

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MICHAEL POWERS, :: Case No. C-1-02-605
Plaintiff, :: (Judge Spiegel)
-vs- :: FINAL JUDGMENT
HAMILTON COUNTY PUBLIC DEFENDER COMMISSION, *et al.* ::
Defendants. ::
:: :: :: :: :: :: ::

Having reviewed the written arguments of the parties and, having conducted a hearing on the issue of class damages and on the issue of the proper determination of class membership, IT IS HEREBY ORDERED:

1) The class definition is hereby modified to read:

All persons who, without an indigency hearing, were committed to the custody of a Hamilton County correctional facility by a Hamilton County municipal or common pleas court from August 21, 2000, to the present in satisfaction of a fine and/or court costs, including persons who violated probation following a “stay to pay” sentence.

2) A list of Class Members is contained in the Stipulated Joint Exhibit (doc. 58), filed on March 22, 2006.

3) The County shall, at its expense, provide notice to the Class by sending a notice and proof of claim in substantially the same form as Exhibit A hereto to the last

known address of each Class Member. Said class notice and proof of claim is hereby approved in form and content;

4) The County shall also, at its expense, cause an advertisement to be placed in the Cincinnati Enquirer in substantially the same form as Exhibit B hereto, which shall be in the same size type as that used in news articles.

5) Those Class Members who filed a timely proof of claims shall become part of the Participating Class. The County shall compensate all Participating Class Members in the amount of \$100 for every day they were wrongfully incarcerated. The number of days of wrongful incarceration for a given Participating Class Member shall be calculated by dividing the fine ascribed to that person in the Stipulated Joint Exhibit (doc. 58) and dividing that fine by \$30, the statutory rate of satisfaction of fines then in effect. A fraction of a day shall be considered a full day of incarceration. Said payment shall be made within 30 days of the submission of the proof of claim.


6) Class Counsel may file a petition for an award of fees and costs within 15 days of this judgment.

7) Costs shall be taxed to the County.

8) Defendants have indicated that they intend to appeal this judgment, and its execution is hereby stayed for the duration of any such appeal.

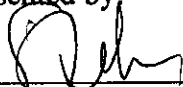
SO ORDERED.

Dated: 3/23/06



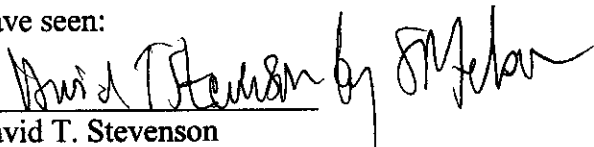
S. Arthur Spiegel
United States Senior District Judge

Presented by:



Stephen R. Felson
Attorney for Plaintiff

Have seen:



David T. Stevenson
Attorney for Defendants
Per telephone authorization 3/23/06