

[Cite as *Holsey v. Ohio State Penitentiary*, 2004-Ohio-5140.]

IN THE COURT OF CLAIMS OF OHIO

ROBERT HOLSEY	:	
Plaintiff	:	
v.	:	CASE NO. 2004-05805-AD
OHIO STATE PENITENTIARY	:	<u>MEMORANDUM DECISION</u>
Defendant	:	

.....

THE COURT FINDS THAT:

{¶ 1} 1) On May 17, 2004, plaintiff, Robert Holsey, filed a complaint against defendant, Ohio State Penitentiary (OSP), alleging his television set was damaged while under the control of OSP personnel. Plaintiff seeks damages in the amount of \$155.00 for property loss. Plaintiff submitted the filing fee with his complaint;

{¶ 2} 2) On July 15, 2004, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$155.00 for property loss.

THE COURT CONCLUDES THAT:

{¶ 3} 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;

{¶ 4} 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 Department of Rehabilitation and Correction* (1990), 62 Ohio Misc. 2d 19.

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