

[Cite as *Cargile v. S. Ohio Correctional Inst.*, 2005-Ohio-2041.]

IN THE COURT OF CLAIMS OF OHIO

WILLIAM E. CARGILE	:	
Plaintiff	:	
v.	:	CASE NO. 2004-11023-AD
SOUTHERN OHIO CORRECTIONAL INST.	:	<u>MEMORANDUM DECISION</u>
Defendant	:	
.....	:	

THE COURT FINDS THAT:

{¶1} On February 10, 2005, this court issued an entry requiring plaintiff to submit either the \$25 filing fee or a completed and signed cashier's statement from the institution in which plaintiff is an inmate;

{¶2} On February 22, 2005, plaintiff filed a cashier's statement. A review of the statement reveals that plaintiff is indigent for the purposes of filing his complaint. Accordingly, the court has determined the validity of the original poverty statement and hereby waives payment of the filing fee;

{¶3} Plaintiff filed a complaint against defendant, Southern Ohio Correctional Facility, alleging defendant's negligence resulted in the loss of his personal property. Plaintiff seeks damages in the amount of \$1,035.01;

{¶4} On January 27, 2005, defendant filed an investigation report admitting liability for the loss of five cassette tapes, a watch, a necklace with cross, a pair of prescription glasses, a heavy t-shirt, two pairs of shorts, three wash cloths, three bath towels, a pair of headphones, a Walkman, a pair of Fila running

shoes, and a velour blanket. Defendant asserts the damages for the above items, with the exception of the prescription glasses, should be limited to \$250.00. Defendant contends plaintiff is in agreement with this amount. With respect to the prescription glasses, defendant states a new pair of glasses has been ordered and will be replaced at no cost to plaintiff;

{¶5} On February 22, 2005, plaintiff filed a response to the investigation report expressing his agreement with the investigation report and its position with respect to damages.

{¶6} On March 15, 2005, plaintiff sent a letter to the court via defendant wherein he again expresses his agreement with defendant's investigation report.

THE COURT CONCLUDES THAT:

{¶7} 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;

{¶8} The court finds defendant is liable to plaintiff in the amount of \$250.00.

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CASE NO. 2004-11023-AD

SOUTHERN OHIO CORRECTIONAL  
INST.

:

ENTRY OF ADMINISTRATIVE  
DETERMINATION

Defendant

:

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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 \$250.00. 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:

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Plaintiff, Pro se

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For Defendant

DRB/laa  
3/24  
Filed 4/5/05  
Sent to S.C. reporter 4/29/05