



{¶3} 3) Plaintiff originally filed a complaint asserting defendant failed to return over 100 articles of property which were delivered to ACI staff on or about April 29, 2002. Plaintiff related in a grievance his property was destroyed without proper authority by ACI staff during July 2002. Plaintiff claimed \$1,859.99 in damages for property loss plus filing fees, based on the alleged unauthorized destruction of his property.

{¶4} 4) Defendant denied any liability regarding any loss of plaintiff's property. Defendant explained plaintiff's property items were seized by ACI staff and subsequently destroyed pursuant to an order of forfeiture issued by the Allen County Court of Common Pleas. Defendant asserted plaintiff was given repeated opportunities to authorize the mail out of his confiscated property and refused to make any authorization. Consequently, the seized property was destroyed under court order.

{¶5} 5) Defendant stated that after plaintiff was found guilty of possession of contraband in April 2002, he was provided an opportunity to mail the contraband home. Defendant maintained plaintiff was provided the opportunity on June 4, 2002 to send the contraband items home, but refused. Defendant asserted plaintiff was again given an opportunity on July 12, 2002 to send the contraband home and again refused. Therefore, defendant sought and received an order from the Allen County Court of Common Pleas granting authority to dispose of the seized contraband property. Defendant submitted a copy of an approved application for forfeiture of seized contraband items signed by Judge Jeffrey R. Reed of the Common Pleas Court of Allen County.

{¶6} 6) On August 6, 2003, plaintiff filed a response to defendant's investigation report. Plaintiff contended he did not refuse to send the declared contraband home. Plaintiff argued the contraband was destroyed before defendant had court ordered authorization to dispose of the seized articles. Plaintiff disputed the validity of the forfeiture order and professed the order was fraudulently obtained.

#### CONCLUSIONS OF LAW

{¶7} 1) This court has previously held it does not have jurisdiction over decisions of the Rules Infraction Board of the Department of Rehabilitation and Correction. *Chatman v. Dept. of Rehabilitation and Correction* (1985), 84-06323-AD. *Ryan v. Chillicothe Institution* (1981), 81-05181-AD. *Rierson v. Department of Rehabilitation* (1981), 80-00860-AD.

{¶8} 2) An inmate plaintiff may recover the value of confiscated property destroyed by agents of defendant when those agents acted without authority or right to carry out the property destruction. *Berg v. Belmont Correctional Institution* (1998), 97-09261-AD.

{¶9} 3) However, in the instant claim, defendant acted with court ordered authority to destroy plaintiff's confiscated property. An inmate plaintiff is barred from recovering the value of confiscated property formally forfeited and subsequently destroyed pursuant to a properly obtained court order. *Dodds v. Department of Rehabilitation and Correction* (2000), 2000-03603-AD. Plaintiff's claim for his destroyed confiscated property is dismissed.

{¶10} 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 defendant. Court costs are assessed against plaintiff. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

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DANIEL R. BORCHERT  
Deputy Clerk

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