

[Cite as *Shears v. Ohio Dept. of Rehab. & Corr.*, 2001-Ohio-1858.]
IN THE COURT OF CLAIMS OF OHIO

GLEND A SHEARS :
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Plaintiff : CASE NO. 2000-07099
:

v. : JUDGMENT ENTRY
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DEPARTMENT OF REHABILITATION : Judge Fred J. Shoemaker
AND CORRECTIONS, et al. :
:

Defendants :
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On August 13, 2001, this matter came to trial on the sole issue of damages, defendant having admitted liability on July 12, 2001.

At all times relevant to this action, plaintiff was an inmate in the custody and control of defendant pursuant to R.C. 5120.16. On June 30, 1998, plaintiff was a passenger on a bus operated by Corrections Officer Hall (C.O. Hall), who was transporting female inmates from the Ohio Reformatory for Women to the Corrections Medical Center (CMC). Upon arrival at CMC, C.O. Hall drove the bus through a "sally port" prior to entering the CMC parking area. As the bus passed through the sally port gate at a very slow rate of speed, the right rear corner of the bus hit a fence post when C.O. Hall turned too sharply. Plaintiff alleges that the force of the collision caused her to be thrown into the air. Plaintiff further alleges that the collision exacerbated a medical condition that previously existed in the cervical and lumbar areas of her spine.

Based upon the totality of the evidence and the credibility of witnesses, including the appearance of each witness upon the

stand, the manner of testifying, and the reasonableness of the testimony, the court finds that plaintiff was not injured as a direct or proximate result of defendant's negligence. The court finds that such a minor impact was insufficient to cause plaintiff's alleged injuries. Her back problems, if any, were pre-existing and were not exacerbated by defendant's actions.

For the foregoing reasons, judgment is rendered in favor of defendant on the issue of damages. 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.

FRED J. SHOEMAKER
Judge

Entry cc:

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