

[Cite as *Martin v. S. Ohio Correctional Facility*, 2002-Ohio-5274.]

IN THE COURT OF CLAIMS OF OHIO

DENVER D. MARTIN, #288-527 :
P.O. Box 120 :
Lebanon, Ohio 45036 : Case No. 2002-05085-AD

Plaintiff : MEMORANDUM DECISION

v. :

SOUTHERN OHIO CORRECTIONAL :
FACILITY :

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 May 20, 2002, plaintiff, Denver D. Martin, filed a complaint against defendant, Southern Ohio Correctional Facility, alleging his AIWA walkman was damaged by defendant's personnel. Plaintiff seeks damages in the amount of \$43.00 for property loss and \$25.00 for filing fees. Plaintiff submitted the filing fee with his complaint;

{¶3} 2) On July 29, 2002, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$68.00.

{¶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 \$43.00, 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 (Southern Ohio Correctional Facility) pay plaintiff (Denver D. Martin) \$68.00 and such interest as is allowed by law;

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

____ DANIEL R. BORCHERT
Deputy Clerk

RDK/laa
9/12
Filed 9/20/02
Jr. Vol. 719, Pg. 179
Sent to S.C. reporter 9/30/02