016

GENERAL INFORMATION

Agency
Court of Claims

Division/Institution
Court of Claims

- ○ Waiver of Competitive Selection (Revised Code Section 127.16B)
  - ☐ No Competitive Opportunity
  - ☐ Agency Released Competitive Opportunity
- ○ Agency Released Competitive Opportunity (Revised Code Section 127.162)
- ○ Other Statutory Authority/Bill Section:
- ◉ Operating Transfer Request (Revised Code Section 127.14)
  - ☑ Appropriation
  - ☑ Cash
  - ☐ Other Statutory Authority/Bill Section:

Fiscal Year(s)
2016

Bill No.
HB 64

Eligible for OBM Director Approval?
No

TRANSER INFORMATION

From	To	FY	Fund Group	Fund Code	Appropriation Line Item	Appropriation Line Item Name	Transfer Amount	Prev Rel Amount
CEB01		2016		GRF	911614	CB Emergency Purpose	$2,703,255.80	$4,378,684.18
	CLA01	2016		GRF	015402	Wrongful Imprisonment Fund	$2,703,255.80	$4,378,684.18

SIGNATURES

Mark H. Reed

Agency Director or Authorized Agent

04/07/2016

Date

On The Date Of

Controlling Board President/OBM Director

AGENCY CONTACT

Name: Jennie B Parks
Title: Director of Operations
Phone: (614) 387 - 9804
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REQUIRED EXPLANATION OF REQUEST

The Court of Claims respectfully requests Controlling Board approval to transfer $2,703,255.80 from 911401 Emergency Purposes Account to the Court of Claims of Ohio 015402 Wrongful Imprisonment Fund for payment of a settlement agreement to plaintiff, Ricky Jackson, for damages resulting from his wrongful imprisonment by the State of Ohio from January 21, 1976 until November 14, 2014.

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 March 18, 2015, the Court of Claims approved the preliminary judgment granting plaintiff damages in the amount of $1,008,055.80. On April 5, 2016, the Court of Claims approved the settlement agreement granting plaintiff additional damages in the amount of $2,703,255.80. [Pursuant to R.C. 2743.15(B), no interest of any kind is allowed on any compromise or settlement or any civil action against the state.]

CLA0100018

Attachments **Controlling Board Request No.: CLA0100025**

Attachment Type	Attachment Description
Other	Settlement Agreement
Other	Entry Approving Settlement