

[Cite as *Smead v. Noble Correctional Inst.*, 2003-Ohio-593.]

IN THE COURT OF CLAIMS OF OHIO

CHRISTOPHER A. SMEAD, #361-255 :
15708 St. Rte. 78 W.
Caldwell, Ohio 43724-9678 : Case No. 2002-09188-AD

Plaintiff : MEMORANDUM DECISION

v. :

NOBLE CORRECTIONAL INSTITUTION :

Defendant :

: : : : : : : : : : : : : : :

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

{¶1} THE COURT FINDS THAT:

{¶2} 1) On October 11, 2002, plaintiff, Christopher A. Smead, filed a complaint against defendant, Noble Correctional Institution, alleging his radio/cassette player was lost while under the control of defendant's personnel. Plaintiff seeks damages in the amount of \$48.00 for property loss, plus filing fee reimbursement. Plaintiff submitted the filing fee with his complaint;

{¶3} 2) On December 5, 2002, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$73.00.

{¶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 \$48.00, 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 adopting the memorandum decision concurrently herewith;

{¶8} IT IS ORDERED THAT:

{¶9} 1) Plaintiff's claim is GRANTED and judgment is rendered in favor of the plaintiff;

{¶10} 2) Defendant (Noble Correctional Institution) pay plaintiff (Christopher A. Smead) \$73.00 and such interest as is allowed by law;

{¶11} 3) Court costs are assessed against defendant.

DANIEL R. BORCHERT
Deputy Clerk

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