

[Cite as *Stafford v. Corr. Reception Ctr.*, 2004-Ohio-7085.]

IN THE COURT OF CLAIMS OF OHIO

CARL STAFFORD, SR. :
Plaintiff :
v. : CASE NO. 2004-07000-AD
CORRECTION RECEPTION CENTER : MEMORANDUM DECISION
Defendant :

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{¶1} Plaintiff, Carl Stafford, Sr., a former inmate, filed a false imprisonment action against defendant, Correction Reception Center, asserting he was confined for a period of twelve days beyond his stated prison sentence. Plaintiff seeks damages in the amount of \$2,100.00 for "lost wages, mental anguish, and wrongful incarceration" based on the twelve day period he was held in custody past the expiration of his sentence.¹

{¶2} Defendant filed an investigation report admitting liability and acknowledging plaintiff was held beyond the expiration of his sentence.² However, defendant contended plaintiff's damages should be limited to \$712.00. Defendant arrived at this damage figure by utilizing provisions of the wrongful imprisonment statute, specifically R.C. 2743.48(E)(2).³

¹ The requisite material filing fee was paid.

² The investigation report was filed on August 31, 2004.

³ R.C. 2743.48(E)(2) provides:

"(2) In a civil action as described in division (D) of this section, upon

Defendant stated, "[t]he proper measure of damages for a plaintiff who has been held beyond the lawful term of imprisonment is one-half of the amount specified in R.C. 2743.48(E)(2)(b)." Defendant cited *Rainey v. Lorain Correctional Facility* (1997), 121 Ohio App. 3d 428 and *Clark v. Ohio Dept. of Rehab. & Corr.* (2000), 104 Ohio Misc. 2d 14 for the proposition that the trier of fact in a false imprisonment claim of this type is required to follow a damage formula calculation based on one-half of a legislatively created damage aspect. Defendant did not address any work loss or mental anguish damage claim presented by plaintiff.

{¶3} Plaintiff responded⁴ relating, "I agree to the notion of my wrongful incarceration thereto I am in agreement of the court's findings." Plaintiff also noted he received defendant's

presentation of requisite proof to the court, a wrongfully imprisoned individual is entitled to receive a sum of money that equals the total of each of the following amounts:

"(a) The amount of any fine or court costs imposed and paid, and the reasonable attorney's fees and other expenses incurred by the wrongfully imprisoned individual in connection with all associated criminal proceedings and appeals, and, if applicable, in connection with obtaining the wrongfully imprisoned individual's discharge from confinement in the state correctional institution;

"(b) For each full year of imprisonment in the state correctional institution for the offense of which the wrongfully imprisoned individual was found guilty, forty thousand three hundred thirty dollars or the adjusted amount determined by the auditor of state pursuant to section 2743.49 of the Revised Code, and for each part of a year of being so imprisoned, a pro-rated share of forty thousand three hundred thirty dollars or the adjusted amount determined by the auditor of state pursuant to section 2743.49 of the Revised Code.;

"(c) Any loss of wages, salary, or other earned income that directly resulted from the wrongfully imprisoned individual's arrest, prosecution, conviction, and wrongful imprisonment.

"(d) The amount of the following cost debts the department of rehabilitation and correction recovered from the wrongfully imprisoned individual who was in custody of the department or under the department's supervision:

"(i) any user fee or copayment for services at a detention facility, including, but not limited to, a fee or copayment for sick call visits;

"(ii) The cost of housing and feeding the wrongfully imprisoned individual in a detention facility;

"(iii) The cost of supervision of the wrongfully imprisoned individual;

"(iv) The cost of any ancillary services provided to the wrongfully imprisoned individual."

⁴ Plaintiff filed a response on September 9, 2004.

investigation report and was aware defendant set forth a damage amount of \$712.00, plus the \$25.00 filing fee. The court is unable to determine from plaintiff's response what import he is intending to convey in regard to his damage claim.

{¶4} 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. Ohio Dept. of Rehab. & Corr.* (1991), 60 Ohio St. 3d 107. Evidence has been presented to show plaintiff was falsely imprisoned for a period of twelve days.

{¶5} Damages for false imprisonment based on the intentional confinement of a prisoner beyond the expiration of his sentence are to be determined in accordance with common law as opposed to the provisions of the wrongful imprisonment statute, specifically, R.C. 2743.48(E)(2). *Corder v. Ohio Dept. of Rehab. & Corr.* (1996), 114 Ohio App. 3d 360. Consequently, damages for loss of freedom and emotion distress are recognizable. However, these damages may be calculated by using the statutory formula in R.C. 2743.48(E)(2) as a guide given the elemental problem in determining damage amounts for loss of freedom and emotional injuries. *Corder, id.* In the present claim, plaintiff is entitled to damages for his loss of freedom and emotional injuries as well as work loss based on his twelve day post sentence expiration confinement. The 10th District Court of Appeals stated in *Rainey v. Lorain Correctional Facility*, supra, " . . . plaintiff's emotional injuries were compensable as an element of damages for his false imprisonment. Indeed, the measure of damages for false imprisonment is such sum as will reasonably compensate the plaintiff for the wrong done him, which may include the injury to his feelings, damage to his reputation, other elements which combined to make up the injury naturally

flowing from the wrong." at 432. Plaintiff, in the instant claim, is certainly entitled to damages to compensate him for the wrong done.

{¶6} The ultimate determination of damage amount rests with the trier of fact. *Litchfield v. Morris* (1985), 25 Ohio App. 3d 42. The trier of fact has the discretion to use 2743.48(E)(2)(b) as a guideline to determine damages, but there is no court mandated restriction invoked to limit damages in a false imprisonment claim to a percentage of an award available for a statutory wrongful imprisonment claim. It is within the providence of the trier of fact to award certain damages in a false imprisonment claim based solely on the R.C. 2743.48(E)(2)(b) formula amount with no percentage decrease taken into account. See *Stroud v. Department of Rehabilitation and Correction* (Jan. 14, 2003), Court of Claims No. 2001-01876, 2003-Ohio-450; Aff'd Franklin App. No. 03AP-139, 2004-Ohio-580. Loss of freedom is just as acute in a false imprisonment incident as under circumstances constituting statutory wrongful imprisonment. The court sees no distinction between the degree of severity regarding deprivation of freedom in either situation. Therefore, defendant is liable to plaintiff for all damages claimed in the original complaint.

IN THE COURT OF CLAIMS OF OHIO

CARL STAFFORD, SR. :
Plaintiff :
v. : CASE NO. 2004-07000-AD
CORRECTION RECEPTION CENTER : ENTRY OF ADMINISTRATIVE
Defendant : DETERMINATION

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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 plaintiff in the amount of \$2,125.00, which includes the filing fee. Court costs are assessed against defendant. 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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RDK/laa
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