

IN THE COURT OF CLAIMS OF OHIO

JASMINE ANDERSON

Plaintiff

v.

OHIO DEPARTMENT OF
REHABILITATION AND CORRECTION

Defendant

Case No. 2025-00852AD

Deputy Clerk Holly True Shaver

MEMORANDUM DECISION

{¶1} Jasmine Anderson (“plaintiff”), an inmate, filed a complaint against defendant, Ohio Department of Rehabilitation and Correction (“ODRC”). Plaintiff related on May 12, 2025, at defendant’s Marion Correctional Institution (“MCI”), staff at MCI failed to properly secure plaintiff’s property resulting in an unspecified amount of plaintiff’s property being stolen. Plaintiff further alleges that this individual obtained plaintiff’s husband’s phone number and extorted money from him. Plaintiff asserts that ODRC is liable for the funds paid to the extortioner.

{¶2} Plaintiff seeks damages in the amount of \$5,094.19, including \$1,194.19 for commissary items, \$1,900.00 for money sent to the extortioner, and \$2,000.00 in pain and suffering. Plaintiff submitted the \$25.00 filing fee.

{¶3} Defendant submitted an investigation report stating that because MCI staff permitted another inmate to pack up plaintiff’s property, it is possible that theft occurred, along with the subsequently damaged lock on plaintiff’s locker box. However, defendant maintains that it is only responsible for \$541.12, the commissary bought in the days immediately preceding plaintiff’s pack up, and that plaintiff has failed to submit evidence that other property was stolen or establish its value. Defendant also argues that it is not liable for the extortion because there is no evidence that there is any connection between the property theft and the alleged extortion. Moreover, defendant maintains that the harm from the alleged extortion occurred to plaintiff’s husband, not plaintiff. Finally, defendant maintains that plaintiff cannot recover for pain and suffering under the current set of facts.

{¶4} Plaintiff filed a response to defendant's investigation report wherein plaintiff reasserts that defendant is liable. Additionally, plaintiff clarified that plaintiff's pain and suffering claim is related to the alleged extortion.

{¶5} To prevail in a claim for negligence, plaintiff must prove, by a preponderance of the evidence, that defendant owed plaintiff a duty, that defendant breached that duty, and that defendant's breach proximately caused plaintiff's damages. *Armstrong v. Best Buy Co., Inc.*, 2003-Ohio-2573, ¶ 8, citing *Meniffee v. Ohio Welding Prod., Inc.*, 15 Ohio St.3d 75, 77 (1984).

{¶6} Whether a duty exists is a question of law to be decided by the court, while breach of such duty is a question of fact. *Snay v. Burr*, 2021-Ohio-4113, ¶ 14, citing *Mussivand v. David*, 45 Ohio St.3d 314, 318 (1989).

{¶7} “[Defendant] does not have the liability of an insurer (i.e., is not liable without fault) with respect to inmate property, but it does have the duty to make reasonable attempts to protect such property. When prison authorities obtain possession of an inmate's property, a bailment relationship arises between the correctional facility and the inmate. By virtue of this relationship, [defendant] must exercise ordinary care in handling and storing an inmate's property. However, a correctional institution cannot be held liable for the loss of contraband property that an inmate has no right to possess.” (Internal citations omitted.) *Triplett v. S. Ohio Corr. Facility*, 2007-Ohio-2526, ¶ 7 (10th Dist.).

{¶8} This court has consistently held that “[i]f property is lost or stolen while in defendant's possession, it is presumed, without evidence to the contrary, defendant failed to exercise ordinary care.” Internal citations omitted. *Velez v. Ohio Dept. of Rehab. & Corr.*, 2020-Ohio-2932 (Ct. of Cl.), ¶ 6. However, “[p]laintiff's failure to prove delivery of [the property] to defendant constitutes a failure to show imposition of a legal bailment duty on the part of defendant in respect to lost property.” Internal citations omitted. *Jones v. Ohio Dept. of Rehab. & Corr.*, 2006-Ohio-365 (Ct. of Cl.), ¶ 10. Plaintiff cannot recover for property loss when plaintiff fails to produce sufficient evidence to establish that defendant actually assumed control over the property. *Whiteside v. Orient Corr. Inst.*, 2005-Ohio-4455 (Ct. of Cl.), *obj. overruled*, 2005-Ohio-5068.

{¶9} Plaintiff has the burden of proving, by a preponderance of the evidence, that plaintiff suffered a loss and that this loss was proximately caused by defendant's negligence. *Coffman v. Mansfield Corr. Inst.*, 2009-Ohio-5859, ¶ 9 (10th Dist.).

{¶10} In addition, prison regulations, including those contained in the Ohio Administrative Code ("OAC"), "are primarily designed to guide correctional officials in prison administration rather than to confer rights on inmates." *State ex rel. Larkins v. Wilkinson*, 79 Ohio St.3d 477, 479, (1997), citing *Sandlin v. Conner*, 515 U.S. 472, 481-482 (1995). Moreover, this court has held that "even if defendant had violated the Ohio Administrative Code, no cause of action would exist in this court. A breach of internal regulations in itself does not constitute negligence." *Williams v. Ohio Dept. of Rehab. & Corr.*, 67 Ohio Misc.2d 1, 3 (Ct. of Cl. 1993). Accordingly, to the extent that plaintiff alleges that ODRC somehow violated internal prison regulations and the OAC, plaintiff fails to state a claim for relief. See *Sharp v. Ohio Dept. of Rehab. & Corr.*, 2008-Ohio-7064 (Ct. of Cl.), ¶ 5.

