

IN THE COURT OF CLAIMS OF OHIO

MARLON WILLIAMS, SR., #286-720 :  
 2001 E. Central Avenue :  
 Toledo, Ohio 43608 : Case No. 2002-08700-AD

Plaintiff : MEMORANDUM DECISION

v. :

TOLEDO CORRECTIONAL :  
 INSTITUTION :

Defendant :

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

For Defendant: Gregory C. Trout, Chief Counsel  
 Department of Rehabilitation and  
 Correction  
 1050 Freeway North  
 Columbus, Ohio 43229

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

{¶1} THE COURT FINDS THAT:

{¶2} 1) On September 23, 2002, plaintiff, Marlon M. Williams, Sr., filed a complaint against defendant, Toledo Correctional Institution, alleging his blanket, boots, gym shoes, and sandals were lost or stolen while under the control of defendant's staff. Plaintiff seeks damages in the amount of \$215.00 for property loss. Plaintiff submitted the filing fee on September 25, 2002;

{¶3} 2) On January 16, 2003, defendant filed an investigation report admitting liability for the loss of plaintiff's blanket, boots, and gym shoes. Defendant asserted plaintiff has failed to prove he owned a pair of sandals. Defendant denied any liability for the loss of sandals;

{¶4} 3) Plaintiff did not provide any evidence

establishing he rightfully owned a pair of sandals.

{¶5} THE COURT CONCLUDES THAT:

{¶6} 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;

{¶7} 2) Plaintiff has suffered damages in the amount of \$195.00, 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.

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

{¶9} IT IS ORDERED THAT:

{¶10} 1) Plaintiff's claim is GRANTED and judgment is rendered in favor of the plaintiff;

{¶11} 2) Defendant (Toledo Correctional Institution) pay plaintiff (Marlon M. Williams, Sr.) \$220.00 and such interest as is allowed by law;

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

DANIEL R. BORCHERT  
Deputy Clerk