

[Cite as *Picone v. Ohio Dept. of Rehab. & Corr.*, 2003-Ohio-7312.]

IN THE COURT OF CLAIMS OF OHIO

RUSSELL PICONE :

Plaintiff :

v. :

CASE NO. 2003-11208-AD

DEPARTMENT OF REHABILITATION :
AND CORRECTION :

MEMORANDUM DECISION

Defendant :

.....

{¶1} THE COURT FINDS THAT:

{¶2} 1) On November 3, 2003, plaintiff, Russell Picone, filed a complaint against defendant, Department of Rehabilitation and Correction alleging defendant's negligence caused the loss of his personal property. Plaintiff seeks damages in the amount of \$40.72, plus the \$25.00 filing fee;

{¶3} 2) On November 3, 2003, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$40.72;

{¶4} 3) On November 3, 2003, plaintiff submitted the filing fee.

{¶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 \$40.72, plus the \$25.00 filing fee, which may be reimbursed 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 \$65.72, which includes the filing fee. Court costs shall be absorbed by the court. 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:

Russell Picone, #358-724
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P.O. Box 788
Mansfield, Ohio 44903

Plaintiff, Pro se

Margaret Bradshaw, Warden
Mansfield Correctional Institution
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For Defendant

DRB/laa
12/10
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