

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA, EVANSVILLE DIVISION

WILLIAM HURT, DEADRA HURT,)
ANDREA HURT, & DEBBIE HURT,)
)
Plaintiffs)

vs.)

EVANSVILLE POLICE DEPARTMENT)
DETECTIVES JEFF VANTLIN JACK)
SPENCER, WILLIAM ARBAUGH, and JASON)
PAGETT, DETECTIVE SERGEANTS LARRY)
NELSON and RICHARD BLANTON,)
and LIEUTENANT DAN DEYOUNG,)
CITY OF EVANSVILLE, KENTUCKY)
STATE POLICE OFFICERS MATTHEW WISE)
and ZACHARY JONES, and)
KENTUCKY MEDICAL EXAMINER)
AMY BURROWS-BECKHAM,)

Defendants.)

JURY TRIAL DEMANDED

COMPLAINT

NOW COME Plaintiffs WILLIAM HURT, DEADRA HURT, ANDREA HURT,
and DEBBIE HURT, by and through their attorneys, LOEVY & LOEVY,
and complaining of Defendants, EVANSVILLE POLICE DEPARTMENT
DETECTIVES JEFF VANTLIN, JACK SPENCER, WILLIAM ARBAUGH, and
JASON PAGETT, DETECTIVE SERGEANTS LARRY NELSON and RICHARD
BLANTON, and LIEUTENANT DAN DEYOUNG, KENTUCKY STATE POLICE
OFFICERS MATTHEW WISE and ZACHARY JONES, KENTUCKY MEDICAL
EXAMINER AMY BURROWS-BECKHAM, and CITY OF EVANSVILLE, allege as
follows:

Introduction

1. On June 28, 2012, Defendants wrongfully arrested Plaintiffs William Hurt, Deadra Hurt, and Andrea Hurt for the death of their uncle, whose body was found floating in the Ohio River on June 17, 2012. Not only did the three young siblings not commit this crime, but the "crime" itself had not occurred: tragically, their uncle had committed suicide by jumping off the Twin Bridges a short distance from where his body was found.

2. Nevertheless, Defendants unlawfully detained 16 year old Andrea Hurt in Vanderburgh County Jail for seven days before the Vanderburgh County prosecutor's office determined it would not pursue charges against her. Andrea was the only juvenile in the jail and her experience was horrific. During her unlawful incarceration, Defendants provided Andrea's name to the media and falsely accused her of being a murderer, which caused her tremendous harm well after she was cleared of the wrongful charges.

3. Following 19 year old Deadra Hurt's wrongful arrest, Defendants unlawfully detained Deadra in Vanderburgh County Jail for five months. The Vanderburgh County prosecutors ultimately dismissed the charges against Deadra after the criminal court ruled that a confession she had given to Defendants was involuntary and unreliable, the product of an hours-long interrogation involving threats to her and her family.

4. Defendants subjected 18 year old William Hurt to a similar interrogation, after which he, too, confessed to having murdered his uncle. Although William's coerced confession was equally involuntary and unreliable, and was not supported by any extrinsic evidence, the court denied his counsel's motion to suppress. Defendants continued their malicious prosecution of William, fabricated additional material false evidence to use against him at trial, and withheld their fabrications from him. In February 2013, eight months after his wrongful arrest, William was acquitted following a week-long jury trial. The jury found William not guilty of murdering his uncle only hours after deliberations began.

5. Beginning with William, Deadra and Andrea's wrongful arrests for the murder of their uncle and continuing through William's malicious prosecution, Defendants intentionally inflicted emotional distress on Plaintiff Debbie Hurt - the deceased's foster sister and Deadra, William and Andrea's mother.

6. Plaintiffs file this suit to bring Defendants' misconduct to light, to seek redress for the injuries they suffered, and, hopefully, to prevent any other family from going through what they were forced to endure.

Jurisdiction and Venue

7. This action is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation under color of law of Plaintiffs' rights as secured by the United States Constitution.

8. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1367. Venue is proper under 28 U.S.C. § 1391(b). The events giving rise to this complaint occurred in this judicial district.

The Parties

9. Plaintiff William Hurt resides and works in Evansville, Indiana. At the time of the events giving rise to this complaint, William had just turned 18 years old.

10. Plaintiff Deadra Hurt resides in Henderson, Kentucky. She is studying to become a Certified Nurse Assistant so that she can work with the elderly. At the time of the events giving rise to this complaint, Deadra was 19 years old.

