

IN THE COURT OF CLAIMS OF OHIO

BRIAN VIDRINE, #390-469 :
878 Coitsville-Hubbard Road :
Youngstown, Ohio 44505 : Case No. 2002-02221-AD

Plaintiff : MEMORANDUM DECISION

v. :

OHIO DEPT. OF REHABILITATION :
REHABILITATION AND CORRECTIONS :

Defendant :

: : : : : : : : : : : : : : : :

For Defendant: Gregory C. Trout, Chief Counsel
Department of Rehabilitation and
Correction
1050 Freeway North
Columbus, Ohio 43229

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FINDINGS OF FACT

{¶1} 1) On November 6, 2000, plaintiff, Brian Vidrine, an inmate, was transferred from defendant's Southern Ohio Correctional Facility to the Ohio State Penitentiary.

{¶2} 2) Plaintiff has alleged several items of his personal property were not transferred and were lost while under the control of defendant's personnel. Consequently, plaintiff filed this complaint seeking to recover \$577.22, the estimated value of the missing property.

{¶3} 3) Defendant filed an investigation report admitting liability for the loss of property items packed on June 28, 2000.

{¶4} 4) Plaintiff filed a response.

{¶5} 5) Plaintiff has overstated his damage claim.

CONCLUSIONS OF LAW

{¶6} 1) Negligence on the part of the defendant has been shown in respect to the property claimed. *Baisden v. Southern Ohio Correctional Facility* (1977), 76-0617-AD.

{¶7} 2) The assessment of damages is a matter within the province of the trier of fact. *Litchfield v. Morris* (1985), 25 Ohio App. 3d 42.

{¶8} 3) Defendant is liable to plaintiff in the amount of \$475.00.

{¶9} Having considered all the evidence in the claim file and adopting the memorandum decision concurrently herewith;

{¶10} IT IS ORDERED THAT:

{¶11} 1) Plaintiff's claim is GRANTED and judgment is rendered in favor of the plaintiff;

{¶12} 2) Defendant (Department of Rehabilitation and Correction) pay plaintiff (Brian Vidrine) \$475.00 and such interest as is allowed by law;

{¶13} 3) Court costs are assessed against defendant.

DANIEL R. BORCHERT
Deputy Clerk

RDK/laa
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