

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

JOSHUA HARRIS,)	
)	
PLAINTIFF,)	NO. 1:18-cv-1889
)	
v.)	
)	
DOUGLAS CORRELL, and,)	
THE CITY OF INDIANAPOLIS,)	Jury Trial Requested
)	
DEFENDANTS.)	

COMPLAINT

I. Nature of Case

1. This lawsuit seeks money damages against the City of Indianapolis and one of its police officers who maliciously battered and crushed the spleen of an unarmed, non-resisting, young man who had requested the assistance of the police after he had been shot at by an unknown assailant.

II. Jurisdiction and Venue

2. This action is brought pursuant to 42 U.S.C. § 1983 and is premised on violations of the fourth amendment to the United States Constitution.
3. This Court has original subject matter jurisdiction of the federal questions presented pursuant to 28 U.S.C. §§1331 and 1343.
4. Venue is proper in this Court and Division, pursuant to 28 U.S.C. §1391, because the events giving rise to this action occurred in, and the defendants are residents of, Indianapolis, Indiana, which is located in the Indianapolis Division of the Southern District of Indiana.

III. Parties

5. Plaintiff Joshua Harris is an adult resident of Indiana.
6. Defendant Douglas Correll is an adult resident of Indiana and a law enforcement officer employed by the City of Indianapolis through its Indianapolis Metropolitan Police Department. Defendant Correll is sued in his individual capacity on plaintiff's federal claims only.
7. Defendant City of Indianapolis is located in Marion County, Indiana, and is a political subdivision of the State of Indiana. This municipal defendant is sued only on plaintiff's state law claims and only for compensatory, not punitive, damages.

IV. Facts

8. On July 2, 2016, Joshua Harris lived in one half of a duplex located at 3901 Hillside Avenue, Indianapolis, Indiana.
9. Dexter Smith lived in the other half of the Hillside duplex.
10. In the early morning hours of that day, shortly before 2:00 a.m., Joshua was inside his house and received an anonymous text message telling him to go outside his home.
11. Joshua went outside, and as he did, he saw a dark-colored car which he did not recognize speed by, and it appeared someone in the car reached his hand out the window and fired a gun at Joshua.
12. Joshua then felt what he thought was a bullet hit his shoe.
13. Dexter Smith heard the shot, leaned his head out an open window from his half of the double, and asked Joshua if he was okay and whether he needed to call the police.
14. Joshua, believing he had been hit by the bullet, told Dexter to call the police.

15. Dexter made the call, and Joshua waited outside the residence for the police to arrive.
16. At approximately 2:00 a.m., IMPD Officers Douglas Correll and Linda Roeschlein responded to the 911 call and arrived at Joshua Harris' residence.
17. When the officers arrived, Joshua approached the officers, walking beside them while explaining to them that he believed that someone had shot at him, and that a bullet grazed his shoe.
18. At the time of the incident Joshua was 23 years old, slightly built, standing 6 feet tall but weighting only 128 pounds.
19. Officer Correll is a short but very stocky and muscular man.
20. The officers proceeded to walk past Joshua towards his residence.
21. As Officer Correll passed by him, Joshua held his shoe up for Officer Correll to see.
22. Officer Correll told Joshua to "get the fuck out of my face."
23. Both officers proceeded to the side door of Joshua's residence.
24. The officers then began to enter Joshua's residence.
25. Joshua advised the officers that they did not have permission to enter his home, holding his arms up and telling the officers they "can't do that."
26. Officer Correll then walked back to where Joshua stood, and punched him twice in the face with his closed fist.
27. Joshua was stunned and fell to his knees.
28. Joshua attempted to stand up, and, as he did, Officer Correll grabbed both of Joshua's shoulders, and kneed Joshua in his abdomen.
29. The force of Officer Correll's knee strike crushed Joshua's spleen against his spine.
30. Joshua crumpled to the ground and went in and out of consciousness.

