

IN THE COURT OF CLAIMS OF OHIO

RICHARD L. SHARP :  
1014 ½ North 3<sup>rd</sup> Street :  
Ironton, Ohio 45638 : Case No. 2002-10321-AD  
  
Plaintiff : MEMORANDUM DECISION  
  
v. :  
  
SOUTHEASTERN CORRECTIONAL :  
INSTITUTION :  
  
Defendant :

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

For Defendant: John Dean, Warden  
Southeastern Correctional Institution  
5900 B.I.S. Road  
Lancaster, Ohio 43130  
: : : : : : : : : : : : : : :

{¶1} THE COURT FINDS THAT:

{¶2} 1) On November 25, 2002, plaintiff, Richard L. Sharp, filed a complaint against defendant, Southeastern Correctional Institution, alleging his personal property was stolen while under the control of defendant's personnel. Plaintiff seeks damages in the amount of \$85.00 for property loss. Plaintiff submitted the filing fee with his complaint;

{¶3} 2) On January 24, 2003, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$85.00 for property loss.

{¶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 \$85.00, 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 (Southeastern Correctional Institution) pay plaintiff (Richard L. Sharp) \$110.00 and such interest as is allowed by law;

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

DANIEL R. BORCHERT  
Deputy Clerk

RDK/laa  
2/28  
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