11. Plaintiff Andrea Hurt resides in Evansville, Indiana. She is enrolled in college courses with the goal of becoming a counselor so that she can work with at-risk teenagers and help them get their GEDs and high school diplomas. She also works full-time and is a Sunday school teacher and youth leader at her church. At the time of the events giving rise to this complaint, Andrea was 16 years old.

12. Plaintiff Debbie Hurt resides in Evansville, Indiana, where she owns her own home renovation business. She has cared for a number of foster children, including Plaintiff William Hurt, his biological sister Cara, and Plaintiff Andrea Hurt, each of whom she subsequently adopted.

13. Defendants Jeff Vantlin, Jack Spencer, William Arbaugh, and Jason Pagett are or were Evansville Police Department ("EPD") Detectives, Defendants Larry Nelson and Richard Blanton are or were EPD Detective Sergeants, and Defendant Dan DeYoung is or was an EPD Lieutenant. Each of these Defendant Officers ("EPD Defendant Officers") is sued in his individual capacity, and each acted under color of law and within the scope of his employment in engaging in the actions alleged in this complaint. Furthermore, Defendants Nelson, Blanton, and DeYoung held supervisory positions and acted in their roles as supervisors at all times relevant to this complaint.

14. Defendants Matthew Wise and Zachary Jones are current or former Kentucky State Police ("KSP") Detectives. Each of these Defendant Officers is sued in his individual capacity, and each acted under color of law and within the scope of his employment in engaging in the actions alleged in this complaint.

15. Defendant Amy Beckham-Burrows is a medical examiner for the State of Kentucky and is sued in her individual

capacity. At all times relevant to this complaint, Defendant Beckham-Burrows acted under color of law and within the scope of her employment in engaging in the actions alleged in this complaint.

16. The EPD Defendant Officers, the KSP Defendant Officers, and Defendant Beckham-Burrows will collectively be referred to as "Individual Defendants."

17. Defendant City of Evansville is a municipal entity in the State of Indiana that employs or employed the EPD Defendant Officers.

The Death of Marcus Golike

18. On or about June 16, 2012, 54 year old Marcus Golike committed suicide by jumping off the Twin Bridges, which connect Evansville, Indiana and Henderson County, Kentucky. Mr. Golike's body was found west of the Twin Bridges, on the north bank of the Ohio River, on June 17, 2012.

19. Mr. Golike, who was homeless, had a long history of mental illness and on several occasions he had expressed suicidal ideations. He had been released from Putnamville Correctional Facility on June 7, 2012 - the latest of a series of short periods of incarceration for minor non-violent offenses - and after visiting family members in Evansville, Indiana, Mr. Golike indicated to them that he was going to walk to Sebree,

Kentucky to visit his father's family. Sadly, while en route to Kentucky, Mr. Golike instead took his own life.

Defendants Begin to Investigate the Death as a Murder

20. Because Mr. Golike's body was located within Kentucky's jurisdiction, the Kentucky State Police handled the initial report of the death. They, in turn, called the Evansville Police Department, and Defendant Blanton, a supervisor and Sergeant within the EPD, assigned Defendant Vantlin to investigate.

21. Defendant Vantlin quickly took over as the lead EPD Detective. He, along with Defendants Jones and Wise, decided to investigate the death was a murder and set out to "solve" it.

Defendants Target Plaintiffs William, Deadra and Andrea

22. One of the places Mr. Golike visited before leaving Evansville was the home of his foster sister, Plaintiff Debbie Hurt ("Debbie"). Mr. Golike was beloved by Debbie's children, who considered him family and called him "Uncle Mark." Despite Mr. Golike's brief bouts of incarceration, they spent a good amount of time with him, and Debbie's adoptive son, Plaintiff William Hurt ("William"), particularly enjoyed playing chess with him.

23. Mr. Golike spent the evening at Debbie's home, and William played chess with him late into the night. At approximately 11PM, their chess game came to an end and Mr.

Golike left Debbie's home, taking with him some food that William had given him.

24. Several days later, Debbie's mother called to tell her that Mr. Golike was dead. Debbie's mother had learned of the death from Defendants Vantlin, Wise and Jones, who told her that Mr. Golike had been murdered.

