

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

WAJI D. ABDUSSATAR

Plaintiff

v.

MANSFIELD CORRECTIONAL
INSTITUTION

Defendant

Case No. 2007-09429-AD

Deputy Clerk Daniel R. Borchert

ENTRY OF DISMISSAL

{¶ 1} On December 13, 2007, plaintiff, Waji D. Abdussatar, filed a claim against defendant, Mansfield Correctional Institution, asserting that defendant was wrongfully taking money from his inmate account for court costs he did not owe. Plaintiff contends he was granted indigency status and, accordingly, no fine could be assessed against him. Plaintiff requests damages in the amount of \$18.06.

{¶ 2} On February 15, 2008, defendant filed a motion to dismiss. In support of the motion to dismiss, defendant stated in pertinent part:

{¶ 3} “The Defendant withdrew money from deposits to the credit of the Plaintiff’s account in order to pay Plaintiff’s court costs as required by a court order of the Court of Common Pleas of Cuyahoga County (Exhibit 1). Defendant received notice and a statement from the Clerk of Courts that Plaintiff owed \$372.50 in court costs (Exhibit 2). On July 24, 2007, plaintiff received notice from Defendant that Defendant was authorized by §5120.133 of the Ohio Revised Code to withdraw money from his personal account to pay the court-ordered debt (Exhibit 3). Plaintiff did not notify Defendant’s agents of any exemption from collection of the court-ordered debt (Exhibit 4).

{¶ 4} “Pursuant to Ohio Revised Code §5120.133 and Rule 5120-5-03 of the Administrative Code, the Defendant withdrew money from the Plaintiff’s inmate account and mailed checks to that clerk in order to pay the court-ordered costs assessed against Plaintiff. Defendant complied with its statutory and rule duties.”

{¶ 5} Plaintiff did not file a response to defendant’s motion to dismiss.

{¶ 6} A letter dated December 15, 2006, from Gerald E. Fuerst, Clerk of Courts, Cuyahoga County states that plaintiff incurred court costs in the amount of \$372.50. A journal entry dated December 15, 2006, by Judge Bridget M. McCafferty ordered the defendant (plaintiff) to pay court costs.

{¶ 7} R.C. 5120.133 states:

{¶ 8} “(A) The department of rehabilitation and correction, upon receipt of a certified copy of the judgment of a court of record in an action in which a prisoner was a party that orders a prisoner to pay a stated obligation, may apply toward payment of the obligation money that belongs to a prisoner and that is in the account kept for the prisoner by the department. The department may transmit the prisoner’s funds directly to the court for disbursement or may make payment in another manner as directed by the court. Except as provided in rules adopted under this section, when an amount is received for the prisoner’s account, the department shall use it for the payment of the obligation and shall continue using amounts received for the account until the full amount of the obligation has been paid. No proceedings in aid of execution are necessary for the department to take the action required by this section.

{¶ 9} “(B) The department may adopt rules specifying a portion of an inmate’s earnings or other receipts that the inmate is allowed to retain to make purchases from the commissary and that may not be used to satisfy an obligation pursuant to division

(A) of this section. The rules shall not permit the application or disbursement of funds belonging to an inmate if those funds are exempt from execution, garnishment, attachment, or sale to satisfy a judgment or order pursuant to section 2329.66 of the Revised Code or to any other provision of law.”

{¶ 10} Ohio Administrative Code 5120-5-03 provides a mechanism for the collection of court ordered costs from inmates. Defendant followed the procedures outlined in Ohio Administrative Code 5120-5-03.

{¶ 11} The order requiring the payment of the court costs is an appealable order. However, the Court of Claims does not have appellate jurisdiction over any other court.

{¶ 12} *Bailey v. Ohio Dept. of Adm. Serv.*, No. 01AP-1062, 2002-Ohio-877.

{¶ 13} Having considered all the evidence in the claim file and, for the reasons set forth above, defendant’s motion to dismiss is GRANTED. Plaintiff’s case is DISMISSED. The court shall absorb the court costs of this case.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

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