

[Cite as *Evans v. Toledo Correctional Inst.*, 2005-Ohio-1247.]

IN THE COURT OF CLAIMS OF OHIO

RA'MONDE T. EVANS	:	
Plaintiff	:	
v.	:	CASE NO. 2004-10761-AD
TOLEDO CORRECTIONAL INSTITUTION	:	<u>MEMORANDUM DECISION</u>
Defendant	:	
: : : : : : : : : : : : : : : :		

FINDINGS OF FACT

{¶ 1} On December 10, 2004, plaintiff filed a complaint against defendant, Toledo Correctional Institution. Plaintiff alleges that his radio set was destroyed by defendant's agent. Plaintiff seeks damages in the amount of \$44.75 for the radio plus \$25.00 for filing fee reimbursement. The filing fee was paid.

{¶ 2} On February 4, 2005, defendant filed an investigation report admitting liability and damages.

{¶ 3} On February 23, 2005, plaintiff filed a response expressing his agreement with the February 4, 2005, investigation report.

CONCLUSIONS OF LAW

{¶ 4} 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.

{¶ 5} Plaintiff has suffered damages in the amount of \$44.75, 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.

IN THE COURT OF CLAIMS OF OHIO

RA'MONDE T. EVANS	:	
Plaintiff	:	
v.	:	CASE NO. 2004-10761-AD
TOLEDO CORRECTIONAL	:	<u>ENTRY OF ADMINISTRATIVE</u>
INSTITUTION	:	<u>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 \$69.75, which includes the filing fee. 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:

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