

IN THE COURT OF CLAIMS OF OHIO

THOMAS E. SPURLOCK, #416-912	:	
P.O. Box 8107	:	
Mansfield, Ohio 44901	:	Case No. 2002-05816-AD
Plaintiff	:	MEMORANDUM DECISION
v.	:	
OHIO DEPARTMENT OF	:	
REHABILITATION AND CORRECTION	:	
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 March 2, 2000, plaintiff, Thomas E. Spurlock, a convicted felon, was assigned to become a resident of the Alvis House, a halfway house, in Columbus. The Alvis House is a community corrections center under the supervision of defendant, Department of Rehabilitation and Correction. On the day plaintiff entered the Alvis House he was required to complete an intake process. As part of the intake process, plaintiff was directed to make arrangements for the disposition of his personal property stored at Alvis House in the event he was arrested or left the facility unexpectedly. Plaintiff filled out a form acknowledging he would notify a designated individual to pick up any personal belongings left at Alvis House. On March 3, 2000, plaintiff listed

an individual identified as Mike Caven as the contact person to pick up any property left behind. Subsequently, Kim Jones was designed by plaintiff as the person he would notify to claim property left at defendant's facility. Language on this form titled Disposal of Personal Belongs of Resident Included: "Client will notify a relative or friend by mail to pick up his personal belongings. At end of 30 days, the belongings will be removed from the facility."

{¶2} Plaintiff stated he left the Alvis House on or about March 9, 2000. Because plaintiff left the facility without permission, he was apparently classified by defendant as a violator-at-large. Plaintiff indicated he called the Alvis House during April, 2000 and requested the personal property he had left behind be mailed to either Michael Caven or Kim Jones. Plaintiff related he was told by Alvis House personnel that his property would not be released until he was arrested or until he surrendered. Plaintiff explained he again called the Alvis House at some time during June, 2000 and was again told his property would not be released. Plaintiff asserted he last telephoned Alvis House on October 10, 2000 and was informed all property he had voluntarily left behind had been destroyed.

{¶3} Consequently, plaintiff filed this complaint seeking to recover \$1,465.00, the estimated value of property left at the Alvin House which ultimately was discarded or destroyed. Plaintiff maintained the articles he left behind included blue jeans, dress slacks, underwear, socks, shirts, shoes, coats, jewelry, toiletries, a gym bag, a CD player, compact disks, headphones, photographs, and a stamp collection.

{¶4} Defendant denied anyone contacted Alvis House concerning the disposition of property plaintiff left there until plaintiff contacted Alvis House staff in October of 2000. Defendant specifically denied either Michael Caven or Kim Jones made any attempt to recover the property at Alvis House. On April 20, 2000,

Kim Jones was sent a letter from the Program Manager at Alvis House. This letter was intended to serve as notice the property left behind by plaintiff needed to be picked up by May 15, 2000. Defendant denied Alvis House staff received any response from Kim Jones. Defendant did not specify the date when the property plaintiff left was removed from Alvis House. Defendant denied any liability for any property loss.

{¶5} On September 12, 2002, plaintiff filed a response to defendant's investigation report. Plaintiff insisted both he and Kim Jones telephoned Alvis House in attempts to recover the property left there by plaintiff. Plaintiff stated Kim Jones called Alvis House in attempts to recover the property left there by plaintiff. Plaintiff stated Kim Jones called Alvis House on three separate occasions and was told no property items would be released until plaintiff was arrested or surrendered. Plaintiff submitted a copy of the "Disposal of Personal Belongings of Resident" form he filled out on March 3, 2000. Plaintiff pointed out there is a notation of "3/16" made on the form beside Kim Jones' name and address. Plaintiff contended this "3/16" notation establishes proof Kim Jones contacted Alvis House regarding release of property plaintiff left. Plaintiff maintained he also called Alvis House on March 16, 2000. Plaintiff asserted Kim Jones again telephoned Alvis House on or about March 30, 2000 and was refused access to the property left there. Plaintiff denied Kim Jones received the letter dated April 20, 2000 regarding pick-up times for property left at Alvis House. Plaintiff claimed both he and Kim Jones telephoned Alvis House in June, 2000 in still another attempt to recover property items. However, plaintiff alleged Alvis House staff persisted in refusing to release any property to either him or Kim Jones. On September 30, 2002, Kim Jones submitted a statement stating she called the Alvis House to retrieve plaintiff's property, but with no success. She also stated she did not receive a letter from defendant concerning

plaintiff's property. Plaintiff did not present evidence to establish either he or Kim Jones personally went to Alvis House in an attempt to recover property.

{¶6} From assertions supplied by plaintiff the court finds plaintiff's cause of action accrued on March 16, 2000 when he stated a demand was made for the return of property left at Alvis House. Plaintiff indicated both he and Kim Jones made this demand for property return and each demand was refused.

{¶7} R.C. 2743.16(A) states:

{¶8} "(A) Subject to division (B) of this section, civil actions against the state permitted by sections 2743.01 to 2743.20 of the Revised Code shall be commenced no later than two years after the date of accrual of the cause of action or within any shorter period that is applicable to similar suits between private parties."

{¶9} Plaintiff's cause of action accrued on or about March 16, 2000. Plaintiff filed the instant claim on June 12, 2002, more than two years after his cause of action accrued. Plaintiff's claim is barred by the statute of limitations.

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

{¶11} IT IS ORDERED THAT:

{¶12} 1) Plaintiff's claim is DISMISSED with prejudice;

{¶13} 2) Court costs are assessed against plaintiff.

DANIEL R. BORCHERT
Deputy Clerk