

IN THE COURT OF CLAIMS OF OHIO

JOHN W. FORESTER, #R127-570 :  
5900 B.I.S. Road :  
Lancaster, Ohio 43130-9606 : Case No. 2001-09915-AD

Plaintiff : MEMORANDUM DECISION

v. :

OHIO DEPT. OF REHAB. AND CORR. :

Defendant :

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

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

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{¶1} On December 22, 1999, at approximately 12:30 p.m., employees of defendant, Department of Rehabilitation and Correction, conducted a shakedown search at the Southeastern Correctional Institution (SCI). Plaintiff, John Forester, an inmate incarcerated at SCI, has asserted his housing unit was subject to the December 29, 1999 shakedown search. Plaintiff related he along with about 250 other inmates were ordered to leave their living areas to provide access to the team conducting the shakedown. Plaintiff indicated he secured his personal property in a locked locker box before leaving his living area at SCI. Plaintiff stated he was escorted to the institution gymnasium where he was required to wait about two hours before he was allowed to return to his housing unit upon completion of the shakedown

operation. Plaintiff asserted that when he returned to his housing area he discovered the lock had been cut from his locker box and the contents of the box were strewn about the area commingled with the property of fellow inmates. Plaintiff explained he sorted through the piles of scattered property attempting to recover all the items he owned. Apparently, plaintiff recovered all his property, but had no means of securing the articles since the lock for his locker box had been destroyed during the shakedown. Plaintiff maintained he was assured by defendant's personnel that he would receive a replacement lock for the lock which had been destroyed. By 4:30 p.m. on December 22, 1999, plaintiff had not received a replacement lock and consequently left his property unsecured while he sought medical treatment at the SCI infirmary. At approximately 7:30 p.m., plaintiff returned from the infirmary to his housing unit where he discovered all his personal property had been stolen from his unsecured locker box. The stolen property was not found.

{¶2} Therefore, plaintiff filed this complaint seeking to recover \$83.80, the estimated value of the property stolen from his unsecured locker box. Plaintiff has asserted his property was stolen as a proximate cause of negligence on the part of defendant in failing to timely replace the lock for his locker box. Additionally, plaintiff has asserted defendant's staff refused to search for his property after he reported the theft. Plaintiff has alleged defendant breached duties owed to him which resulted in the property loss claimed.

{¶3} A review of court records has shown plaintiff's claim involving the theft of property from his unsecured locker box on December 22, 1999 was fully addressed and determined in claim number 2000-10642-AD. On May 10, 2001, judgment was rendered in favor of defendant in the matter of the December 22, 1999 theft of plaintiff's property. On August 10, 2001, in a Motion For Court Review, the judgment of the Deputy Clerk in claim number 2000-

10642-AD was affirmed. Plaintiff's claim involving the events of December 22, 1999 has been previously adjudicated. This claim shall be dismissed under the doctrine of res judicata.

{¶4} Having considered all the evidence in the claim file and adopting the memorandum decision concurrently herewith;

{¶5} IT IS ORDERED THAT:

{¶6} 1) Plaintiff's claim is DISMISSED with prejudice;

{¶7} 2) Court costs shall be assessed against plaintiff.

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DANIEL R. BORCHERT  
Deputy Clerk

RDK/laa  
2/5  
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