

[Cite as *Amill v. Trumbull Correctional Inst.*, 2003-Ohio-2972.]

IN THE COURT OF CLAIMS OF OHIO

MICHAEL A. AMILL :
Plaintiff :
v. : CASE NO. 2002-08769-AD
TRUMBULL CORRECTIONAL : MEMORANDUM DECISION
INSTITUTION :
Defendant :
: : : : : : : : : : : : : : : :

FINDINGS OF FACT

{¶1} 1) On or about June 17, 2002, Sgt. Fulton, an employee of defendant, Trumbull Correctional Institution, confiscated a pair of boots from an inmate identified as Slocum #342-047. The confiscated boots were declared contraband and placed in the office of Sgt. Deeze, another employee of defendant. Sgt. Deeze found the boots stored in his office and subsequently destroyed the boots.

{¶2} 2) Plaintiff, Michael A. Amill, an inmate incarcerated at defendant's facility, has asserted he was the owner of the confiscated boots. Plaintiff explained he had loaned his boots to inmate Slocum, a direct violation of defendant's internal regulations.

{¶3} 3) Plaintiff filed this complaint seeking to recover \$80.00, the estimated value of the destroyed boots, plus \$25.00 for filing funeral expense reimbursement.

{¶4} 4) Plaintiff failed to submit any substantiating evidence establishing the fact that he owned the confiscated boots.

{15} 5) Defendant denied any liability in this matter. Defendant has asserted plaintiff did not offer sufficient evidence to prove he owned the boots confiscated from inmate Slocum.

{¶6} 6) On March 18, 2003, this court issued an order (Jr. Vol. 736, Pgs. 107-108) granting plaintiff's motion for extension of time to file a response to defendant's investigation report. Plaintiff was required to submit the response on or before April 17, 2003. A check of the docket reveals plaintiff has failed to submit a response.

CONCLUSIONS OF LAW

{¶7} 1) Plaintiff's claim for the loss of the boots is denied. Plaintiff admitted he loaned the boots in violation of internal regulations. Plaintiff's act constituted a voluntary relinquishment of any property right he had in the boots.

{¶8} 2) Plaintiff has no right to pursue a claim for lost property in which he cannot prove any right of ownership. *DeLong v. Department of Rehabilitation and Correction* (1988), 88-06000-AD.

Defendant cannot be held liable for the loss of contraband property that plaintiff has no right to possess. *Beaverson v. Department of Rehabilitation and Correction* (1988), 87-02540-AD; *Radford v. Department of Rehabilitation and Correction* (1995), 84-09071.

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

{¶10} 1) Plaintiff's claim is DENIED and judgment is rendered in favor of defendant;

{¶11} 2) Plaintiff's motion for court review filed December 30, 2002, shall be forwarded to the judge of the court of claims for further proceedings;

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

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

Michael A. Amill #320-917 Plaintiff, Pro se
P.O. Box 901
Leavittsburg, Ohio 44430

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

RDK/tad
5/1
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