

[Cite as *Crawford v. Chillicothe Correctional Inst.*, 2003-Ohio-4928.]

IN THE COURT OF CLAIMS OF OHIO

CLEMON CRAWFORD	:	
Plaintiff	:	
v.	:	CASE NO. 2003-08274-AD
CHILLICOTHE CORR. INST.	:	<u>MEMORANDUM DECISION</u>
Defendant	:	

: : : : : : : : : : :

{¶1} THE COURT FINDS THAT:

{¶2} 1) On July 25, 2003, plaintiff, Clemon Crawford, filed a complaint against defendant, Chillicothe Correctional Institution, alleging defendant's employee damaged his headphones. Plaintiff seeks damages in the amount of \$35.00 for property loss. Plaintiff submitted the filing fee with his complaint;

{¶3} 2) On July 25, 2003, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$35.00 for property loss.

{¶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 \$35.00, 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, for the reasons set forth in the memorandum decision filed concurrently herewith, judgment is rendered in favor of plaintiff in the amount of \$60.00, which includes the filing fee. The court shall absorb the costs of this case. 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:

Clemon Crawford, #200-016
P.O. Box 5500
Chillicothe, Ohio 45601

Plaintiff, Pro se

James L. Erwin, Warden
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For Defendant

RDK/laa
8/15
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