

that party being entitled to have the evidence or stipulation construed most strongly in the party's favor. ***

See, also, *Williams v. First United Church of Christ* (1974), 37 Ohio St.2d 150; *Temple v. Wean United, Inc.* (1977), 50 Ohio St.2d 317.

At all times relevant to this action, plaintiff was an inmate in the custody and control of defendant pursuant to R.C. 5120.16. Plaintiff alleges that he was falsely imprisoned for ninety days pursuant to R.C. 2967.11, which was found to be unconstitutional by the Supreme Court of Ohio in *State ex rel. Bray v. Russell* (2000), 89 Ohio St.3d 132. Plaintiff was released from incarceration on March 9, 1999. Defendant contends that plaintiff failed to comply with R.C. 2305.11, the one-year statute of limitations for false imprisonment.

The tort of false imprisonment is defined as an intentional confinement of an individual, in the absence of an intervening justification, despite a knowledge that the privilege initially justifying that confinement no longer exists. *Bennett v. Ohio Dept. of Rehab. and Corr.* (1991), 60 Ohio St.3d 107. It is conclusively established that defendant was acting properly under then-existing law when it detained plaintiff for "bad-time" imposed pursuant to R.C. 2967.11. The court finds that plaintiff cannot establish a prima facie case of false imprisonment. When defendant detained plaintiff pursuant to R.C. 2967.11, the Supreme Court of Ohio had not yet issued its decision in *Bray*. Therefore, plaintiff has failed to establish that defendant acted with knowledge that the privilege justifying confinement no longer existed.

For the foregoing reasons, defendant is entitled to judgment as a matter of law and its motion for summary judgment is

GRANTED. Judgment is rendered in favor of defendant and court costs are assessed against plaintiff. The clerks shall serve upon all parties notice of this judgment and its date of entry upon the journal.

JUDGE

Entry cc:

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