

[Cite as *Wimbley v. S. Ohio Correctional Facility*, 2003-Ohio-3895.]

IN THE COURT OF CLAIMS OF OHIO

ANTONIO WIMBLEY :

Plaintiff :

V. :

CASE NO. 2003-02829-AD

SOUTHERN OHIO CORRECTIONAL FACILITY :

MEMORANDUM DECISION

Defendant

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{¶1} THE COURT FINDS THAT:

{¶2} 1) On February 28, 2003, plaintiff, Antonio Wimbley, filed a complaint against defendant, Southern Ohio Correctional Facility, alleging defendant's personnel lost his gym shoes and undershorts. Plaintiff seeks damages in the amount of \$59.15 for his property loss. Plaintiff submitted the filing fee with his complaint;

{¶3} 2) On May 22, 2003, defendant filed an investigation report admitting liability for the loss of the gym shoes in the amount of \$50.00;

{¶4} 3) The trier of fact accepts plaintiff's damage claim as accurate.

{¶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 \$59.15, 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 \$84.15, 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:

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For Defendant

RDK/laa
6/27
Filed 7/11/03
Sent to S.C. reporter 7/22/03