25. Mr. Golike's death came as a shock to the entire Hurt family, and Debbie was distraught. She immediately called Defendant Vantlin to tell him about Mr. Golike's visit to her home earlier that week, in case any of the information she had could be useful.

26. There was absolutely no reason to suspect that 18 year old William, his 19 year old sister, Plaintiff Deadra Hurt ("Deadra"), or his 16 year old sister, Plaintiff Andrea Hurt ("Andrea"), were in any way involved in Mr. Golike's death.

27. William, Deadra and Andrea were good kids who had never been in any trouble. Deadra was done with school and had a full-time job; William had just graduated from high school and had plans to attend college and study veterinary medicine; and Andrea was in the 10th Grade and on pace to follow in her older siblings' footsteps.

28. Moreover, no evidence collected from Mr. Golike's body or the area where he was found suggested in any way that William, Deadra, or Andrea had laid a hand on him.

29. Nevertheless, without any basis, Defendants decided that the siblings murdered their uncle and set off to prove it.

Defendants Coerce a False Confession from William

30. On the afternoon and evening of June 28, 2012, Defendants Vantlin and Jones spent hours harshly interrogating William at the Evansville Police Department.

31. They repeatedly accused William of murdering his uncle and told William that he was lying as he insisted, for more than 2.5 hours, that he was innocent, that he had no involvement in his uncle's death, and that he could not have killed his uncle because he loved him.

32. William was telling the truth. He had no involvement in his uncle's death. But the Defendants had decided that he and his siblings were guilty and they refused to accept William's statements.

33. Throughout the course of several hours the Defendants fed William details about where Mr. Golike's body was found and how Mr. Golike was dressed, and they came up with a story about how William and his siblings had beaten and strangled Mr. Golike, tied him up, and thrown him in the Ohio River.

34. This was a fantastical story that was wholly unsupported by any evidence. Mr. Golike's body was not beaten, and there was no evidence that he had been tied up. Moreover, for the Defendants' story to be true, and for the children to

have thrown Mr. Golike in the river as the Defendants contended, Mr. Golike's body would have had to float upstream five miles against the current in order to end up where it was ultimately found. Nevertheless, the Defendants pressed their story and demanded that William admit to it.

35. The Defendants lied to William by telling him that they had forensic evidence that he had participated in Mr. Golike's murder. In fact, they had no such evidence, because no such evidence existed.

36. The Defendants told William that he would be charged with murder, and that the only way he could help himself was if he confessed. They told him that unless he confessed, he would be sent to prison for life and would never see his family again.

37. Defendants knew that William, who had been adopted by the Hurt family along with his younger sister Cara, valued his family more than anything in the world. They knew that the thought of never seeing his family again would cause him severe distress.

38. With this in mind, and to further induce a confession, Defendants told William that if he confessed he would be able to go home.

39. William broke down in sobs repeatedly throughout the interrogation, insisting that he played no role in Mr. Golike's death and that he did not know how his uncle had died.

40. Finally, after several hours, unable to withstand the Defendants' extreme pressure and believing that if he told them what they wanted to hear he would be able to go home, William began to parrot back the details the Defendants had fed him.

41. Every detail William recounted in his coerced confession was first provided to him by Defendants.

42. It took William several tries until the Defendants were satisfied with his account. As the interrogation came to an end he asked them, "Did I get most of the facts right?"

43. Based on William's involuntary coerced confession, in which he was forced to implicate himself and his siblings, the Defendants placed him under arrest for the murder of Mr. Golike.

Defendants Threaten Deadra Until She Falsely Confesses

44. Having secured William's false confession, Defendants Vantlin, Jones, Wise and Nelson brought Deadra into an interrogation room and told her she was not free to leave.

45. Defendants immediately told Deadra that William had confessed and that he had implicated her in Mr. Golike's death. They then recounted the details of William's coerced confession.

46. Deadra, like William, insisted that she was innocent, and that she played no role in Mr. Golike's death. Her protestations of innocence were truthful.

47. As they had with William, Defendants rejected her innocence pleas, called her a "heartless cold killer," and told

her that not only would she spend the rest of her life in prison, but that her siblings and mother would go to jail unless she confessed.

48. Deadra broke down in sobs repeatedly and asked the Defendants if she could take a lie detector test to prove that she was telling the truth. The Defendants rejected her request, told her to admit that she had participated in the alleged murder, and told her she was "too chickenshit to say the words."

