

IN THE COURT OF CLAIMS OF OHIO

EDWARD C. CARTER, #R138-222	:	
P.O. Box 120	:	
Lebanon, Ohio 45036	:	Case No. 2002-10607-AD
Plaintiff	:	MEMORANDUM DECISION
v.	:	
WARREN CORR. INST.	:	
Defendant	:	

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

For Defendant: Gregory C. Trout, Chief Counsel
 Department of Rehabilitation and
 Correction
 1050 Freeway North
 Columbus, Ohio 43229

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{¶1} THE COURT FINDS THAT:

{¶2} 1) On December 5, 2002, plaintiff, Edward C. Carter, filed a complaint against defendant, Warren Correctional Institution, alleging his personal property was stolen while under the care of defendant's staff. Plaintiff sought damages in the amount of \$340.30 for property loss, plus \$25.00 for filing fee reimbursement. Plaintiff submitted the filing fee with his complaint;

{¶3} 2) On February 10, 2003, defendant filed an investigation report admitting liability, but asserting plaintiff's damages should be limited to \$237.65 for property loss, plus \$25.00 for filing fees;

{¶4} 3) On February 19, 2003, plaintiff filed a response

acknowledging his agreement with defendant's damage assessment.

{¶5} THE COURT CONCLUDES THAT:

{¶6} 1) I find, by a preponderance of the evidence, negligence by defendant has been shown. *Baisden v. Southern Ohio Correctional Facility* (1977), 76-0617-AD; *Stewart v. Ohio National Guard* (1979), 78-0342-AD;

{¶7} 2) Plaintiff has suffered damages in the amount of \$237.65, 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.

{¶8} Having considered all the evidence in the claim file and adopting the memorandum decision concurrently herewith;

{¶9} IT IS ORDERED THAT:

{¶10} 1) Plaintiff's claim is GRANTED and judgment is rendered in favor of the plaintiff;

{¶11} 2) Defendant (Warren Correctional Institution) pay plaintiff (Edward C. Carter) \$262.65 and such interest as is allowed by law;

{¶12} 3) Court costs are assessed against defendant.

DANIEL R. BORCHERT
Deputy Clerk