{¶11} To recover against a defendant in a tort action, plaintiff must produce evidence which furnishes a reasonable basis for sustaining plaintiff's claim. If plaintiff's evidence furnishes a basis for only a guess, among different possibilities, as to any essential issue in the case, plaintiff fails to sustain the burden as to such issue. *Landon v. Lee Motors, Inc.*, 161 Ohio St. 82 (1954).

{¶12} The credibility of witnesses and the weight attributable to their testimony are primarily matters for the trier of fact. *State v. DeHass*, 10 Ohio St.2d 230 (1967), paragraph one of the syllabus. The court is free to believe, or disbelieve, all or any part of each witness's testimony. *State v. Antill*, 176 Ohio St. 61 (1964). The court finds plaintiff's statements credible as they relate to the stolen property.

{¶13} Defendant has admitted liability in this matter regarding plaintiff's claim for stolen property. Accordingly, the only issue left is damages. Damage assessment is a matter within the function of the trier of fact. *Litchfield v. Morris*, 25 Ohio App.3d 42 (10th Dist. 1985). As the trier of fact, this court has the power to award reasonable damages based on evidence presented. *Sims v. S. Ohio Corr. Facility*, 61 Ohio Misc.2d 239 (Ct. of Cl. 1988).

{¶14} Upon review, although plaintiff did not specify within the complaint the specific items that were stolen, a review of the two separate theft loss reports relating to the same incident show the following items were stolen: vitamins (including zinc, vitamin E, vitamin B-1, a multivitamin, and glucose); allergy medication; one (1) bottle of shaving gel; four (4) Palmers lotions; five (5) Axe bodywashes; one (1) Arm & Hammer deodorant; two (2) muscle rub containers; one (1) mirror; one (1) 64 oz. clear mug; two (2) sweatpants; two (2) sweatshirts; one (1) thermal bottom; two (2) thermal tops; three (3) six-foot cord extenders; one (1) light bulb, two (2) towels, one (1) pair of rechargeable clippers; one (1) Muslim oil; one (1) lavender oil; one (1) charger for tablet; one (1) Y-shaped adapter with extension; one (1) deck of playing cards; and various food items, including tuna, mackerel, Folgers coffee, three (3) flavored creamers, one (1) 20 oz. container of pickles, twelve (12) seasonings, honey, one (1) bag of sugar, one (1) bag of Kool-Aid; three (3) packs of soda; three (3) bags of chips; twelve (12) soups; one (1) bag of rice; and one (1) mayonnaise.

{¶15} Defendant admitted liability for plaintiff's lost property but states that it is only liable for the purchases from the commissary on May 8, 2025 and May 9, 2025, in the amount of \$541.12. A review of the receipts from May 8, 2025 and May 9, 2025 shows that reimbursement in the amount of \$541.12 adequately accounts for plaintiff's lost or stolen property. Accordingly, plaintiff may recover \$541.12 for the lost or stolen property.

{¶16} Turning to plaintiff's extortion claim, a review of the claim file shows that plaintiff does not provide any evidence that a causal connection exists between plaintiff's property theft and the alleged extortion. Moreover, plaintiff has failed to show that defendant was the cause of the alleged harm as there is no evidence that the bad actor that extorted plaintiff's husband was affiliated with ODRC. See *Cincinnati Bell Tel. Co. v. J.K. Meurer Corp.*, 2022-Ohio-540, ¶ 30 (1st Dist.) ("the defendant's conduct or omission must be both the actual cause and proximate cause of the harm."). Although plaintiff presented receipts from various money transfers, the receipts alone do not prove that an extortion occurred. Accordingly, plaintiff's claim for negligence relating to the extortion fails.

{¶17} Lastly, plaintiff's claim for pain and suffering must fail as the Deputy Clerk found that defendant is not liable to plaintiff for the alleged extortion, and, therefore, any alleged pain and suffering that occurred as a result of the extortion cannot be attributed back to ODRC. Moreover, to the extent that plaintiff claims that plaintiff has endured pain and suffering in connection with the loss of the property, "[a]n inmate cannot recover for mental anguish for the loss or destruction of his property." *Britford v. Pickaway Corr. Inst.*, 2007-Ohio-1206, ¶ 9 (Ct. of Cl.); see also *Waver v. Ohio Dept. of Corr.*, 2006-Ohio-7250, ¶ 6 (Ct. of Cl.). Accordingly, plaintiff's claim for pain and suffering fails.

{¶18} Therefore, judgment is rendered in favor of plaintiff in the amount of \$541.12 for plaintiff's negligence claim relating to stolen property, plus \$25.00 for reimbursement of the filing fee pursuant to the holding in *Bailey v. Ohio Dept. of Rehab. & Corr.*, 62 Ohio Misc.2d 19 (Ct. of Cl. 1990).

JASMINE ANDERSON

Plaintiff

v.

OHIO DEPARTMENT OF
REHABILITATION AND CORRECTION

Defendant

Case No. 2025-00852AD

Deputy Clerk Holly True Shaver

ENTRY OF ADMINISTRATIVE
DETERMINATION

{¶19} 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 \$566.12 for plaintiff's negligence claim relating to stolen property, which includes reimbursement of the filing fee. Court costs are assessed against defendant.

HOLLY TRUE SHAVER
Deputy Clerk

Filed 1/20/26

Sent to S.C. Reporter 3/9/26