49. The Defendants told Deadra that she would get the death penalty if she didn't confess, and that her story needed to match William's or it would "make[] everybody a liar."

50. As Deadra cried, they told her that she would "hurt family members" if she didn't confess to William's account.

51. Unable to withstand these threats to her and her family, Deadra began to answer their questions with the facts they said William had provided.

52. When the information Deadra was providing didn't precisely match William's account, the Defendants would re-ask the question until she gave the answer they were looking for.

53. The Defendants ended the interrogation when Deadra began giving inconsistent details, telling her, "Now you're starting to recant your story so what we're going to do is we're ... just going to stop the interview."

Defendants Raid the Hurt Home and Wrongfully Arrest Andrea

54. Defendants Vantlin and Spencer used William and Deadra's coerced confessions as the basis for knowingly false affidavits, which they then used to fraudulently obtain a search warrant for the Hurt family home.

55. Defendants Nelson, Spencer, and an EPD SWAT team executed the warrant and raided the Hurt family home. EPD officers ran into Andrea's bedroom, shouted at her to get out of bed, and dragged her down the stairs. Once the entire family was outside, Andrea was transported to the Evansville Police Department.

56. At the police station, Defendants Vantlin, Wise, and Jones interrogated Andrea in the presence of her father and then by her lonesome. Andrea insisted on her innocence throughout, rejecting the Defendants' accusations of her involvement in Mr. Golike's death and insisting that she would never be involved in a murder because her own biological mother had been killed when she was very young.

57. Defendants told Andrea that her biological mother was looking down on her in shame and continued to accuse her of participating in Mr. Golike's murder.

58. Despite the Defendants' pressure and beratement, Andrea never confessed.

59. The Defendants stopped interrogating Andrea shortly before 2:30AM on June 29, 2012. On the sole basis of William and Deadra's knowingly false confessions, Defendants arrested Andrea for the murder of Mr. Golike.

60. Defendant Vantlin requested and received permission to transfer 16 year old Andrea to the Vanderburgh County Jail. Seven days later, the Vanderburgh County prosecutor's office declined to pursue charges against Andrea and she was released to her home.

No Evidence Supports the Confessions Defendants Coerced

61. Defendants and other EPD officers investigated the details William and Deadra provided in their coerced confessions. Aside from the details concerning where Mr. Golike was found and what he was wearing - i.e., the details the Defendants knew at the time they interrogated William and Deadra - no other details were corroborated by extrinsic evidence.

62. Faced with this dilemma, the Defendants set about to fabricate evidence proving the siblings' guilt.

63. Shortly after Defendants secured William and Deadra's false coerced confessions, Defendant Kentucky Medical Examiner Beckham-Burrows finalized Mr. Golike's autopsy report for the Defendants. In that report, Defendant Beckham-Burrows concluded that Mr. Golike's death was caused by an assault and strangulation. This conclusion was belied by the physical

injuries sustained by Mr. Golike, but buttressed the reliability of the coerced confessions elicited by the Defendants.

64. Separately, Defendants fabricated police reports corroborating the false accounts they had fed William and Deadra. Defendants failed to record or disclose these fabrications. Defendants also falsified other police reports to include circumstantial evidence suggesting the siblings' guilt.

Prosecutors Dismiss All Charges Against Deadra After the Court Suppresses Her Confession

65. Deadra's attorney filed a motion to suppress her confession on the basis that it was involuntary, not freely given, and unreliable.

66. The court readily granted the motion and found that the Defendants' multiple threats to Deadra and her family's safety and security violated Deadra's rights under the Fifth and Fourteenth Amendments.

67. With only the fabricated circumstantial evidence remaining to suggest Deadra's guilt, the prosecutors dismissed all charges against Deadra without prejudice on November 1, 2012.

Defendants Further William's Malicious Prosecution

68. With William as the sole remaining defendant, the Defendants redoubled their efforts to assure his conviction.

69. As William's trial date approached, and with only Defendants' false and fabricated circumstantial evidence supporting the notion of William's guilt, the prosecutor's office offered William a plea deal. William rejected the deal, insisting on his innocence.

70. On the eve of trial, Defendants Pagett and Arbaugh created a false police report stating that William had made inculpatory statements to them on June 29, 2012, during his transport to Vanderburgh County Jail. This was false; William had made no such statements.

71. Defendants Pagett and Arbaugh fabricated this report for the sole purpose of furthering William's wrongful prosecution.

