

evidence or stipulation construed most strongly in the party's favor. ***

See, also, *Williams v. First United Church of Christ* (1974), 37 Ohio St.2d 150; *Temple v. Wean United, Inc.* (1977), 50 Ohio St.2d 317.

Plaintiff, a former inmate in the custody and control of defendant, alleges that defendant is liable for false imprisonment for confining him one hundred thirty-four days beyond his proper release date. Defendant argues that it had an absolute privilege to confine plaintiff until receipt of a court entry modifying plaintiff's original sentence.

On December 4, 1998, plaintiff was sentenced by the Greene County Court of Common Pleas to, *inter alia*, a twelve month prison term and three years of community control. On July 1, 1999, as a result of a community control violation, the court re-sentenced plaintiff to eighteen months incarceration. However, on December 21, 1999, the Greene County Court of Appeals reversed the trial court and modified plaintiff's sentence from eighteen months to twelve months. Upon receipt of the appellate decision, on December 21, 1999, defendant released plaintiff.

The court finds defendant's motion for summary judgment well-taken. Defendant did not intentionally confine plaintiff after gaining knowledge that the privilege justifying confinement no longer existed. *Bennett v. Ohio Dept. of Rehab. & Corr.* (1991), 60 Ohio St.3d 107.

For the foregoing reasons, defendant's motion for summary judgment is GRANTED and judgment is rendered in favor of defendant. Plaintiff's motion for continuance is OVERRULED as moot. Court costs are assessed against plaintiff. The clerk

[Cite as *Carter v. Ohio Dept. fo Rehab. & Corr.*, 2001-Ohio-1847.]
shall serve upon all parties notice of this judgment and its date
of entry upon the journal.

JUDGE

Entry cc:

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