

[Cite as *Jones v. Ohio State Penitentiary*, 2002-Ohio-5276.]

IN THE COURT OF CLAIMS OF OHIO

DARYEL JONES, #333-009 :  
878 Coitsville-Hubbard Road :  
Youngstown, Ohio 44505 : Case No. 2002-05379-AD

Plaintiff : MEMORANDUM DECISION

v. :

OHIO STATE PENITENTIARY :

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 28, 2002, plaintiff, Daryel Jones, filed a complaint against defendant, Ohio State Penitentiary, alleging defendant's personnel lost his property items. Plaintiff seeks damages in the amount of \$156.23. Plaintiff submitted the filing fee on June 3, 2002;

{¶3} 2) On August 16, 2002, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$156.23;

{¶4} 3) Plaintiff filed a response.

{¶5} THE COURT CONCLUDES THAT:

{¶6} 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;

{¶7} 2) Plaintiff has suffered damages in the amount of \$156.23, plus the \$25.00 filing fee, pursuant to the holding in *Bailey v. Ohio Department of Rehabilitation and Correction* (1990), 62 Ohio Misc. 2d 19.

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

{¶9} IT IS ORDERED THAT:

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

{¶11} 2) Defendant (Ohio State Penitentiary) pay plaintiff (Daryel Jones) \$181.23 and such interest as is allowed by law;

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

DANIEL R. BORCHERT  
Deputy Clerk

RDK/laa  
9/19  
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