

[Cite as *Cornwell v. Southeastern Correctional Inst.*, 2004-Ohio-1360.]

IN THE COURT OF CLAIMS OF OHIO

MICHAEL CORNWELL :
 :
 Plaintiff :
 :
 v. : CASE NO. 2003-11968-AD
 :
 SOUTHEASTERN CORRECTIONAL : MEMORANDUM DECISION
 INSTITUTION :
 :
 Defendant :
 :
 ::::::::::::::::::::

{¶1} THE COURT FINDS THAT:

{¶2} 1) On December 8, 2003, plaintiff, Michael Cornwell, filed a complaint against defendant, Southeastern Correctional Institution, alleging his radio/cassette player was stolen while under the control of defendant’s personnel. Plaintiff seeks damages in the amount of \$15.00, the purchase price of a new radio/cassette player, plus \$25.00 for filing fee reimbursement. Plaintiff submitted the filing fee on January 13, 2004;

{¶3} 2) On December 8, 2003, defendant filed an investigation report admitting liability.

{¶4} THE COURT CONCLUDES THAT:

{¶5} 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;

{¶6} 2) Plaintiff has suffered damages in the amount of \$15.00, 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.

{¶7} 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 \$40.00, which includes the filing fee. Court costs are absorbed by the court. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

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Plaintiff, Pro se

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For Defendant

DRB/RDK/laa
2/20
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