

# Court of Claims of Ohio

The Ohio Judicial Center  
65 South Front Street, Third Floor  
Columbus, OH 43215  
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BERNARD GRIFFITH

Plaintiff

v.

ADULT PAROLE AUTHORITY

Defendant

Case No. 2007-08872

Judge J. Craig Wright

Magistrate Steven A. Larson

## ENTRY GRANTING DEFENDANT'S MOTION FOR JUDGMENT ON THE PLEADINGS

{¶ 1} On August 6, 2008, defendant filed a motion for judgment on the pleadings pursuant to Civ.R. 12(C). Plaintiff did not file a response.

{¶ 2} Civ.R. 12(C) provides:

{¶ 3} "After the pleadings are closed but within such times as not to delay the trial, any party may move for judgment on the pleadings."

{¶ 4} A motion for judgment on the pleadings presents only questions of law and it may be granted only where no material factual issues exist and when the moving party is entitled to judgment as a matter of law. *Peterson v. Teodosio* (1973), 34 Ohio St.2d 161, 165-166. "Pursuant to Civ.R. 12(C), the pleadings must be construed liberally and in a light most favorable to the party against whom the motion is made along with the reasonable inferences drawn therefrom." *Burnside v. Leimbach* (1991), 71 Ohio App.3d 399, 402.

{¶ 5} Plaintiff alleges that in February 2005 he was paroled from the Richland Correctional Institution (RiCI) to the Harbor Light "halfway house" in Cleveland. Plaintiff

alleges that he had resided at Harbor Light for three and one-half months when he was charged with violating his parole and then incarcerated in the Cuyahoga County Jail where he spent the next eight and one-half months awaiting trial. The case against plaintiff was dismissed prior to trial when it was determined that the sentencing court had not advised plaintiff of the possibility of being placed on post-release control. Plaintiff asserts that he was falsely imprisoned from the time he was released from RiCI in February 2005 until his case was dismissed, a period of 12 months.

{¶ 6} Defendant argues that plaintiff has failed to file his complaint within the one-year limitations period for false imprisonment set out in R.C. 2305.11.

{¶ 7} R.C. 2743.16(A) provides:

{¶ 8} "Subject to division (B) of this section, civil actions against the state permitted by sections 2743.01 to 2743.20 of the Revised Code shall be commenced no later than two years after the date of accrual of the cause of action or within any shorter period that is applicable to similar suits between private parties."

{¶ 9} R.C. 2305.11(A) provides, in relevant part:

{¶ 10} "(A) An action for \* \* \* false imprisonment \* \* \* shall be commenced *within one year after the cause of action accrued* \* \* \*."

{¶ 11} Defendant argues that plaintiff's cause of action accrued when he was released from the Cuyahoga County Jail. The court agrees.

{¶ 12} Plaintiff alleges in his complaint that he was released from the Cuyahoga County Jail approximately 12 months after he was released from RiCI in February 2005, which means that plaintiff's cause of action accrued no later than February 28, 2006. Therefore, plaintiff would have to have filed his complaint no later than February 28, 2007. Plaintiff filed his original complaint on November 21, 2007. Accordingly, plaintiff's complaint was not timely filed.

{¶ 13} Based upon the foregoing, defendant's motion for judgment on the pleadings is hereby GRANTED and judgment is rendered in favor of defendant. Court

costs are assessed against plaintiff. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

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J. CRAIG WRIGHT  
Judge

cc:

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MR/cmd  
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