

[Cite as *Jones v. Madison Correctional Inst.*, 2003-Ohio-3903.]

IN THE COURT OF CLAIMS OF OHIO

TOBY N. JONES	:	
Plaintiff	:	
v.	:	CASE NO. 2003-04830-AD
MADISON CORRECTIONAL INSTITUTION	:	<u>MEMORANDUM DECISION</u>
Defendant	:	
	:	

{¶1} THE COURT FINDS THAT:

{¶2} 1) On April 14, 2003, plaintiff, Toby N. Jones, filed a complaint against defendant, Madison Correctional Institution, alleging defendant's personnel lost his radio and cassette tapes. Plaintiff seeks damages in the amount of \$50.71 for property loss, plus \$25.00 for filing fees paid. Plaintiff submitted the filing fee with his complaint;

{¶3} 2) On June 12, 2003, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$75.71;

{¶4} 3) Plaintiff filed a response.

{¶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 \$50.71, 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 \$75.71, 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:

Toby N. Jones, #345-758
P.O. Box 740
London, Ohio 43140

Plaintiff, Pro se

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

For Defendant

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