

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

ERNEST MARSHALL

Plaintiff

v.

SOUTHERN OHIO CORRECTIONAL FACILITY

Defendant

Case No. 2009-05072-AD

Deputy Clerk Daniel R. Borchert

MEMORANDUM DECISION

FINDINGS OF FACT

{¶ 1} 1) Plaintiff, Ernest Marshall, an inmate incarcerated at defendant, Southern Ohio Correctional Facility (SOCF), filed this action alleging his six compact discs were lost when he was transferred from the Ohio State Penitentiary (OSP) to SOCF in December 2007. Plaintiff originally requested damages in the amount of \$90.00 for the loss of his six compact discs. Payment of the filing fee was waived.

{¶ 2} 2) Defendant filed an investigation report admitting liability for the loss of five compact discs, but disputing plaintiff's damage claim. Defendant explained five compact discs were confiscated from plaintiff's possession on November 8, 2007 by OSP staff and subsequently placed in long term storage. Defendant further explained plaintiff was transferred to SOCF on December 28, 2007 and a long term storage form was completed for plaintiff's property which listed five compact discs. Defendant stated it "has been unable to determine what happened to plaintiff's property that was held in long term storage." Consequently, defendant admitted liability for the loss of five compact discs and acknowledged plaintiff suffered damages in the amount of \$60.00.

{¶ 3} 3) Plaintiff filed a response expressing his agreement to accept \$60.00 in damages for the loss of five compact discs.

CONCLUSIONS OF LAW

{¶ 4} 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. Defendant is liable to plaintiff in the amount of \$60.00.

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ENTRY OF ADMINISTRATIVE DETERMINATION

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 \$60.00. Court costs are assessed against defendant.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

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