

[Cite as *Williams v. Watkins*, 2003-Ohio-5317.]

IN THE COURT OF CLAIMS OF OHIO

JIMMY WILLIAMS :  
Plaintiff : CASE NO. 2002-09064-WI  
and : Judge Fred J. Shoemaker  
THOMAS WATKINS : JUDGMENT ENTRY  
Plaintiff/Intervenor :  
v. :  
STATE OF OHIO :  
Defendant :  
: : : : : : : : : : : : : : : :

{¶1} On September 19, 2003, the parties filed stipulations of fact and proposed conclusions of law. The trial in this matter was scheduled to commence on September 22, 2003. Before the commencement of proceedings, the parties participated in a settlement conference with the court. At the conference, the parties reached a settlement, the details of which were stated on the record. The court hereby renders judgment in favor of plaintiffs in the amount of \$834,583.85, as follows.

FINDINGS OF FACT

{¶2} 1) On April 15, 1991, plaintiff, Jimmy Williams (Williams), was found guilty by the Summit County Court of Common Pleas of one count of rape under R.C. 2907.02(A)(1)(b). Williams was sentenced to life in prison following his conviction by the Summit County Court of Common Pleas. Williams was incarcerated by

the state from August 15, 1991, through February 14, 2001, at which time he was released from prison;

{¶3} 2) On February 12, 2001, Williams' conviction was reversed by the Summit County Court of Common Pleas following an evidentiary hearing upon Williams' motion for a new trial. On September 30, 2002, the Summit County Court of Common Pleas determined that Williams was a wrongfully imprisoned individual pursuant to R.C. 2743.48;

{¶4} 3) Williams incurred attorney's fees and costs in the amount of \$49,240, based upon representation on his behalf by intervening plaintiff, attorney Thomas Watkins, in connection with obtaining Williams' discharge from confinement in the state correctional institution and in pursuing the instant action in the Court of Claims;

{¶5} 4) Williams incurred attorney's fees and costs in the amount of \$35,343.85, based upon representation on his behalf by attorney Edward Gilbert in the instant action.

#### CONCLUSIONS OF LAW

{¶6} 1) R.C. 2743.48(A)(1)-(5) sets forth a test for the determination of whether a person is a "wrongfully imprisoned individual." Williams has obtained a determination by the Summit County Court of Common Pleas that the charge upon which his original conviction was based was "not committed by him." Pursuant to R.C. 2743.48, when a person has obtained such a determination, that person may commence an action in the Court of Claims, wherein "[n]o other evidence shall be required of the complainant to establish that the claimant is a wrongfully imprisoned individual, and the claimant shall be irrebuttably presumed to be a wrongfully imprisoned individual." This court accepts the judgment of the

Summit County Court of Common Pleas and declares Williams to be a wrongfully imprisoned individual;

{¶7} 2) Pursuant to R.C. 2743.48(E)(2)(a)-(c), and 2743.48(F)(2), Williams is entitled to \$40,330 per year for imprisonment, plus a prorated share of any year; fines, court costs, costs and reasonable attorney's fees incurred in defense of the criminal charges against him and in obtaining his release, loss of wages, salary or other earned income that directly resulted from his arrest, prosecution, conviction and wrongful imprisonment, and reasonable attorney's fees for obtaining the declaration of wrongful imprisonment from this court;

{¶8} 3) The court finds that \$49,240 constitutes reasonable attorney's fees with regard to the services performed by attorney Thomas Watkins on behalf of Williams;

{¶9} 4) The court finds that \$35,343.85 constitutes reasonable attorney's fees with regard to the services performed by attorney Edward Gilbert on behalf of Williams;

{¶10} 5) Based upon the evidence before the court, the court enters the following judgment:

{¶11} (a) \$750,000 for statutory damages and lost wages;

{¶12} (b) \$49,240 in reasonable attorney's fees and costs in connection with obtaining Williams' discharge from confinement in the state correctional institution and in pursuing the wrongful imprisonment action in the Court of Claims based upon the representation by attorney Thomas Watkins;

{¶13} (c) \$35,343.85 in reasonable attorney's fees and costs in the wrongful imprisonment action in the Court of Claims based upon the representation by attorney Edward Gilbert;

{¶14} 6) The court further finds that the attorney's fees granted in this action represent the total amount of reasonable attorney's fees due under R.C. 2743.48.

{¶15} R.C. 2743.48(G) provides: "The clerk of the court of claims shall forward a certified copy of a judgment under division (F) of this section to the president of the controlling board. The board shall take all actions necessary to cause the payment of the judgment out of the emergency purposes special purpose account of the board." Therefore, the clerk shall forward a certified copy of this judgment to the president of the controlling board. Interest in the judgment shall be allowed per R.C. 2743.19.

{¶16} The warrant of payment of judgment in the amount of \$785,343.85 shall be sent to Jimmy Williams, through the office of his attorney, Edward Gilbert, One Cascade Plaza, Suite 825, Akron, Ohio 44308-1135. At the request of Williams and by agreement of the parties, the warrant of payment of judgment in the amount of \$49,240, shall be sent to Thomas Watkins, through the office of his attorney, Thomas C. Loepp, Stratford Place, 3580 Darrow Road, Stow, Ohio 44224.

{¶17} Court costs are absorbed by the court. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

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FRED J. SHOEMAKER  
Judge

Entry cc:

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Akron, Ohio 44308

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HTS/cmd  
Filed September 29, 2003  
To S.C. reporter October 6, 2003