

[Cite as *Smith v. Lebanon Correctional Inst.*, 2003-Ohio-6035.]

IN THE COURT OF CLAIMS OF OHIO

TERRY L. SMITH	:	
Plaintiff	:	
v.	:	CASE NO. 2003-09971-AD
LEBANON CORRECTIONAL INSTITUTION	:	<u>MEMORANDUM DECISION</u>
Defendant	:	
	:	

{¶1} THE COURT FINDS THAT:

{¶2} 1) On September 24, 2003, plaintiff, Terry L. Smith, filed a complaint against defendant, Lebanon Correctional Institution, alleging defendant's employees damaged his television set. Plaintiff seeks damages in the amount of \$155.00 for property damage. Plaintiff submitted the filing fee with his complaint;

{¶3} 2) On September 24, 2003, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$155.00 for property damage.

{¶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 Natl. Guard* (1979), 78-0342-AD;

{¶6} 2) Plaintiff has suffered damages in the amount of \$155.00, plus the \$25.00 filing fee, which may be reimbursed as compensable damages pursuant to the holding in *Bailey v. Ohio Dept. of Rehab. & Corr.* (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 \$180.00, which includes the filing fee. Court costs are waived. 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:

Terry L. Smith, #A253-260  
P.O. Box 56  
Lebanon, Ohio 45036

Plaintiff, Pro se

Anthony J. Brigano, Warden  
Lebanon Correctional Institution  
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For Defendant

RDK/laa  
10/7  
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