

concerning plaintiff's injuries, the magistrate found only that plaintiff failed to prove that excessive tightness of the cuffs caused any injuries. The magistrate did not specifically find that plaintiff's injuries were self-inflicted. Additionally, the magistrate's finding is supported by the CO's testimony which was properly admitted over plaintiff's objection. Ohio Evid.R. 701 states that lay witnesses are allowed to give opinion testimony. The staff note clarifies the rule and states: "A prime example is that of the non-expert witness testifying as to physical condition." In the case at hand, the CO testified as to plaintiff's physical condition. Therefore, plaintiff's third objection is **OVERRULED**.

{¶9} Upon review of the record, the magistrate's decision, and the objections, the court finds that the magistrate correctly analyzed the issues and applied the law to the facts. Therefore, the objections are **OVERRULED** and the court adopts the magistrate's decision and recommendation as its own, including the findings of fact and conclusions of law contained therein. 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.

J. WARREN BETTIS
Judge

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Filed September 2, 2004
To S.C. reporter September 7, 2004