

IN THE COURT OF CLAIMS OF OHIO

KENNETH SIMS, #244-041 :  
1001 Olivesburg Road :  
P.O. Box 8107 : Case No. 2002-03180-AD  
Mansfield, Ohio 44901-8107 :  
 :  
Plaintiff : MEMORANDUM DECISION  
 :  
v. :  
 :  
RICHLAND CORRECTIONAL INST. :  
 :  
Defendant :

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

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

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{¶1} THE COURT FINDS THAT:

{¶2} 1) On March 20, 2002, plaintiff, Kenneth Sims, filed a complaint against defendant, Richland Correctional Institution, alleging his two rings were lost while under defendant's control. Plaintiff seeks damages in the amount of \$2,500.00. Plaintiff submitted the filing fee with his complaint;

{¶3} 2) On May 15, 2002, defendant filed an investigation report admitting liability, but disputing plaintiff's damage claim as excessive. Defendant asserted plaintiff's damages should be limited to \$170.00 for property loss, plus \$25.00 for filing fee reimbursement.

{¶4} THE COURT CONCLUDES THAT:

{¶5} 1) I find, by a preponderance of the evidence,

negligence by defendant has been shown. *Baisden v. Southern Ohio Correctional Facility* (1977), 76-0617-AD; *Stewart v. Ohio National Guard* (1979), 78-0342-AD;

{¶6} 2) Plaintiff has suffered damages in the amount of \$170.00, plus the \$25.00 filing fee, which may be reimbursed as compensable damages pursuant to the holding in *Bailey v. Ohio Department of Rehabilitation and Correction* (1990), 62 Ohio Misc. 2d 19.

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

{¶8} IT IS ORDERED THAT:

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

{¶10} 2) Defendant (Richland Correctional Institution) pay plaintiff (Kenneth Sims) \$195.00 and such interest as is allowed by law;

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

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DANIEL R. BORCHERT  
Deputy Clerk

RDK/laa  
6/25  
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