

IN THE COURT OF CLAIMS OF OHIO

JUAN L. PITCHFORD, #344-345 :
P.O. Box 57 :
Marion, Ohio 43301 : Case No. 2002-07983-AD

Plaintiff : MEMORANDUM DECISION

v. :

MARION CORR. INSTITUTION :

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 August 30, 2002, plaintiff, Juan L. Pitchford, filed a complaint against defendant, Marion Correctional Institution, alleging his book was lost while under the control of defendant's staff. Plaintiff seeks damages in the amount of \$23.95 for property loss. Plaintiff submitted the filing fee with his complaint;

{¶3} 2) On October 29, 2002, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$23.95 for property loss, plus \$25.00 for filing fees.

{¶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 \$23.95, 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 (Marion Correctional Institution) pay plaintiff (Juan L. Pitchford) \$48.95 and such interest as is allowed by law;

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

DANIEL R. BORCHERT
Deputy Clerk

RDK/laa
11/26
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