

[Cite as *Lechner v. Ross Correctional Institution*, 2004-Ohio-5044.]

IN THE COURT OF CLAIMS OF OHIO

JAMES P. LECHNER :  
Plaintiff :  
v. : CASE NO. 2004-03985-AD  
ROSS CORR. INST. : MEMORANDUM DECISION  
Defendant :

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FINDINGS OF FACT

{¶ 1} Plaintiff, James P. Lechner, a former inmate at defendant, Ross Correctional Institution (RCI), related that during the latter months of 2003, RCI maintenance staff and others worked on the institution television antenna system. Plaintiff characterized this work on the antenna system as an “upgrade.” Plaintiff stated the maintenance work involved disconnecting and reconnecting multiple pieces of electronic equipment over a period of several months. Plaintiff explained the antenna system was never shut down and remained in operation the entire time the maintenance work was performed. Plaintiff alleged the electrical maintenance “caused a voltage/static discharge, which exited the system through my television.” According to plaintiff, this electrical discharge caused total destruction to the UHF band on his seven year old television set resulting in a malfunction manifested by the set’s failure to receive cable channels 14-125 or 14-69. Plaintiff asserted the damage to his television would not have occurred if he had received proper warning of potential hazards posed to appliances by the electrical maintenance work. Plaintiff further asserted he was not presented with the opportunity to safeguard his television set from dangers presented by the RCI maintenance activities. Plaintiff insisted the damage to his set was proximately caused by negligence on the part of RCI personnel in conducting repairs. Plaintiff filed this complaint seeking to recover \$175.00, the total stated replacement value of his television set, plus \$90 for copying costs and

postage. The requisite \$25.00 filing fee was paid and plaintiff also seeks recovery of that amount.

{¶ 2} Defendant denied any liability in this matter. Defendant asserted the RCI maintenance department did not receive any reports of electrical problems with inmate television sets during the time antenna work was performed at the institution. Defendant related plaintiff's television set, "was connected to a circuit which provided electrical power to approximately 200 televisions and no other inmates complained of damage to their electrical components." Defendant reasoned that if plaintiff's television was damaged in the manner he alleged then all televisions connected to the same circuit would have been damaged. Defendant stated plaintiff's television set was the only set at RCI which displayed mechanical problems. Defendant contended plaintiff failed to provide sufficient evidence to prove his television set was damaged as a result of adjustments made to the antenna, a power surge, or any other electrical maintenance procedure under the control of RCI.

{¶ 3} On June 9, 2004, plaintiff filed a response to defendant's investigation report. Plaintiff suggested his television could possibly have been damaged by unidentified inmates tampering with amplifiers feeding signals to television sets. Defendant acknowledged this particular possibility. However, plaintiff did not produce any evidence to prove his television set was damaged as a result of intentional acts by unidentified inmates under the control of RCI. Furthermore, plaintiff did not sufficiently establish any causal connection between his property damage and the maintenance activity of defendant's staff. Although plaintiff professed information in an owner's manual from the set's manufacturer adequately proves this causal connection, the trier of fact disagrees.

#### {¶ 4} CONCLUSIONS OF LAW

{¶ 5} 1) Plaintiff has the burden of proving his property damage was caused by a power surge and the electrical malfunction was attributable to negligent acts or omissions on the part of defendant. *Pryor v. Southern Ohio Correctional Facility* (1977), 97-03026-AD; jud.

{¶ 6} 2) In order to recover against a defendant in a tort action, plaintiff must produce evidence which furnishes a reasonable basis for sustaining his claim. If his evidence furnishes a basis for only a guess, among different possibilities, as to any essential issue in the case, he fails to sustain the burden as to such issue. *Landon v. Lee Motors, Inc.* (1954), 161 Ohio St. 82.

{¶ 7} 3) Although not strictly responsible for a prisoner's property, defendant had at least the duty of using the same degree of care as it would use with its own property. *Henderson v.*

*Southern Ohio Correctional Facility* (1979), 76-0356-AD.

{¶ 8} 4) Plaintiff has failed to prove a causal connection between the damage to his television set and any breach of a duty owed by defendant in regard to protecting inmate property. *Druckenmiller v. Mansfield Correctional Inst.* (1998), 97-11819-AD.

{¶ 9} 5) Plaintiff must produce evidence which affords a reasonable basis for the conclusion defendant's conduct is more likely than not a substantial factor in bringing about the harm. *Parks v. Department of Rehabilitation and Correction* (1985), 85-01546-AD.

{¶ 10} 6) Plaintiff has failed to prove, by a preponderance of the evidence, his property was damaged as a proximate result of any negligence on the part of defendant. *Hill v. Department of Rehabilitation and Correction* (1998), 98-06908; *King v. Grafton Correctional Institution* (2000), 2000-04120-AD; *Drippon v. Southern Ohio Correctional Facility* (2001), 2001-03739-AD; *Cale v. Toledo Correctional Institution* (2002), 2001-10727-AD.

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ROSS CORR. INST. : ENTRY OF ADMINISTRATIVE  
Defendant : DETERMINATION

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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:

James P. Lechner  
4179 S.R. 73  
Peebles, Ohio 45660

Plaintiff, Pro se

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

For Defendant

DRB/RDK/laa  
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