

[Cite as *Demus v. Madison Correctional Inst.*, 2004-Ohio-5131.]

IN THE COURT OF CLAIMS OF OHIO

RICKIE DEMUS :
Plaintiff :
v. : CASE NO. 2004-02466-AD
MADISON CORRECTIONAL INST. : MEMORANDUM DECISION
Defendant :

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FINDINGS OF FACT

{¶ 1} On February 18, 2004, plaintiff filed a complaint against defendant, Madison Correctional Institution. Plaintiff alleges that his television set was broken by defendant's agent, C.O. Sollers, while he was in segregation. Plaintiff seeks damages in the amount of \$133.95 for the television set and shipping and handling.

{¶ 2} On February 18, 2004, defendant filed an investigation report admitting liability and damages. On August 18, 2004, defendant filed a second investigation report admitting liability and damages.

{¶ 3} On March 3, 2004, this court issued an entry requiring plaintiff to submit the filing fee or poverty statement. On April 15, 2004, this court issued an entry finding plaintiff's poverty statement was invalid and requiring plaintiff to submit the filing fee within 30 days. Plaintiff failed to comply with this court's entry, and, consequently on May 25, 2004, this court issued an entry dismissing plaintiff's case.

{¶ 4} On August 5, 2004, this court issued an entry reopening this case based on plaintiff's submission of the filing fee.

CONCLUSIONS OF LAW

{¶ 5} 1) 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 \$133.95, 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

RICKIE DEMUS	:	
Plaintiff	:	
v.	:	CASE NO. 2004-02466-AD
MADISON CORRECTIONAL INST.	:	<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 plaintiff in the amount of \$158.95, 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

Entry cc:

Rickie Demus, #439-335
1851 St. Route 56
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Plaintiff, Pro se

Gregory C. Trout, Chief Counsel
Department of Rehabilitation
and Correction

For Defendant

DRB/laa
8/19
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