72. On information and belief, EPD officers routinely fabricated false police reports, including on the eve of trial, by including false evidence of wrongdoing.

William is Acquitted of Murder

73. William's trial began on February 19, 2013. The jury was shown a video recording of William's interrogation and heard testimony from the Defendants and other Evansville police officers conceding that no evidence was found to support the details contained in the confession.

74. Incredibly, the chief trial deputy of the Vanderburgh County prosecutor's office, Mike Perry, contended that the

reason William's confession could not be corroborated was because William had intentionally falsified details in his confession to mislead the investigators.

75. Vanderburgh County prosecutor Perry's contention was disingenuous, at best, given that every detail William "confessed" to was first told to him by the Defendants.

76. The jury also heard the Defendants testify to their fabrications, which provided circumstantial evidence of William's guilt.

77. When the jury went back to deliberate, they requested a copy of the video recorded interrogation. After watching that recording, the jury returned a not guilty verdict on the murder charge.

Plaintiffs' Damages

78. William, Deadra, and Andrea each suffered considerable damages as a result of their having been wrongfully accused of a murder they did not commit. Their mother, Debbie, also suffered tremendously as a result of Defendants' misconduct toward her and her children.

79. The siblings each suffered greatly during their respective periods of wrongful incarceration - a horrifying experience made considerably worse because of their youth and their innocence.

80. Andrea and William were each initially isolated in suicide watch cells where they spent their days crying. For the entire duration of her wrongful incarceration, Andrea was unable to eat or sleep. William would only eat, sleep, and cry.

81. When William was ultimately moved to the general population, he walked around scared, a gentle 18 year old surrounded by dangerous and hardened criminals. He was forced to spend nearly seven months there until he was finally taken to trial and acquitted.

82. Deadra was immediately placed in a cell with a large group of women, all older than her. Other detainees in the jail would bang on the windows and the bars, calling her a murderer and screaming that she deserved to die.

83. Meanwhile, Debbie experienced considerable distress and anxiety over the fate of her biological and adopted children.

84. Due to the publicity surrounding the children's arrests and respective prosecutions, which was the direct result of the Defendants' decision to release the fabricated arrest reports, the Defendants' pejorative comments concerning the "foster home" that Debbie ran, and Defendants' false assertions of the siblings' culpability and "lack of remorse," each of the Plaintiffs became targets for cyber bullying, hate mail, and in some cases, death threats.

85. Even after the prosecutor declined to pursue the charges against Andrea, the defamatory statements Defendants had made in the press at the time of her arrest prevailed. Andrea continued to receive threats. She was forced to change her appearance, start using her middle name instead of her first name, and because of security concerns, she could not go back to her high school.

86. Deadra suffered similarly. When the prosecutors finally dismissed the charges against her and the court ordered her release, Deadra went straight to her mother's house to live. She was self-conscious about going out in public because of the considerable media attention Defendants had encouraged about the case, and she had difficulty finding a job. It took a considerable amount of time before she was able to situate herself back into society and feel safe and secure.

87. Each of the Plaintiffs has suffered tremendous damage, including extreme emotional distress, physical pain and suffering, and reputational injury.

**Count I - 42 U.S.C. § 1983
Federal Malicious Prosecution**

88. Each of the paragraphs of this Complaint is incorporated as if restated fully herein.

89. As described more fully above, the Individual Defendants, while acting individually, jointly and in

conspiracy, as well as under color of law and within the scope of their employment, deprived Plaintiffs William Hurt, Deadra Hurt, and Andrea Hurt of their constitutional rights.

90. The Individual Defendants, while acting individually, jointly and in conspiracy, caused Plaintiffs to be maliciously prosecuted for a crime for which they were totally innocent that resulted in the deprivation of their liberty in violation of their procedural and substantive right to due process guaranteed by the Fourteenth Amendment and right to be free of unreasonable seizures guaranteed by the Fourth and Fourteenth Amendments.

91. The Individual Defendants caused Plaintiffs to be improperly subjected to judicial proceedings for which there was no legitimate probable cause. Defendants pursued Plaintiffs' criminal prosecutions for murder although they lacked probable cause to do so based upon their fabrication of evidence to falsely implicate them.

92. These judicial proceedings were instituted and continued maliciously, resulting in injury, and all such proceedings were ultimately terminated in each Plaintiff's favor in a manner indicative of innocence when the State failed to pursue charges against Andrea, dismissed all charges against Deadra, and failed to convict William following a jury trial.

