

[Cite as *Criss v. Ohio State Penitentiary*, 2003-Ohio-1924.]

IN THE COURT OF CLAIMS OF OHIO

PAUL CRISS, #432-108 :
P.O. Box 8107 :
Mansfield, Ohio 44901 : Case No. 2002-10062-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 November 18, 2002, plaintiff, Paul Criss, filed a complaint against defendant, Ohio State Penitentiary, alleging his property was lost while under the control of defendant's staff. Plaintiff seeks damages in the amount of \$72.73 for property loss, plus filing fee reimbursement. Plaintiff submitted the filing fee with his complaint;

{¶3} 2) On January 23, 2003, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount claimed.

{¶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 \$72.73, 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 (Ohio State Penitentiary) pay plaintiff (Paul Criss) \$97.73 and such interest as is allowed by law;

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

DANIEL R. BORCHERT
Deputy Clerk

RDk/laa
3/13
Filed 3/27/03
Jr. Vol. 737 Pg. 150
Sent to S.C. reporter 4/16/03