

[Cite as *Johnson v. Ohio Reformatory for Women*, 2004-Ohio-4818.]

IN THE COURT OF CLAIMS OF OHIO

LATONYA JOHNSON :  
Plaintiff :  
v. : CASE NO. 2004-01087-AD  
OHIO REFORMATORY FOR WOMEN : MEMORANDUM DECISION  
Defendant :

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FINDINGS OF FACT

{¶1} (1) At sometime during late August, 2003, an employee of defendant, Ohio Reformatory for Women (ORW), confiscated a walkman and headphones from the possession of an inmate identified as Muwwakial. Plaintiff, LaTonya Johnson, an inmate incarcerated at ORW, owned the confiscated walkman and headphones. Plaintiff had loaned the walkman and headphones to another inmate, Ramona Robinson, who in turn allowed inmate Muwwakial to use the items. Defendant specifically prohibits the practice of inmates loaning property.

{¶2} (2) The confiscated walkman and headphones were classified as contraband. Defendant maintained that these contraband articles were subsequently destroyed on October 24, 2003, pursuant to a court order forfeiting the confiscated property to ORW.

{¶3} (3) Plaintiff filed this complaint seeking to recover \$38.98, the replacement value of the walkman and headphones, plus

\$25.00 for filing fee reimbursement. The requisite material filing fee was paid. Plaintiff insisted she is entitled to recover the damages claimed despite the fact she violated policy by loaning property to another inmate.

{¶4} (4) Plaintiff filed a response to defendant's investigation report asserting her property should be returned to her.

#### CONCLUSIONS OF LAW

{¶5} (1) Plaintiff has no right to pursue a claim for property in which she cannot prove any rightful ownership. *DeLong v. Department of Rehabilitation and Correction* (1988), 88-06000-AD. Defendant cannot be held liable for the loss of contraband property that plaintiff has no right to possess. *Beaverson v. Department of Rehabilitation and Correction* (1984), 84-09071. In the instant claim, plaintiff, by loaning the walkman and headphones to another inmate, effectively relinquished all ownership rights in the property.

{¶6} (2) Furthermore, 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.

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

dismissed.

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LATONYA JOHNSON	:	
Plaintiff	:	
v.	:	CASE NO. 2004-01087-AD
OHIO REFORMATORY FOR WOMEN	:	<u>ENTRY OF ADMINISTRATIVE</u>
Defendant	:	<u>DETERMINATION</u>

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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

Entry cc:

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7/15  
Filed 8/19/04  
Sent to S.C. reporter 9/13/04