[Cite as *Davis v. Ohio Dept. of Rehab. & Corr.*, 2003-Ohio-4919.]

IN THE COURT OF CLAIMS OF OHIO

KEITH E. DAVIS	:	
Plaintiff	:	
v.	:	CASE NO. 2003-04333-AD
OHIO DEPT. OF REHABILITATION AND CORRECTION	:	MEMORANDUM DECISION
	:	
Defendant		

: : : : : : : : : : : : : : : : : :

{¶1} Plaintiff, Keith E. Davis, a former inmate under the custody of defendant, Department of Rehabilitation and Correction, has alleged he was falsely imprisoned by defendant for a period of four days beyond the expiration of his criminal sentence. Plaintiff has asserted he was entitled to receive four days of jail time credit which was not applied to the time he served. Plaintiff stated he was released from custody on February 19, 2003, but should have been released on February 15, 2003. Consequently, plaintiff filed this complaint seeking to recover $272.00. Plaintiff was excused from paying a fee to prosecute this claim.

{¶2} Defendant denied plaintiff was held for any time after his sentence expired. Plaintiff was admitted into custody on March 9, 2000. His stated sentence was three years bearing a calculated release date of March 9, 2003. Adjustments to plaintiff's sentence were made applying seventeen days of jail time credit. With jail time credit plaintiff's release date was reset to February 19, 2003. Plaintiff was released on February 19, 2003. Defendant did not receive any notice of additional jail time credit in excess of the seventeen days approved.

{¶3} Pursuant to R.C. 2743.02(A)(1), the state may be liable for the false

imprisonment of its prisoners in situations where the state intentionally continues to confine a prisoner despite knowledge the privilege justifying that confinement no longer exists. *Bennett v. Department of Rehabilitation & Cor.* (1991), 60 Ohio St. 3d 107. No evidence has been presented to show plaintiff was falsely imprisoned for any period.

{¶4} Having considered all the evidence in the claim file and, for the reasons set forth in the memorandum decision filed concurrently herewith, judgment is rendered in favor of defendant. Court costs are assessed against plaintiff. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

_____
DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

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For Defendant

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