

[Cite as *Dentigance v. Ohio Adult Parole Auth.*, 2008-Ohio-4216.]

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

WILLIE DENTIGANCE

Plaintiff

v.

OHIO ADULT PAROLE AUTHORITIES

Defendant

Case No. 2005-05876

Judge Joseph T. Clark
Magistrate Steven A. Larson

MAGISTRATE DECISION

{¶ 1} This case was tried to the court on August 24, 2006, on the issue of liability. The sole issue is whether plaintiff was unlawfully arrested prior to his parole revocation hearing.

{¶ 2} On March 5, 2002, plaintiff was released from prison and remanded to the Cuyahoga County Jail to await a March 27, 2002 sexual offender classification hearing. As a result of the hearing, plaintiff was classified as a sexual offender and released under the supervision of the Ohio Adult Parole Authority (APA). He first reported to his parole officer, Alison Cantley, on March 28, 2002.

{¶ 3} Plaintiff began dating a woman who lived in Portage County but continued to report to Cantley at her Cuyahoga County office. He reported from April 2002 to June 2002 without incident. Plaintiff was referred to a sexual offender program which was to begin on August 15, 2002. However, the program would not accept him due to his extensive criminal background. (Defendant's Exhibit D.) From July 18 to October 24, 2002, there were no changes in plaintiff's status.

{¶ 4} On November 20, 2002, parole authorities conducted a home visit at the address plaintiff had provided, but were informed by plaintiff's brother that plaintiff was living in Ravenna, Ohio. On November 22, 2002, plaintiff reported that he had obtained employment and that he was still living in Cuyahoga County. He was told that a transfer of his parole to Portage County could be initiated if he were interested in moving closer to his girlfriend. Plaintiff indicated that he was not interested in moving at the time.

{¶ 5} On December 27, 2002, plaintiff reported that he was residing with his mother, but that he was interested in moving in with his girlfriend. Plaintiff was instructed that he would need to make a formal request for transfer of his parole supervision to Portage County.

{¶ 6} From January through March 26, 2003, plaintiff continued to report to defendant's Cleveland office without incident. On March 27, Cantley conducted a home visit and was told by another brother that plaintiff was not living at that address. Plaintiff's brother informed Cantley that he did not know plaintiff's correct address.

{¶ 7} On June 6, 2003, Cantley received a voice mail message from plaintiff requesting that his supervision be transferred to Portage County. On June 20, the request was submitted to the Portage County parole office for investigation. On August 5, Joe Solitro, a parole officer assigned to investigate the Portage County transfer, received information that the residence plaintiff intended to occupy was within 1,000 feet of a school, making it an unacceptable residence for a sexual offender such as plaintiff.

{¶ 8} As a result of this new information, the Portage County office denied the transfer. Solitro subsequently directed plaintiff to move back to Cuyahoga County and to continue reporting to the Cuyahoga County office.

{¶ 9} On August 14, plaintiff tested positive for cocaine, which was a violation of his parole. Cantley then made another visit to plaintiff's mother's home, but was informed that he was not living there. Cantley testified that on September 8, she went to plaintiff's landlord and was informed that plaintiff had just paid his September's rent and was apparently still residing at the unapproved residence.

{¶ 10} On September 9, 2003, Cantley issued a warrant for plaintiff's arrest both for failing to keep the APA informed of his residence and for testing positive for cocaine. His whereabouts were listed as "unknown."

{¶ 11} Cantley then received information that plaintiff had an appointment to visit his daughter in Portage County on September 10. She assembled a team of parole officers to arrest him during that visit. As the team assembled in the parking lot of a

local gas station, plaintiff unexpectedly pulled into the same gas station where he was apprehended without incident.

{¶ 12} Pursuant to R.C. 2967.15(A), a field officer employed by defendant has the authority to arrest an individual who is under defendant's supervision if the field officer has reasonable cause to believe that such person has violated or is violating a condition of his parole.

{¶ 13} During plaintiff's parole revocation hearing on August 15, 2003, plaintiff, a.k.a. Willie Jackson, admitted to several parole violations but "with mitigation." Specifically, plaintiff admitted to failing to keep his supervising officer informed of his residence; to leaving Portage County and not returning to Cuyahoga County as directed; to possessing photographs of a minor female; to testing positive for the use of cocaine; and to having unsupervised contact with a minor female. (Defendant's Exhibit A.)

{¶ 14} Based upon the totality of the evidence, including plaintiff's own admissions at his parole revocation hearing, the court finds that Cantley had reasonable cause to believe that plaintiff had violated his parole when she authorized his arrest by the team of parole officers. Accordingly, plaintiff's claim of false arrest is without merit and judgment is recommended in favor of defendant.

A party may file written objections to the magistrate's decision within 14 days of the filing of the decision, whether or not the court has adopted the decision during that 14-day period as permitted by Civ.R. 53(D)(4)(e)(i). If any party timely files objections, any other party may also file objections not later than ten days after the first objections are filed. A party shall not assign as error on appeal the court's adoption of any factual finding or legal conclusion, whether or not specifically designated as a finding of fact or conclusion of law

Case No. 2005-05876	- 5 -	MAGISTRATE DECISION
---------------------	-------	---------------------

under Civ.R. 53(D)(3)(a)(ii), unless the party timely and specifically objects to that factual finding or legal conclusion within 14 days of the filing of the decision, as required by Civ.R. 53(D)(3)(b).

STEVEN A. LARSON
Magistrate

cc:

Naomi H. Maletz Assistant Attorney General 150 East Gay Street, 23rd Floor Columbus, Ohio 43215-3130	Willie Dentigance, #A474-964 P.O. Box 8107 Mansfield, Ohio 44901
---	--

Magistrate Steven A. Larson

SAL/cmd
Filed July 30, 2008
To S.C. reporter August 18, 2008