

# Court of Claims of Ohio

The Ohio Judicial Center  
65 South Front Street, Third Floor  
Columbus, OH 43215  
614.387.9800 or 1.800.824.8263  
[www.cco.state.oh.us](http://www.cco.state.oh.us)

ROSUE C. PIERCE

Plaintiff

v.

DEPARTMENT OF REHAB. AND  
CORR.

Defendant

Case No. 2007-02726-AD

Deputy Clerk Daniel R. Borchert

## MEMORANDUM DECISION

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### FINDINGS OF FACT

{¶1} 1) Plaintiff, Rosue C. Pierce, a former inmate under the control of defendant, Department of Rehabilitation and Correction, asserted he was wrongfully held by defendant beyond the expiration of his criminal sentence; a period of eight days.

{¶2} 2) Plaintiff claimed damages of \$2,500.00 for the alleged false imprisonment. Plaintiff stated his compensable damages included, “freedom, loss of wages.” Plaintiff was not required to pay a filing fee to pursue this action.

{¶3} 3) Defendant filed an investigation report admitting liability for falsely imprisoning plaintiff for a period of six days. Defendant explained plaintiff’s release date was scheduled for January 31, 2007, and plaintiff was actually released from incarceration on February 6, 2007. Defendant observed plaintiff should be entitled to damages of \$331.26, based on a pro-rated one half share of the yearly statutorily set damage amount for a wrongfully imprisoned individual pursuant to R.C. 2743.48(E)(2)(b)<sup>1</sup>. Defendant has

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<sup>1</sup> R.C. 2743.48(E)(2)(b) states:

“(2) In a civil action as described in division (D) of this section, upon presentation of requisite proof to the court, a wrongfully imprisoned individual is entitled to receive a sum of money that equals the total of each of the following amounts:

“(b) For each full year of imprisonment in the state correctional institution for the offense of which the wrongfully imprisoned individual was found guilty, forty thousand three hundred thirty dollars or the adjusted amount determined by the auditor of state pursuant to section 2743.49 of the Revised Code, and for each part of a year of being so imprisoned, a pro-rated share of forty thousand three hundred thirty dollars or the adjusted amount determined by the auditor of state pursuant to section 2743.49 of the Revised Code.”

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maintained this damage calculation has been adopted as a standard damage measurement in particular false imprisonment claims such as the instant action. Defendant asserted plaintiff did not prove he is entitled to receive damages for work loss and objected to any award granted for lost wages.

{¶4} 4) Plaintiff filed a response submitting evidence establishing employment with an entity identified as VIP Promotions & Marketing. The submitted documentation noted plaintiff suffered work loss in the amount of \$400.00 for the period he was held beyond the expiration of his sentence.

#### CONCLUSIONS OF LAW

{¶5} 1) Plaintiff has proven a claim for false imprisonment. *Bennett v. Ohio Dept. of Rehab. & Corr.* (1991), 60 Ohio St. 3d 107; *Corder v. Ohio Dept. of Rehab. & Corr.* (1996), 114 Ohio App. 3d 360.

{¶6} 2) The standard measure of damages in a false imprisonment claim is based on one-half of the statutory formula provided in R.C. 2743.48(E)(2)(b). See *Raivey v. Lorain Corr. Fac.* (1997), 121 Ohio App. 3d 428; *Clark v. Ohio Dept. of Rehab. & Corr.* (2000), 104 Ohio Misc. 2d 14; *Bay v. Ohio Dept. of Rehab. & Corr.*, Ct. of Cl. No. 2002-07231, 2004-Ohio-7296; *Stafford v. Correction Reception Center*, 2004-07000-AD, jud (reversed).

{¶7} 3) Lost wages may constitute compensable damages in a claim of this type. *Clark*. Based on the standards applied in accordance with precedent and the evidence of wage loss, the court finds defendant liable to plaintiff in the amount of \$731.26.

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ENTRY OF ADMINISTRATIVE  
DETERMINATION

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Having considered all the evidence in the claim file and, for the reasons set forth in the memorandum decision filed concurrently herewith, judgment is rendered in favor of plaintiff in the amount of \$731.26. Payment of the filing fee was waived by the court on March 9, 2007. Court costs are assessed against defendant.

DANIEL R. BORCHERT  
Deputy Clerk

Entry cc:

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RDK/laa  
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