

[Cite as *Holsey v. Ohio State Penitentiary*, 2004-Ohio-5140.]

IN THE COURT OF CLAIMS OF OHIO

|                         |   |                            |
|-------------------------|---|----------------------------|
| ROBERT HOLSEY           | : |                            |
| Plaintiff               | : |                            |
| v.                      | : | CASE NO. 2004-05805-AD     |
| OHIO STATE PENITENTIARY | : | <u>MEMORANDUM DECISION</u> |
| Defendant               | : |                            |

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THE COURT FINDS THAT:

{¶ 1} 1) On May 17, 2004, plaintiff, Robert Holsey, filed a complaint against defendant, Ohio State Penitentiary (OSP), alleging his television set was damaged while under the control of OSP personnel. Plaintiff seeks damages in the amount of \$155.00 for property loss. Plaintiff submitted the filing fee with his complaint;

{¶ 2} 2) On July 15, 2004, defendant filed an investigation report admitting liability and acknowledging plaintiff suffered damages in the amount of \$155.00 for property loss.

THE COURT CONCLUDES THAT:

{¶ 3} 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;

{¶ 4} 2) Plaintiff has suffered damages in the amount of \$155.00, 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.

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| ROBERT HOLSEY           | : |                                |
| Plaintiff               | : |                                |
| v.                      | : | CASE NO. 2004-05805-AD         |
| OHIO STATE PENITENTIARY | : | <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 \$180.00, 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:

Robert Holsey, #369-748  
878 Coitsville-Hubbard Road  
Youngstown, Ohio 44505

Plaintiff, Pro se

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

For Defendant

RDK/laa  
8/25  
Filed 9/2/04  
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