93. The Individual Defendants accused Plaintiffs of criminal activities knowing those accusations to be without

genuine probable cause, and made statements to the police and/or prosecutors with the intent of exerting influence to institute and continue the judicial proceedings.

94. The Individual Defendants also fabricated evidence and withheld the manner in which that evidence was fabricated.

95. The Individual Defendants' misconduct described in this Count was undertaken with malice, willfulness, and reckless indifference to the rights of others.

96. As described above, the Individual Defendants' actions also subjected Plaintiffs to unauthorized and arbitrary governmental action that shocks the conscious in that Plaintiffs were deliberately and intentionally framed for a crime for which they were totally innocent through Defendants' coerced false confessions and fabrication of material circumstantial evidence.

97. As a result of this violation of their Fourth and Fourteenth Amendment constitutional rights, Plaintiffs suffered injuries, including but not limited to their loss of liberty and emotional distress, as is more fully alleged above.

98. Plaintiffs do not have an adequate post-deprivation state tort remedy for their malicious prosecution because the Indiana Tort Claims Act grants broad immunity to Indiana government units and employees from malicious prosecution actions. See Ind.Code § 34-13-3-3(6).

Count II - 42 U.S.C. § 1983
Fourth Amendment

99. Each of the Paragraphs of this Complaint is incorporated as if restated fully herein.

100. As described more fully above, the Defendants caused Plaintiffs William, Deadra, and Andrea to be arrested and detained without probable cause.

101. As a result of this misconduct, Plaintiffs suffered injuries, including unlawful imprisonment.

102. The Defendant Officers' actions set forth above were willful and wanton, undertaken intentionally, and with malice and reckless indifference to Plaintiffs' rights.

Count III - 42 U.S.C. § 1983
Due Process

103. Each of the paragraphs of this Complaint is incorporated as if restated fully herein.

104. As described more fully above, the Individual Defendants, while acting individually, jointly and in conspiracy, as well as under color of law and within the scope of their employment, deprived Plaintiffs William Hurt and Deadra Hurt of their constitutional right to a fair trial.

105. In the manner described more fully above, the Individual Defendants deliberately withheld exculpatory evidence, as well as fabricated false reports and other evidence, thereby misleading and misdirecting the criminal

prosecution. Absent the totality of this misconduct, the prosecution of Plaintiffs could not and would not have been pursued.

106. The Individual Defendants' misconduct denied Plaintiffs their constitutional right to a fair trial in violation of the Due Process Clause of the Fifth and Fourteenth Amendments to the United States Constitution.

107. As a result of this violation of their constitutional right to a fair trial, Plaintiffs suffered injuries, including but not limited to emotional distress, as is more fully alleged above.

108. The Individual Defendants' misconduct, as described in this Count, was objectively unreasonable and was undertaken intentionally with willful indifference to Plaintiffs' constitutional rights.

**Count IV - 42 U.S.C. § 1983
Failure to Intervene**

109. Each of the Paragraphs of this Complaint is incorporated as if restated fully herein.

110. In the manner described above, during the constitutional violations described above, one or more of the Individual Defendants stood by without intervening to prevent the misconduct.

111. These Individual Defendants had a reasonable opportunity to prevent this harm, but failed to do so.

112. As a result of the Individual Defendants' misconduct, Plaintiffs suffered injuries, including but not limited to emotional distress, as is more fully alleged above.

113. The Defendant Officers' misconduct, as described in this Count, was objectively unreasonable and was undertaken intentionally with willful indifference to Plaintiffs' constitutional rights.

114. The misconduct described in this Count was undertaken pursuant to the City of Evansville's policy and practice in the manner described in the preceding paragraphs.

**Count V - 42 U.S.C. § 1983
Conspiracy to Deprive Constitutional Rights**

115. Each of the Paragraphs of this Complaint is incorporated as if restated fully herein.

116. After discovering the body of Mr. Golike, the Individual Defendants reached an agreement amongst themselves to frame Plaintiffs for the crime, and to thereby deprive Plaintiffs of their constitutional rights, all as described in the various Paragraphs of this Complaint.

117. In this manner, the Individual Defendants, acting in concert with other unknown co-conspirators, including persons who are not members of the Evansville Police Department, have

conspired by concerted action to accomplish an unlawful purpose by an unlawful means.

