

IN THE COURT OF CLAIMS OF OHIO

SAMUEL FIELDS, #277-955	:	
P.O. Box 56	:	
Lebanon, Ohio 45036	:	Case No. 2002-09579-AD
Plaintiff	:	MEMORANDUM DECISION
v.	:	
OHIO STATE PENITENTIARY	:	
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 October 24, 2002, plaintiff, Samuel Fields, filed a complaint against defendant, Ohio State Penitentiary, alleging his prescription eyeglasses were lost while in the custody of defendant's personnel. Plaintiff did not list a damage amount for the loss of his eyeglasses. Plaintiff submitted the filing fee with his complaint;

{¶3} 2) On December 30, 2002, defendant filed an investigation report admitting liability for plaintiff's property loss. Defendant requested plaintiff provide some documentation to establish the value of the lost eyeglasses;

{¶4} 3) To date, plaintiff has not provided any evidence to indicate the replacement cost of his eyeglasses.

{¶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 \$200.00, 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 (Ohio State Penitentiary) pay plaintiff (Samuel Fields) \$225.00 and such interest as is allowed by law;

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

DANIEL R. BORCHERT  
Deputy Clerk