

[Cite as *White v. Ohio Dept. of Rehab. & Corr.*, 2005-Ohio-7114.]

IN THE COURT OF CLAIMS OF OHIO

www.cco.state.oh.us

REENA WHITE :

Plaintiff : CASE NO. 2004-04981  
Judge J. Craig Wright

v. :  
: JUDGMENT ENTRY

OHIO DEPARTMENT OF :  
REHABILITATION AND CORRECTION :

Defendant :  
:

: : : : : : : : : : : : : : :

{¶ 1} Plaintiff brought this action against defendant alleging a claim of negligence as the result of hiring, retention, and supervision of Corrections Officer (CO) Anthony C. Peterson. The issues in the case were bifurcated and subsequent to the liability trial the court issued a decision concluding that plaintiff had proven her claim of negligent retention and supervision<sup>1</sup> by a preponderance of the evidence. The case then proceeded to trial on the issue of damages.

{¶ 2} At all times pertinent hereto, plaintiff was an inmate at the Franklin Pre-Release Center (FPRC) in the custody and control of defendant pursuant to R.C. 5120.16. Peterson was a CO at FPRC and was assigned to the dorm where plaintiff resided. The case concerns a consensual sexual relationship that Peterson engaged in with plaintiff from approximately August 2002 through June 2003. As a result of his conduct, Peterson was indicted for sexual battery under R.C. 2907.03(A) which prohibits sexual conduct with a

---

1

Plaintiff conceded at the conclusion of the liability trial that the evidence was insufficient to support a claim of negligent hiring.

person confined in a detention facility when the offender is an employee of the detention facility. Although defendant argued extensively concerning plaintiff's voluntary participation in the sexual relationship, R.C. 2907.03(A) is very clear that consent is not an element of the offense.

{¶ 3} Plaintiff became pregnant as a result of the relationship with Peterson and gave birth to a son. She has since been released from defendant's custody and now resides with her children, is employed and attends college on a part-time basis. The expert testimony presented by the parties was conflicting as to the extent of the emotional distress experienced by plaintiff as a result of the relationship and its subsequent exposure by the media. Both experts agreed that plaintiff did suffer from depression, although defendant's expert opined that the depression had been ongoing for many years prior to the relationship with Peterson. However, even defendant's expert agreed that the relationship and media exposure exacerbated plaintiff's depression. The court notes that there was also other evidence of depression in that plaintiff experienced a substantial weight loss and irregular sleep patterns.

{¶ 4} The court has previously found that defendant had knowledge of Peterson's conduct; that its executive officers ignored the situation; and that the resultant negligent supervision and retention of Peterson was the proximate cause of plaintiff's injuries which include, inter alia, her continued victimization, her resulting pregnancy, and the cost of rearing a child. Based upon the totality of the evidence, and after evaluation of the witnesses' credibility, the court finds that plaintiff is entitled to recover damages in the amount of \$21,500 as a direct and proximate result of defendant's negligence.

{¶ 5} Accordingly, judgment is rendered in favor of plaintiff in the amount of \$21,525, which includes the \$25 filing fee paid by plaintiff. 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.

---

J. Craig Wright  
Judge

Entry cc:

Benson A. Wolman  
88 East Broad Street, Suite 1590  
Columbus, Ohio 43215-3506

Attorney for Plaintiff

Eric A. Walker  
Assistant Attorney General  
150 East Gay Street, 23rd Floor  
Columbus, Ohio 43215-3130

Attorney for Defendant

LH/cmd  
Filed December 22, 2005  
To S.C. reporter January 11, 2006