

IN THE COURT OF CLAIMS OF OHIO

WILLIAM MULLINS	:	
116 Cleveland Avenue N.W.	:	
Suite 305	:	Case No. 2002-05042-AD
Canton, Ohio 44702	:	
	:	
Plaintiff	:	MEMORANDUM DECISION
	:	
v.	:	
	:	
OHIO DEPT. OF REHABILITATION	:	
AND CORRECTIONS	:	
	:	
Defendant	:	
	:	
: : : : : : : : : : : : : : : :		

For Plaintiff:	David L. Smith
	116 Cleveland Avenue N.W.
	Suite 305
	Canton, Ohio 44702
For Defendant:	Gregory C. Trout, Chief Counsel
	Department of Rehabilitation and
	Correction
	1050 Freeway Drive North
	Columbus, Ohio 43229
	: : : : : : : : : : : : : : : :

FINDINGS OF FACT

{¶1} 1) On May 20, 2002, plaintiff, William Mullins, filed a complaint against defendant, Department of Rehabilitation and Correction, alleging he was intentionally incarcerated by defendant for a period of forty-two days beyond the expiration of his criminal sentence. Plaintiff essentially asserted he was falsely imprisoned by defendant from July 21, 2000 through September 1, 2000. Plaintiff claimed damages in the amount of \$2,500.00 based on this alleged false imprisonment action. Defendant calculated plaintiff's sentence expiration date with jail time credit as July 27, 2000.

CONCLUSIONS OF LAW

{¶2} 1) R.C. 2743.16(A) states:

{¶3} "§2743.16 Statute of limitations; claimant must seek to have claim compromised or satisfied by state's insurance.

{¶4} "(A) Subject to division (B) of this section, civil actions against the state permitted by sections 2743.01 to 2743.20 of the Revised Code shall be commenced no later than two years after the date of accrual of the cause of action or within any shorter period that is applicable to similar suits between private parties."

{¶5} 2) R.C. 2305.11(A) states in pertinent part:

{¶6} "§2305.11 Time limitations for bringing certain actions.

{¶7} "(A) An action for libel, slander, malicious prosecution, or false imprisonment, an action for malpractice other than an action upon a medical, dental, optometric, or chiropractic claim, or an action upon a statute for a penalty or forfeiture shall be commenced within one year after the cause of action accrued \*\*\*." (Emphasis added.) In the instant claim plaintiff's cause of action accrued on July 27, 2000. Plaintiff filed this claim on May 20, 2002 more than one year after his claim for false imprisonment accrued. Plaintiff's claim is barred by the statute of limitations and subject to dismissal.

{¶8} Having considered all the evidence in the claim file and adopting the memorandum decision concurrently herewith;

{¶9} IT IS ORDERED THAT:

{¶10} 1) Plaintiff's claim is DISMISSED with prejudice;

{¶11} 2) Court costs are assessed against plaintiff.

---

DANIEL R. BORCHERT  
Deputy Clerk