[Cite as Bishop v. Pickaway Correctional Inst., 2005-Ohio-4316.] IN THE COURT OF CLAIMS OF OHIO

LEON	BISHOP								:															
	Plaintiff							:	:															
	v.							:	:				С	CAS	Е	NC).	20	00	5 - 6	022	281	-AI)
-	AWAY CORRECTI	ON	IAI	J					:				M	IEM	IOF	AN	IDU	JM	DI	EC	ISI	ION		
	Defendant	:	:	:	:	:	:	: :		:	:	:	:	:	:	:	:	:						

FINDINGS OF FACT

{**[1]**1) Plaintiff, Leon Bishop, an inmate incarcerated at defendant, Pickaway Correctional Institution ("PCI"), has alleged several items of his personal property were lost on or about June 12, 2004, while under the control of PCI staff.

 $\{\P 2\}$ 2) Plaintiff maintained the following property items (with corresponding values listed) were lost by PCI employees: twentyseven cassette tapes-\$238.23, one watch-\$69.99, a pair of gloves-\$10.00, a belt-\$6.00, four deli sticks-\$3.40, five Little Debbies cakes-\$5.00, four cookies-\$3.20, two salamis-\$2.20, four drink mixes-\$6.80, a six pack of Pepsi-\$2.00, two coffee creamers-\$1.90, a bag of Jolly Ranchers-\$1.15, two pizza crusts-\$4.90, ten boxes of cigars-\$17.50, one lemonade mix-\$1.55, nine packs of loose tobacco-\$8.10, two packages of lemon cookies-\$3.50, one box of Swedish fish-\$6.00, four bags of chips-\$8.00, five large Hershey bars-\$9.00, five Hostess Honey Buns-\$12.00, and eight bags of microwave popcorn-\$4.99. Plaintiff filed this complaint seeking to recover \$422.72, his estimated total value of the property loss claimed. The actual sum value of the items listed amounts to \$425.41. The \$25.00 filing fee was paid.

{¶3} 3) Defendant admitted liability for the loss of plaintiff's property with the exception of the following items: a bag of Jolly Ranchers, a six-pack of Pepsi, deli sticks, four drink mixes, loose tobacco, pizza crust, popcorn, Swedish fish, and a belt. Defendant asserted these items were not listed on plaintiff's June 12, 2004, property inventory compiled at PCI, although a belt is listed on the property inventory. Defendant admitted damages in the amount of \$379.99 for plaintiff's property loss, plus the \$25.00 filing fee. Damages for the property loss acknowledged amounts to \$382.66.

 $\{\P 4\}$ 4) Plaintiff did not respond.

CONCLUSIONS OF LAW

 $\{\P5\}$ 1) Plaintiff has proven defendant lost twenty-seven cassette tapes, a watch, a belt, gloves, Little Debbies cakes, cookies, salami, one drink mix, coffee creamers, cigars, chips, candy bars, and Hostess Honey Buns. In respect to the loss of certain property items, plaintiff has proven, by a preponderance of the evidence, negligence on the part of defendant. *Baisden v. Southern Ohio Correctional Facility* (1977), 76-0617-AD.

 $\{\P 6\}$ 2) As trier of fact, this court has the power to award reasonable damages based on evidence presented. Sims v. Southern Ohio Correctional Facility (1988), 61 Ohio Misc. 2d 239.

 $\{\P,7\}$ 3) The court finds defendant liable to plaintiff in the amount of \$384.72, 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.

IN THE COURT OF CLAIMS OF OHIO

LEON BISHOP				:				
Plaintiff				:				
ν.				:		CASE NO.	2005-02281-	AD
PICKAWAY CORRECTION. INSTITUTION	AL			:		ENTRY OF DETERMIN	' ADMINISTRAT ATION	'IVE
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 \$409.72, which includes the filing fee. 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

Plaintiff, Pro se

Entry cc:

Leon Bishop, #438-646 P.O. Box 209 Orient, Ohio 43146

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

RDK/laa 7/7 Filed 8/5/05 Sent to S.C. reporter 8/19/05