

[Cite as *McMorris v. Belmont Correctional Inst.*, 2002-Ohio-7233.]

IN THE COURT OF CLAIMS OF OHIO

AHMAD B. MCMORRIS :
9801 Dunlap Avenue :
Cleveland, Ohio 44105 : Case No. 2002-05387-AD

Plaintiff : MEMORANDUM DECISION

v. :

BELMONT CORRECTIONAL INS. :

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} Plaintiff, Ahmad B. McMorris, filed a complaint alleging his eyeglasses were lost while under the control of employees of defendant, Belmont Correctional Institution. Plaintiff seeks recovery in the amount of \$326.23, for property loss.

{¶2} Defendant admitted liability for the loss of plaintiff's eyeglasses. However, defendant has disputed plaintiff's damage claim. Defendant has submitted evidence establishing the total replacement cost of plaintiff's eyeglasses amounts to \$125.00.

CONCLUSIONS OF LAW

{¶3} Negligence has been shown in respect to the loss of plaintiff's television set. *Baisden v. Southern Ohio Correctional Facility* (1977), 76-0617-AD; *Stewart v. Ohio National Guard* (1979),

78-0342-AD;

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{¶4} As trier of fact, this court has the power to award reasonable damages based on evidence presented. *Sims v. Southern Ohio Correctional Facility* (1988), 61 Ohio Misc. 2d 239.

{¶5} Defendant is liable to plaintiff in the amount of \$125.00, 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.

DANIEL R. BORCHERT
Deputy Clerk

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