[Cite as Mayfield v. Richland Correctional Inst., 2006-Ohio-358.]

IN THE COURT OF CLAIMS OF OHIO

ANTHONY E. MAYFIELD :

Plaintiff :

v. : CASE NO. 2005-07976-AD

RICHLAND CORRECTIONAL : MEMORANDUM DECISION

INSTITUTION

:

Defendant

FINDINGS OF FACT

- $\{\P 1\}$ 1) Plaintiff, Anthony E. Mayfield, an inmate incarcerated at defendant, Richland Correctional Institution ("RiCI"), has alleged that on or about December 15, 2004, his television set (Fisher brand) was delivered to RiCI staff for storage. The television set was subsequently destroyed by RiCI employees.
- $\{\P\,2\}\,$ 2) Plaintiff asserted he was the rightful owner of the Fisher television set and carried a valid title for the electronic device. Plaintiff contended his television was destroyed without any authorization. Consequently, plaintiff filed this complaint seeking to recover \$150.00, the estimated replacement cost of a Fisher television set. The filing fee was paid.
- {¶3}3) Defendant explained plaintiff voluntarily participated in a loaner television set program exchanging his malfunctioning Fisher set for a working television supplied by RiCI. Defendant admitted the Fisher television set was destroyed. Defendant acknowledged no documentation exists to verify "the television was destroyed in accordance with (institutional) policy and procedure." Therefore, defendant admitted liability for the loss of plaintiff's property. However, defendant disputed plaintiff's damage claim of \$150.00. Defendant pointed out the set was eleven

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.

 $\{\P4\}$ 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

- $\{\P 5\}$ 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.
- $\{\P 6\}$ 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.
- $\{\P7\}$ 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.
- $\{\P 8\}$ 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.
- $\{\P\ 9\}$ 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.

 $\{\P \ 10\}$ 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

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RICHLAND CORRECTIONAL : <u>ENTRY OF ADMINISTRATIVE</u>

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:

Anthony E. Mayfield, #271-997 Plaintiff, Pro se 1001 Olivesburg Road Mansfield, Ohio 44901

Gregory C. Trout, Chief Counsel For Defendant

Department of Rehabilitation and Correction 1050 Freeway Drive North Columbus, Ohio 43229

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