



years old and not in working order at the time it was destroyed. Defendant admitted liability for plaintiff's property loss in the amount of \$25.00.

{¶ 4} 4) In his response to defendant's investigation report, plaintiff contended his Fisher television was working at the time he delivered the device to RiCI staff. Plaintiff insisted the set was worth \$150.00. Plaintiff did not produce evidence to support his contentions.

#### CONCLUSIONS OF LAW

{¶ 5} 1) It has been previously held, 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.

{¶ 6} 2) Negligence on the part of defendant has been shown in respect to the loss of plaintiff's property claimed. *Baisden v. Southern Ohio Correctional Facility* (1977), 76-0617-AD; *Stewart v. Ohio National Guard* (1979), 78-0342-AD.

{¶ 7} 3) The standard measure of damages for personal property loss is market value. *McDonald v. Ohio State Univ. Veterinary Hosp.* (1994), 67 Ohio Misc. 2d 40.

{¶ 8} 4) In a situation where a damage assessment for personal property destruction based on market value is essentially indeterminable, a damage determination may be based on the standard value of the property to the owner. This determination considers such factors as value to the owner, original cost, replacement cost, salvage value, and fair market value at the time of the loss. *Cooper v. Feeney* (1986), 34 Ohio App. 3d 282.

{¶ 9} 5) As trier of fact, this court has the power to award reasonable damages based on evidence presented. *Sims v. Southern Ohio Correctional Facility* (1988), 61 Ohio Misc. 2d 239.

{¶ 10} 6) Defendant is liable to plaintiff in the amount of \$25.00, 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.

IN THE COURT OF CLAIMS OF OHIO

ANTHONY E. MAYFIELD :  
Plaintiff :  
v. : CASE NO. 2005-07976-AD  
RICHLAND CORRECTIONAL : ENTRY OF ADMINISTRATIVE  
INSTITUTION : DETERMINATION  
Defendant :  
: : : : : : : : : : : : : : : :

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 \$50.00, 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:

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