

IN THE COURT OF CLAIMS OF OHIO

RONNIE COLLINS, #189-971 :
P.O. Box 45699 :
Lucasville, Ohio 45699-0001 : Case No. 2001-11961-AD

Plaintiff : MEMORANDUM DECISION

v. :

MARION CORR. INST. :

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 December 14, 2001, plaintiff, Ronnie Collins, filed a complaint against defendant, Marion Correctional Institution. Plaintiff alleges on or about August 6, 2001, defendant's agents lost his personal property consisting of one dark green velour blanket and a photo album. Plaintiff seeks damages in the amount of \$350.00.

{¶2} 2) On March 18, 2002, plaintiff submitted the filing fee.

{¶3} 3) On May 29, 2002, this court issued an order (Jr. Vol. 706, Pgs. 107-108) granting plaintiff's motion to amend the prayer amount of his complaint to include the filing fee.

{¶4} 4) On July 23, 2002, defendant filed a motion for

extension of time to submit the investigation report.

{¶5} 5) On August 2, 2002, plaintiff submitted a letter requesting that the court deny defendant's motion for extension of time.

{¶6} 6) On August 21, 2002, defendant filed the investigation report. Defendant's investigation reveals that plaintiff's lost blanket was recovered and has been returned to him. Defendant acknowledges that it lost plaintiff's photo album containing 30 pictures. The defendant asserts that it is willing to compensate plaintiff 5¢ per photo and \$5.00 for the photo album for a total of \$6.50.

{¶7} 7) On September 3, 2002, plaintiff filed a motion to dismiss. Plaintiff asserts on August 27, 2002, defendant found all of plaintiff's missing property and returned it to him. Accordingly, plaintiff requests his claim be dismissed.

{¶8} 8) On September 3, 2002, defendant filed a supplemental investigation report. Defendant indicates that plaintiff's photo album has now been found and returned to plaintiff's possession. Defendant requests the court grant judgment in favor of plaintiff for \$25.00 for the reimbursement of the filing fee.

{¶9} 9) On September 19, 2002, plaintiff filed a response to the supplemental investigation report. Plaintiff expresses his agreement with the supplemental investigation report.

{¶10} THE COURT CONCLUDES THAT:

{¶11} 1) All of plaintiff's lost property has been returned to him.

{¶12} 2) Plaintiff suffered damages in the amount of \$25.00 for the 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.

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

{¶14} IT IS ORDERED THAT:

{¶15} 1) Defendant's motion for extension of time is MOOT;

{¶16} 2) Plaintiff's letter of August 2, 2002, is considered a motion contra to defendant's motion for extension of time and is MOOT;

{¶17} 3) Plaintiff's motion to dismiss is GRANTED with respect to the property loss only;

{¶18} 4) Plaintiff's claim is GRANTED and judgment is rendered in favor of plaintiff;

{¶19} 5) Defendant (Marion Correctional Institution) pay plaintiff (Ronnie Collins) \$25.00 and such interest as is allowed by law;

{¶20} 6) Court costs are assessed against defendant.

DANIEL R. BORCHERT
Deputy Clerk

DRB/laa
10/22
Filed 10/31/02
Jr. Vol. 723, Pgs. 156-157
Sent to S.C. reporter 11/15/02