

Court of Claims of Ohio

The Ohio Judicial Center
65 South Front Street, Third Floor
Columbus, OH 43215
614.387.9800 or 1.800.824.8263
www.cco.state.oh.us

QUIAN R. BRITFORD

Plaintiff

v.

PICKAWAY CORRECTIONAL INST.

Defendant

Case No. 2006-05055-AD

Deputy Clerk Daniel R. Borchert

MEMORANDUM DECISION

FINDINGS OF FACT

{¶1} 1) Plaintiff, Quian R. Britford, an inmate incarcerated at defendant, Pickaway Correctional Institution (“PCI”), stated during his transfer from defendant to Frazier Hospital, items of personal property were lost. Plaintiff alleges the following personal property items were lost during his transfer: an adaptor, AM/FM Sony cassette player with Sony Headphones, CD player, Koss headphones, Conair trimmers, a velour comforter, three pairs of socks, four pairs of boxer shorts and four t-shirts.

{¶2} 2) On August 7, 2006, plaintiff filed a complaint seeking damages in the amount of \$192.26, for his lost property plus additional damages for emotional distress, mental anguish, and physical discomfort associated with the loss of his property. Plaintiff’s filing fee was waived.

{¶3} 3) On August 16, 2006, defendant was served with a copy of plaintiff’s complaint. On October 17, 2006, defendant filed a motion for extension of time to submit the investigation report. On November 8, 2006, this court issued an entry granting defendant’s motion for extension of time. The entry required defendant file an investigation report on or before December 8, 2006.

{¶4} 4) On November 29, 2006, defendant filed an investigation report admitting liability and damages for the loss of plaintiff’s personal property. However, defendant asserts plaintiff’s damages should be limited to the personal property loss suffered by plaintiff and should not include damages attributable to emotional distress, mental anguish or physical discomfort.

{¶5} 5) On December 5, 2006, plaintiff filed a motion in opposition to the extension of time. Plaintiff’s motion was filed in an untimely manner and, accordingly will be denied.

{¶6} 6) On December 11, 2006, plaintiff filed a motion to consolidate the above captioned claim with Claim No. 2006-05047-AD. An investigation report in both claims had been filed prior to the submission of plaintiff’s motion, accordingly, plaintiff’s motion to consolidate is denied.

{¶7} 7) Plaintiff has not responded to defendant’s investigation report.

CONCLUSIONS OF LAW

{¶8} 1) In respect to all loss claimed, plaintiff has proven, by a preponderance of the evidence, negligence on the part of defendant. *Baisden v. Southern Ohio*

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Correctional Facility (1977), 76-0617-AD.

{¶9} 2) An inmate cannot recover for mental anguish for the loss or destruction of his property. *Galloway v. Rehabilitation and Correction* (1979), 78-0731-AD.

{¶10} 3) The court finds defendant liable to plaintiff in the amount of \$192.26.

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ENTRY OF ADMINISTRATIVE
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 \$192.26. 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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1/8
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