

[Cite as *Robinson v. Pickaway Correctional Inst.*, 2005-Ohio-4229.]

IN THE COURT OF CLAIMS OF OHIO

JEFFREY ROBINSON	:	
Plaintiff	:	
v.	:	CASE NO. 2004-10728-AD
PICKAWAY CORRECTIONAL INST.	:	<u>MEMORANDUM DECISION</u>
Defendant	:	

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FINDINGS OF FACT

{¶ 1} 1) On or about September 4, 2004, plaintiff, Jeffrey Robinson, an inmate incarcerated at defendant, Pickaway Correctional Institution ("PCI"), was transferred from the institution's general population to a disciplinary confinement unit.

{¶ 2} 2) Incident to this transfer, plaintiff's personal property was inventoried, packed, and delivered into the custody of PCI staff.

{¶ 3} 3) Plaintiff maintained his packed property remained stored in the PCI vault until on or about October 28, 2004, when all stored items were released to him upon his return to the PCI general population.

{¶ 4} 4) Plaintiff claimed several items of his personal property were lost while under defendant's control. Plaintiff claimed the property items defendant returned on October 28, 2004, did not belong to him. According to plaintiff, the following articles of property were not returned: a watch; typing and notebook paper; manila, white and embossed envelopes; a folder;

three reference books; eight pair of underwear; socks and t-shirts; 18 pens and pencils; soap; markers; a soap dish; four boxes of laundry detergent; lip balm; nail clippers; hair grease; cocoa butter; two belts; two locks; a lighter; three cigarette rollers; six razors; two bowls; four color t-shirts; three high lighters; two sets of large bath towels and face cloths; copy card; a pair of tennis shoes; a pair of gloves; three pairs of shorts; a bottle of pills; a tube of cream; and a hat. Plaintiff filed this complaint seeking to recover \$254.63, the estimated value of his alleged missing property. The filing fee was paid.

{¶ 5} 5) Defendant filed an investigation report admitting liability for plaintiff's loss and acknowledging plaintiff suffered the damage amount claimed.

{¶ 6} 6) On June 20, 2005, plaintiff filed a response to defendant's investigation report.

#### CONCLUSIONS OF LAW

{¶ 7} 1) Negligence on the part of defendant has been shown in respect to all property claimed. *Baisden v. Southern Ohio Correctional Facility* (1977), 76-0617-AD; *Stewart v. Ohio National Guard* (1979), 78-0342-AD.

{¶ 8} 2) The court finds defendant liable to plaintiff in the amount of \$254.63, 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

JEFFREY ROBINSON	:	
Plaintiff	:	
v.	:	CASE NO. 2004-10728-AD
PICKAWAY CORRECTIONAL INST.	:	<u>ENTRY OF ADMINISTRATIVE</u>
Defendant	:	<u>DETERMINATION</u>

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

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 \$279.63, 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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