

Court of Claims of Ohio

The Ohio Judicial Center
65 South Front Street, Third Floor
Columbus, OH 43215
614.387.9800 or 1.800.824.8263
www.cco.state.oh.us

CHRISTOPHER W. HILL

Plaintiff

v.

CHILLICOTHE CORR. INST.

Defendant

Case No. 2009-07211-AD

Deputy Clerk Daniel R. Borchert

MEMORANDUM DECISION

FINDINGS OF FACT

{¶ 1} 1) On or about August 26, 2008, plaintiff, Christopher Hill, an inmate at defendant, Chillicothe Correctional Institution, was placed in segregation. Consequently, his property was inventoried and taken to the vault. Upon plaintiff's release from segregation on September 2, 2008, he noticed several property items were missing.

{¶ 2} 2) Plaintiff asserts the following property items were missing when his property was returned to him after his release from segregation: seven compact discs, two pairs of sweat pants, nine packs of batteries, one creamer, one bowl with lid, one Chapstick, two dental floss, six bags of chips, seven prayer oil, one lotion, one mirror, one nail clipper, ten packs of razors, twenty-four pouches of Bulgar Tobacco, five packs of Black & Mild, three tins of snuff, four toothbrushes, two tubes of Crest toothpaste, four Kool-Aids, twenty-four pastry cakes, one cookie and one coffee. Plaintiff also contends a surge protector, pair of tennis shoes, headphones, and a fan were erroneously classified as contraband and confiscated from him. Plaintiff alleges his property was lost due to defendant's negligence as well as a misinterpretation of the

contraband and 2.4 limitation rule. Plaintiff seeks damages in the amount of \$331.00, plus reimbursement of the \$25.00 filing fee he submitted with his complaint.

{¶ 3} 3) On March 1, 2010, this court issued an entry denying plaintiff's motions for default judgment and granting defendant's motion for extension of time to submit the investigation report. On March 9, 2010, plaintiff filed a memorandum in opposition to this court's entry denying his motion for default judgment. On March 16, 2010, defendant filed a motion for extension of time to submit the investigation report.

{¶ 4} 4) On March 19, 2010, defendant submitted the investigation report. Defendant asserts that plaintiff possessed property in excess of the 2.4 cubic feet in volume rule. The 2.4 cubic feet standard corresponds to the volume of the foot locker issued to each inmate and it is the inmate's responsibility to ensure his property does not exceed this limitation. While defendant contends the procedure employed by defendant's agents to determine the amount of property permissible pursuant to the 2.4 limitation was appropriate, documentation of this transaction was inadequate. Therefore, defendant admits liability for the loss of some but not all property claimed by plaintiff. Defendant denies ever receiving possession of any tobacco products. Defendant believes the used CDs should be valued at \$70, while the various commissary items at \$150.00. Accordingly, plaintiff should be granted judgment in the amount of \$220.00, plus \$25.00 for reimbursement of the filing fee.

{¶ 5} 5) On April 5, 2010, plaintiff filed a response to defendant's investigation report. Plaintiff reluctantly agrees to drop his claim for the loss of tobacco products since the Department of Rehabilitation and Correction has instituted a no smoking policy. Plaintiff seeks reimbursement for one fan in the amount of \$22.25.

{¶ 6} 6) On April 14, 2010, defendant filed a reply to plaintiff's response. Defendant asserts it has no objection to include an additional \$22.25 to the damage amount, which represents the loss of plaintiff's fan.

CONCLUSIONS OF LAW

{¶ 7} 1) Negligence on the part of defendant has been shown in respect to the mutually agreed upon property loss. *Baisden v. Southern Ohio Correctional Facility* (1977), 76-0617-AD. Defendant is liable to plaintiff in the amount of \$242.25, plus the \$25.00 filing fee. *Bailey v. Ohio Department of Rehabilitation and Correction* (1990), 62 Ohio Misc. 2d 19, 587 N.E. 2d 990.

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ENTRY OF ADMINISTRATIVE DETERMINATION

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 \$267.25, which includes the filing fee. Court costs are assessed against defendant.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

Christopher W. Hill, #A475-281
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Gregory C. Trout, Chief Counsel
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DRB/laa
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