118. In furtherance of the conspiracy, each of the co-conspirators committed overt acts and was an otherwise willful participant in joint activity.

119. As a direct and proximate result of the illicit prior agreement referenced above, Plaintiffs' rights were violated, and they suffered damages including severe emotional distress and anguish, as is more fully alleged above.

120. The Individual Defendants' misconduct, as described in this Count was objectively unreasonable and was undertaken intentionally with willful indifference to Plaintiffs' constitutional rights.

121. The misconduct described in this Count was undertaken pursuant to the policy and practice of the Evansville Police Department in the manner described more fully in preceding paragraphs, and was tacitly ratified by policymakers for the Defendant City of Evansville with final policymaking authority.

122. As a result of this violation, Plaintiffs suffered injuries, including but not limited to emotional distress, as is more fully alleged above.

**Count VI - 42 U.S.C. § 1983
Supervisory Liability**

123. Each of the Paragraphs of this Complaint is incorporated as if restated fully herein.

124. The constitutional injuries complained of herein were proximately caused by a pattern and practice of misconduct, which occurred with the knowledge and consent of those of the Defendant Officers who acted in a supervisory capacity, including Defendants Nelson, Blanton, and DeYoung, such that these officers personally knew about, facilitated, approved, and/or condoned this pattern and practice of misconduct, or least recklessly caused the alleged deprivation by their actions or by their deliberately indifferent failure to act.

125. The misconduct described in this Count was undertaken with malice, willfulness, and reckless indifference to the rights of others.

126. The misconduct described in this Count was undertaken pursuant to the City's policy and practice in the manner more fully described above.

127. As a result of this violation, Plaintiffs suffered injuries, including but not limited to emotional distress, as is more fully alleged above.

Count VII - 42 U.S.C. § 1983
Monell Liability: City of Evansville

128. Each of the Paragraphs of this Complaint is incorporated as if restated fully herein.

129. As described more fully above, in causing Plaintiffs to suffer constitutional violations described in this Complaint, the EPD Defendants were acting pursuant to the City of Evansville's policies and practices, including the specific method pursuant to which the interrogations were conducted, police reports were created, and arrests and detentions were effectuated. Defendants' misconduct was also undertaken with the knowledge and participation of municipal policymakers.

130. As a matter of both policy and practice, the Evansville Police Department directly encourages, and is thereby the moving force behind, the very type of misconduct at issue here by failing to adequately train, supervise and control its officers, such that its failure to do so manifests deliberate indifference.

131. The Evansville Police Department and the City of Evansville have failed to act to remedy these abuses despite knowledge of the same, thereby causing the types of injuries alleged here.

**Count VIII - State Law Claim
False Arrest / False Imprisonment**

132. Each of the Paragraphs of this Complaint is incorporated as if restated fully herein.

133. As described more fully above, the Defendants caused Plaintiffs William, Deadra, and Andrea to be arrested and detained without probable cause.

134. As a result of this misconduct, Plaintiffs suffered injuries, including unlawful imprisonment.

135. The Defendant Officers' actions set forth above were willful and wanton, undertaken intentionally, and with malice and reckless indifference to Plaintiffs' rights.

**Count IX - State Law Claim
Malicious Prosecution**

136. Each of the Paragraphs of this Complaint is incorporated as if restated fully herein.

137. As described more fully above, the Defendants caused Plaintiffs William, Deadra, and Andrea to be subjected to judicial proceedings for which there was no probable cause by knowingly providing falsified inculpatory evidence to police and prosecutors with the intention of exerting influence to ensure that Plaintiffs were prosecuted for crimes for which they were innocent.

138. All such proceedings were terminated in Plaintiffs' favor in a manner indicative of innocence.

139. As set forth in further detail above, Plaintiffs suffered injury from Defendants' misconduct.

140. The Defendant Officers' actions were willful and wanton, and undertaken intentionally and with malice and reckless indifference to Plaintiffs' rights.

Count X - State Law Claim
Intentional Infliction of Emotional Distress

141. Each of the Paragraphs of this Complaint is incorporated as if restated fully herein.

142. As described more fully above, the conduct of the Individual Defendants was extreme and outrageous. The Individual Defendants intended to cause, or were in reckless disregard of the probability that their conduct would cause, severe emotional distress to Plaintiffs.

