

[Cite as *Samples v. Ohio Dept. of Rehab. & Corr.*, 2004-Ohio-5425.]

IN THE COURT OF CLAIMS OF OHIO

MALACHI SAMPLES	:	
Plaintiff	:	
v.	:	CASE NO. 2003-12336-AD
OHIO DEPARTMENT OF REHABILITATION AND CORRECTIONS	:	<u>MEMORANDUM DECISION</u>
Defendant	:	
	:	

FINDINGS OF FACT

{¶ 1} On or about August 14, 2003, plaintiff, Malachi Samples, an inmate incarcerated at defendant, Pickaway Correctional Institution (PCI), was transferred from one area of PCI to another designated section of the institution.

{¶ 2} Plaintiff's personal property was inventoried, packed, and stored in the PCI property vault incident to the August 14, 2003, transfer.

{¶ 3} Plaintiff related he was escorted to the PCI property vault on or about December 12, 2003, to retrieve some legal work. Plaintiff further related that when he arrived at the PCI vault he was informed none of his property could be located.

{¶ 4} Plaintiff contended his gym shoes, two sweatshirts, and multiple commissary purchased items were lost or stolen while under the control of PCI staff assigned to the property vault. Plaintiff filed this complaint seeking to recover \$300.00, the estimated value of his alleged missing property items. Plaintiff subsequently filed an amended complaint seeking to recover \$80.00 for alleged lost gym shoes and \$45.00 for alleged missing commissary items. Plaintiff was excused from paying the requisite material filing fee. Plaintiff's total damage claim amounts to \$125.00.

{¶ 5} Defendant filed an investigation report on July 16, 2004, admitting liability for plaintiff's property loss and acknowledging he sustained damages in the amount of \$125.00.

CONCLUSIONS OF LAW

{¶ 6} Plaintiff has proven, by a preponderance of the evidence, negligence by defendant, in respect to property loss claimed. *Baisden v. Southern Ohio Correctional Facility* (1977), 76-0617-AD; *Stewart v. Ohio National Guard* (1979), 78-0342-AD.

{¶ 7} Plaintiff has suffered damages in the amount of \$125.00.

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MALACHI SAMPLES	:	
Plaintiff	:	
v.	:	CASE NO. 2003-12336-AD
OHIO DEPARTMENT OF REHABILITATION AND CORRECTIONS	:	<u>ENTRY OF ADMINISTRATIVE DETERMINATION</u>
Defendant	:	
	:	

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 \$125.00. Court costs are assessed against defendant. 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:

Malachi Samples, #448-727
P.O. Box 209
Orient, Ohio 43146

Plaintiff, Pro se

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For Defendant

DRB/RDK/laa
9/8
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