31. Dexter Smith witnessed the incident and tried to tell the officers that Joshua was the victim and was the one for whom he had called the police.
32. Officer Correll ignored Dexter's pleas and ordered him to go inside his house.
33. Joshua had made no verbal or physical threats to the officers.
34. At no time did Joshua strike or kick or in any way physically harm the officers
35. Joshua had no weapons on his person.
36. Joshua was not under the influence of any alcohol or drugs.
37. Shortly thereafter, EMS workers arrived at the scene and transported Joshua to Eskenazi Hospital, where surgeons removed his crushed spleen, part of his pancreas, and part of his small intestines, all due to the blunt trauma caused by Officer Correll.
38. Joshua remained in inpatient care at Eskenazi Hospital for over two weeks, finally being discharged on July 18, 2016.
39. Because of Officer Correll's actions, Joshua Harris has sustained severe and permanent injuries.
40. Because of Officer Correll's actions, Joshua Harris has incurred medical expenses and rehabilitative costs, physical and emotional pain and suffering, reduced quality of life, psychological damage, and attorney fees.
41. Joshua Harris has received ongoing outpatient care for his serious and permanent injuries.
42. Joshua Harris has experienced and will continue to experience physical pain and suffering, permanent disability, emotional pain and suffering, lost wages, and medical costs and expenses.
43. Joshua Harris did not threaten or resist Officer Correll, nor did he do anything to justify the force used against him.

44. Officer Correll later lied in his report of the incident, falsely stating that Joshua had raised a clenched fist and attempted to physically block the officer's entrance to the house.
45. Based upon Officer Correll's false report of the incident, the Marion County Prosecutor's Office charged Joshua with the crime of Resisting Law Enforcement.
46. A Marion Superior criminal court jury trial was held on June 7, 2018, and the jury unanimously found Joshua not guilty of the crime of Resisting Law Enforcement.
47. The force used by Officer Correll against Joshua was unreasonable and excessive.
48. Officer Correll owed Joshua a duty of reasonable care.
49. Officer Correll breached his duty of reasonable care to Joshua by battering him and using excessive force.
50. At all times relevant to this suit, Officer Correll was employed by the City of Indianapolis and acted within the course and scope of his employment as an officer of the Indianapolis Metropolitan Police Department.
51. At all times relevant to this suit, Officer Correll acted under color of state law.
52. Joshua Harris properly served a Notice of Tort Claim on the Defendant City of Indianapolis on December 22, 2016.

V. Claims

53. The actions of Defendant Correll constituted an unreasonable seizure of Joshua Harris by the use of excessive force, in violation of the fourth amendment to the United States Constitution, actionable pursuant to 42 U.S.C. § 1983.
54. The actions of Defendant Correll constituted an unreasonable seizure of Joshua Harris

by an arrest without probable cause, in violation of the fourth amendment to the United States Constitution, actionable pursuant to 42 U.S.C. § 1983.

55. The actions of Defendant Correll constituted an unreasonable prosecution of Joshua Harris for the falsely charged crime of Resisting Law Enforcement, in violation of the fourth amendment to the United States Constitution, actionable pursuant to 42 U.S.C. § 1983.
56. The actions of Defendant Correll constituted a battery of Joshua Harris in contravention of Indiana common law to which the City of Indianapolis is answerable under the Indiana Tort Claims Act, Ind. Code 34-13-3 *et seq.*
57. The actions of Defendant Correll constituted a false arrest of Joshua Harris in contravention of Indiana common law to which the City of Indianapolis is answerable under the Indiana Tort Claims Act, Ind. Code 34-13-3 *et seq.*
58. The actions of Defendant Correll constituted negligence in contravention of Indiana common law to which the City of Indianapolis is answerable under the Indiana Tort Claims Act, Ind. Code 34-13-3 *et seq.*
59. Defendant City of Indianapolis is legally responsible under Indiana state law for its own actions, and, under the doctrine of *respondeat superior*, for the actions of its employees, including the actions of Officer Correll in battering, falsely arresting, and intentionally and negligently inflicting emotional harm on Joshua Harris.
60. Joshua Harris reserves the right to assert all legal theories of relief which the facts support pursuant to the pleading requirements of Fed. R. Civ. Pro. 8.

VI. Jury Trial Requested

61. Joshua Harris requests a jury trial on his claims.

VII. Relief Requested

62. Joshua Harris seeks all relief available under the law, including compensatory and punitive damages, attorney fees and costs, and all other appropriate relief.

Respectfully submitted,

Dated: June 20, 2018

/s/ Richard A. Waples

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