City of Columbus

Office of City Clerk
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Columbus OH 43215-9015
columbuscitycouncil.org

Legislation Details (With Text)

File #:	0418-2010 **Version:** 1		
Type:	Ordinance	**Status:**	Passed
File created:	3/5/2010	**In control:**	Safety Committee
On agenda:	3/29/2010	**Final action:**	3/31/2010
Title:	To authorize and direct the City Attorney to pay the settlement to Derris Lewis, his mother April Lewis, and his attorney, SCOTT & NEMANN CO,. LPA; to authorize the expenditure of $950,000.00 from the General Fund; and to declare an emergency. ($950,000.00)		
Sponsors:			
Indexes:			
Code sections:			
Attachments:			

Date	Ver.	Action By	Action	Result
3/31/2010	1	CITY CLERK	Attest	
3/30/2010	1	MAYOR	Signed	
3/29/2010	1	Columbus City Council	Approved	Pass
3/29/2010	1	COUNCIL PRESIDENT	Signed	
3/16/2010	1	Atty Drafter	Sent to Clerk's Office for Council	
3/16/2010	1	City Clerk's Office	Sent back for Clarification/Correction	
3/16/2010	1	Atty Drafter	Sent to Clerk's Office for Council	
3/15/2010	1	City Clerk's Office	Sent back for Clarification/Correction	
3/11/2010	1	CITY ATTORNEY	Reviewed and Approved	
3/11/2010	1	Atty Drafter	Sent to Clerk's Office for Council	
3/10/2010	1	Atty Drafter	Sent for Approval	
3/10/2010	1	Auditor Reviewer	Reviewed and Approved	
3/10/2010	1	CITY AUDITOR	Reviewed and Approved	
3/10/2010	1	Atty Drafter	Sent for Approval	
3/9/2010	1	Finance Reviewer	Reviewed and Approved	
3/9/2010	1	FINANCE DIRECTOR	Reviewed and Approved	
3/8/2010	1	Finance Reviewer	Reviewed and Approved	
3/5/2010	1	Atty Drafter	Sent for Approval	

Background: This ordinance is submitted to settle the claims of Derris Lewis and his mother, April Lewis, for the total amount of Nine Hundred Fifty Thousand Dollars ($950,000.00).

On January 18, 2008, Dennis Lewis was attacked and murdered in his home. On February 13, 2008, the twin brother of Dennis Lewis, Derris Lewis, was accused of having participated in the murder of his brother. Mr. Lewis remained in the Franklin County Jail from February 13, 2008, until August 6, 2009, when he was released after it was determined that a palm print found at the scene was not in blood and, therefore, could have been made before the murder.

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Fiscal Impact: Funds were not specifically budgeted for this settlement, however, sufficient monies are available within Finance's Citywide Account for this purpose.

To authorize and direct the City Attorney to pay the settlement to Derris Lewis, his mother April Lewis, and his attorney, SCOTT & NEMANN CO,. LPA; to authorize the expenditure of $950,000.00 from the General Fund; and to declare an emergency. ($950,000.00)

WHEREAS: On January 18, 2008, Dennis Lewis was murdered at his residence; and,

WHEREAS: There appeared to be a palm print in blood at the scene of the crime that matched the prints of his twin brother, Derris Lewis; and,

WHEREAS: Derris Lewis was taken into custody and arrested and charged with murder on February 13, 2008; and,

WHEREAS: Derris Lewis remained in custody until August 6, 2009, at which time he was released from the Franklin County Jail; and,

WHEREAS: Derris Lewis has presented a claim against the City of Columbus alleging malicious prosecution, unreasonable search and seizure, false arrest, and false imprisonment; and,

WHEREAS: Derris Lewis claims post-traumatic stress syndrome as a result of the wrongful incarceration and prosecution, damage to his reputation, and other damage; and,

WHEREAS: All the charges against Mr. Lewis were ultimately dismissed; and,

WHEREAS: Mr. Lewis and his mother, April Lewis, submitted a claim to the City Attorney's Office prior to initiating a law suit; and,

WHEREAS: The City Attorney conducted an investigation and evaluated Mr. Lewis' claims, and the parties were able to reach a settlement in the total amount of Nine Hundred Fifty Thousand Dollars ($950,000.00) to resolve all claims, including attorney fees; and,

WHEREAS: Sufficient funds are available within the Finance Department Citywide Account to cover the settlement.

WHEREAS: By reason of the foregoing an emergency exists in the usual daily operation of the City and it would be in the City's best interest to compromise and settle this matter and for further preservation of the public health, peace, property, safety, and welfare,

Now, Therefore,

Be it Ordained by the Council of the City of Columbus:

Section 1: That the City Attorney be and hereby is authorized and directed to settle the claim of Derris Lewis and his mother, April Lewis, in the total amount of Nine Hundred Fifty Thousand Dollars ($950,000.00).

Section 2: That the City Auditor be and is hereby authorized and directed to transfer $950,000 within the general fund, fund no. 010 from the Department of Finance & Management, department/division 45-01, object level 1-10, object level 3 - 5501, OCA 904508 to the Department of Public Safety, Division of Police, department/division 30-03, object level 1 - 05, object level 3 - 5569, OCA 301382.

Section 3: For the purpose of paying the settlement, there be and hereby is authorized to be expended by the City of Columbus, Department of Public Safety, Division of Police, Department/Division 30-03, fund no. 010, Object level one - 05, Object level three - 5569, OCA 301382, the sum of Nine Hundred Fifty Thousand Dollars ($950,000.00).

Section 4: That the City Auditor be and hereby is authorized to draw a warrant upon the City Treasury upon receipt of a voucher and release approved by the City Attorney in the amount of Nine Hundred Fifty Thousand Dollars ($950,000.00) payable in the following manner:

Six Hundred Seventy-four Thousand Three Hundred Sixty-two Dollars and Sixty-six Cents ($674,362.66) to:

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Symetra Assigned Benefits, Corp.
c/o Settlement Funding Associates

and

Two Hundred Seventy-five Thousand Six Hundred Thirty-seven Dollars and Thirty-four Cents ($275,637.34) to:

Scott & Nemann Co., LPA, Trust Account

Section 4: That for the reasons stated in the preamble hereto, which is made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten day after passage if the Mayor neither approves nor vetoes the same.

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