

plaintiff's property with the exception of the following items: a bag of Jolly Ranchers, a six-pack of Pepsi, deli sticks, four drink mixes, loose tobacco, pizza crust, popcorn, Swedish fish, and a belt. Defendant asserted these items were not listed on plaintiff's June 12, 2004, property inventory compiled at PCI, although a belt is listed on the property inventory. Defendant admitted damages in the amount of \$379.99 for plaintiff's property loss, plus the \$25.00 filing fee. Damages for the property loss acknowledged amounts to \$382.66.

{¶ 4} 4) Plaintiff did not respond.

CONCLUSIONS OF LAW

{¶ 5} 1) Plaintiff has proven defendant lost twenty-seven cassette tapes, a watch, a belt, gloves, Little Debbie's cakes, cookies, salami, one drink mix, coffee creamers, cigars, chips, candy bars, and Hostess Honey Buns. In respect to the loss of certain property items, plaintiff has proven, by a preponderance of the evidence, negligence on the part of defendant. *Baisden v. Southern Ohio Correctional Facility* (1977), 76-0617-AD.

{¶ 6} 2) As trier of fact, this court has the power to award reasonable damages based on evidence presented. *Sims v. Southern Ohio Correctional Facility* (1988), 61 Ohio Misc. 2d 239.

{¶ 7} 3) The court finds defendant liable to plaintiff in the amount of \$384.72, 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.

LEON BISHOP :
 Plaintiff :
 v. : CASE NO. 2005-02281-AD
 PICKAWAY CORRECTIONAL : ENTRY OF ADMINISTRATIVE
 INSTITUTION : DETERMINATION
 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 \$409.72, 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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RDK/laa
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