

[Cite as *Aitken v. Adult Parole Auth.*, 2006-Ohio-4736.]

IN THE COURT OF CLAIMS OF OHIO

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AUSTIN AITKEN

Plaintiff

v.

ADULT PAROLE AUTHORITY

Defendant

Case No. 2005-05868

Judge J. Craig Wright

JUDGMENT ENTRY

{¶ 1} Plaintiff brought this action alleging two claims of false imprisonment. The issues of liability and damages were bifurcated and the case proceeded to trial on the issue of liability. The court allowed plaintiff to testify via telephone.

{¶ 2} On August 16, 1999, plaintiff was sentenced to two consecutive one-year terms of incarceration for forgery. After deducting 134 days of jail-time credit and one day of earned credit, defendant determined that plaintiff's release date would be April 1, 2001.

{¶ 3} Upon the expiration of his lawful sentence, plaintiff was placed on community control (probation) under the supervision of the adult probation department in Cuyahoga County, Ohio. Plaintiff contends that although he was sentenced to probation for a period of two to three years, he remained on probation for an additional year, from April 1, 2004, to April 1, 2005. Plaintiff asserts that he was falsely imprisoned as a result of the additional year of probation.

{¶ 4} In his second claim, plaintiff states that after his father died in December 2003, he went to the Federal Bureau of Investigation (FBI) office in Cleveland, Ohio, because he disputed his father's cause of death as determined by the county coroner. According to plaintiff, when he was at the FBI office, Agent Platt informed him that there was an outstanding warrant for his arrest. Plaintiff alleges that he was detained for approximately two hours while the existence of an arrest warrant was investigated. Plaintiff then left the FBI office and met with two probation officers from the Cuyahoga County adult probation department. According to plaintiff, everything was eventually "straightened out." Plaintiff asserts a second claim of false imprisonment for the two hours that he was allegedly detained at the FBI office.

{¶ 5} In response, defendant presented the testimony of Mary Oakley, an employee of the Bureau of Sentence Computation for the Department of Rehabilitation and Correction. Oakley testified concerning defendant's calculation of

plaintiff's sentence. (Defendant's Exhibit A.) Oakley further testified that defendant's files do not contain any information regarding plaintiff's county probation.

{¶ 6} In order to prevail on a claim for false imprisonment, plaintiff must prove that he was imprisoned beyond the lawful expiration of his sentence. *Bennett v. Ohio Department of Rehabilitation and Correction, et al.* (1991), 60 Ohio St.3d 107. Inasmuch as plaintiff does not dispute the accuracy of his release date, he has failed to state a claim for false imprisonment against defendant. Moreover, the court finds that based upon Defendant's Exhibit A and the testimony of Mary Oakley, once plaintiff's lawful sentence expired, he was no longer under control of defendant.

{¶ 7} Finally, the only defendant in original actions in the Court of Claims is the state. R.C. 2743.02(E). Accordingly, the court finds that it lacks jurisdiction to determine whether either the Cuyahoga County adult probation department or the FBI is liable to plaintiff on the claims asserted in his complaint.

{¶ 8} Based upon the evidence presented at trial, the court finds that plaintiff has failed to produce sufficient evidence to support his claims and that upon the facts and the law plaintiff has shown no right to relief. Accordingly, plaintiff's complaint is DISMISSED. 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. CRAIG WRIGHT
Judge

Entry cc:

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Plaintiff, Pro se

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Case No. 2005-05868

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JUDGMENT ENTRY

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HTS/cmd

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