

[Cite as *Colvin v. Ross Correctional Inst.*, 2003-Ohio-122.]

IN THE COURT OF CLAIMS OF OHIO

TYRONE COLVIN, #275-671 :
16149 S.R. 104 North :
Chillicothe, Ohio 45601 : Case No. 2002-10348-AD

Plaintiff : MEMORANDUM DECISION

v. :

ROSS CORRECTIONAL INSTITUTION :

Defendant :

: : : : : : : : : : : : : : : :

For Defendant: Pat Hurley, Warden
Ross Correctional Institution
16149 State Route 104
P.O. Box 7010
Chillicothe, Ohio 45601
: : : : : : : : : : : : : : :

{¶1} THE COURT FINDS THAT:

{¶2} 1) On November 26, 2002, plaintiff, Tyrone Colvin, filed a complaint against defendant, Ross Correctional Institution, alleging his personal property items were damaged while under defendant's control. Plaintiff seeks damages in the amount of \$96.00 for property loss, plus filing fee reimbursement. Plaintiff submitted the filing fee with his complaint;

{¶3} 2) On November 26, 2002, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$96.00 for property loss, plus 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 \$96.00, 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.

{¶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 (Ross Correctional Institution) pay plaintiff (Tyrone Colvin) \$121.00 and such interest as is allowed by law;

{¶11} 3) The court shall absorb the court costs of this case.

DANIEL R. BORCHERT
Deputy Clerk

RDk/laa
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