143. Defendants knew that Plaintiff Debbie Hurt, as the foster sister of the deceased and the mother of Plaintiffs William, Deadra, and Hurt, would be particularly susceptible to emotional distress.

144. Defendants' actions and conduct did directly and proximately cause Plaintiffs severe emotional distress.

145. The misconduct described in this Count was undertaken with malice, willfulness, and reckless indifference to the rights of others.

146. As a result of this misconduct, Plaintiffs sustained injuries, including emotional pain and suffering, as is more fully alleged above.

**Count XI - State Law Claim
Defamation of Character**

147. Each of the Paragraphs of this Complaint is incorporated as if restated fully herein.

148. As described more fully above, one or more of the Individual Defendants made knowingly false public statements concerning Plaintiffs' culpability as murderers and made pejorative statements concerning the nature of Plaintiffs' home and family life.

149. As a result of those knowingly false and defamatory public statements, Plaintiff suffered tremendous damages and were the target of vitriolic public comments, threats of violence, and on several occasions, death threats.

150. The Defendants' misconduct described in this Count was undertaken with malice, willfulness, and reckless indifference to the rights of others.

**Count XII - State Law Claim
Civil Conspiracy**

151. Each of the Paragraphs of this Complaint is incorporated as if restated fully here.

152. As described more fully in the preceding paragraphs, the Individual Defendants, acting in concert with other known

and unknown co-conspirators, conspired by concerted action to accomplish an unlawful purpose by unlawful means.

153. In furtherance of the conspiracy, the Individual Defendants committed overt acts and were otherwise willful participants in joint activity including but not limited to the false arrests, wrongful imprisonments, and malicious prosecutions of Plaintiffs and the intentional infliction of emotional distress upon them.

154. As a direct and proximate result of the Individual Defendants' conspiracy, Plaintiffs suffered damages, including severe emotional distress and anguish, as is more fully alleged above.

155. The misconduct described in this Count was undertaken intentionally, with malice, willfulness, and reckless indifference to the rights of others.

**Count XIII - State Law Claim
Respondeat Superior**

156. Each of the Paragraphs of this Complaint is incorporated as if restated fully here.

157. The EPD Defendants' actions were undertaken under color of law and within the scope of their employment such that their employer, the City of Evansville, is liable for their actions.

158. The KSP Defendants and Defendant Beckham-Burrows were members of, and agents of, the Kentucky State Police, acting at all times within the scope of their employment and under color of law such that the State of Kentucky is liable for their actions.

**Count XIV - State Law Claim
Indemnification**

159. Each of the Paragraphs of this Complaint is incorporated as if restated fully here.

160. Indiana law directs public entities to pay any tort judgment for compensatory damages for which governmental employees are liable while acting within the scope of their employment.

161. The EPD Defendants are or were employees of the Evansville Police Department and acted within the scope of their employment in committing the misconduct described herein.

162. Kentucky law directs public entities to pay any tort judgment for compensatory damages for which governmental employees are liable while acting within the scope of their employment.

163. The KSP Defendants and Defendant Beckham-Burrows were are or were employees or agents of the Kentucky State Police and the State of Kentucky and acted within the scope of their employment in committing the misconduct described herein.

WHEREFORE, Plaintiffs, WILLIAM HURT, DEADRA HURT, ANDREA HURT, and DEBBIE HURT, respectfully request that this Court enter judgment in their favor and against the Defendants, EVANSVILLE POLICE DEPARTMENT DETECTIVES JEFF VANTLIN, JACK SPENCER, WILLIAM ARBAUGH, and JASON PAGETT, DETECTIVE SERGEANTS LARRY NELSON and RICHARD BLANTON, and LIEUTENANT DAN DEYOUNG, KENTUCKY STATE POLICE OFFICERS MATTHEW WISE and ZACHARY JONES, KENTUCKY MEDICAL EXAMINER AMY BURROWS-BECKHAM, and CITY OF EVANSVILLE, and award compensatory damages and attorneys' fees and costs, along with punitive damages against each of the Individual Defendants in their individual capacities, as well as any relief this Court deems just and proper.

JURY DEMAND

Plaintiffs, WILLIAM HURT, DEADRA HURT, ANDREA HURT, and DEBBIE HURT, hereby demand a trial by jury pursuant to Fed. R. Civ. P. 38(b) on all issues so triable.

RESPECTFULLY SUBMITTED,

/s/Rachel Steinback

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