

[Cite as *Johnson v. Ross Correctional Inst.*, 2002-Ohio-4625.]

IN THE COURT OF CLAIMS OF OHIO

ORLANDO JOHNSON, #339-528 :
P.O. Box 7010 :
Chillicothe, Ohio 45601 : Case No. 2002-03538-AD

Plaintiff : MEMORANDUM DECISION

v. :

ROSS CORRECTIONAL INSTITUTION :

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) Plaintiff, Orlando Johnson, an inmate incarcerated at defendant, Ross Correctional Institution, has alleged his television set was broken while under the care of defendant's staff. Specifically, plaintiff asserted the television set was, "cracked in several places, the power button was missing." Plaintiff also indicated, "my remote sensor and headphone jack doesn't work."

{¶2} 2) Consequently, plaintiff filed this complaint seeking to recover \$250.00, the estimated replacement value of one Phillips Magnovox television set and a remote control unit. Plaintiff did not submit any evidence regarding cost of repair of the television set or any evidence establishing the set is damaged beyond repair.

On April 17, 2002, plaintiff submitted the filing fee.

{¶3} 3) Defendant filed an investigation report acknowledging plaintiff's television set was damaged while under its control. Defendant agreed this television set displayed damage as described by plaintiff. However, defendant has suggested plaintiff inflated his damage claim. Plaintiff submitted documentation showing plaintiff purchased a Magnavox television set on February 25, 1999 for \$192.99. Plaintiff's set was approximately twenty-seven months old at the time it was damaged on or about May 28, 2001.

{¶4} 4) Plaintiff did not respond.

CONCLUSIONS OF LAW

{¶5} 1) Plaintiff has proven defendant's negligence proximately caused his property loss and damage. *Baisden v. Southern Ohio Correctional Facility* (1977), 76-0617-AD; *Stewart v. Ohio National Guard* (1979), 78-0342-AD.

{¶6} 2) The court finds defendant liable to plaintiff in the amount of \$100.00, 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 (Ross Correctional Institution) pay plaintiff (Orlando Johnson) \$125.00 and such interest as is allowed by law;

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

DANIEL R. BORCHERT
Deputy Clerk

RDK/laa
7/25
Filed 8-15-02
Jr. Vol. 715, Pg. 150
Sent to S.C. reporter 9/4/02