

[Cite as *Suchu v. Correctional Reception Ctr.*, 2003-Ohio-3620.]

IN THE COURT OF CLAIMS OF OHIO

LEONARD L. SUCHU :
Plaintiff :
v. : CASE NO. 2003-01245-AD
CORRECTIONAL RECEPTION CENTER : MEMORANDUM
Defendant : DECISION

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{¶1} THE COURT FINDS THAT:

{¶2} 1) On January 9, 2003, plaintiff, Leonard L. Suchu, filed a complaint against defendant, Correctional Reception Center, alleging his personal property was lost while under defendant's control. Plaintiff sought damages in the amount of \$411.27. Plaintiff submitted the filing fee;

{¶3} 2) On April 25, 2003, defendant filed an investigation report admitting liability for certain property items and asserting plaintiff's damages should be limited to \$197.59;

{¶4} 3) On May 8, 2003, plaintiff filed a response expressing his agreement to accept a damage award of \$197.59.

{¶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 \$197.59, 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, for the reasons set forth in the memorandum decision filed concurrently herewith, judgment is rendered in favor of plaintiff in the amount of \$222.59, which includes the filing fee. Court costs are assessed against defendant. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

Leonard L. Suchu #221-135 Plaintiff, Pro se
P.O. Box 300
Orient, Ohio 43146

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

RDK/tad
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