

STATE OF INDIANA)	IN THE MARION SUPRIOR COURT
COUNTY OF MARION)	SS: CIVIL DIVISION, ROOM NO:
)	
ROSELYN EDWARDS ROGERS,)	
Individually and as Personal)	
Representative/Administrator for the)	
Estate of DARCEL EDWARDS,)	
deceased)	
)	CAUSE NO.:
Plaintiff,)	
)	
vs.)	
)	
CITY OF INDIANAPOLIS)	
and GUNNAR GOSSETT)	
)	
Defendants.)	

COMPLAINT FOR DAMAGE

Comes now the Plaintiff, ROSELYN EDWARDS ROGERS, by counsel, Individually and as Personal Representative of the Estate of DARCEL EDWARDS, deceased, and in complaining against the defendants, Unknown Indianapolis Police Officer (GUNNAR GOSSETT), and the City of Indianapolis (CITY), a municipal corporation, pleading hypothetically and in the alternative, states as follows:

INTRODUCTION

1. This cause of action arises out of the shooting death of DARCEL EDWARDS (“EDWARDS”) caused by defendant, GUNNAR GOSSETT, on October 24, 2023, at approximately 4:15 a.m. in the area of East 25th Street and Columbia Avenue, Indianapolis, Indiana.
2. As such, Plaintiff, ROSELYN EDWARDS ROGERS, as Personal Representative of the

Estate of DARCEL EDWARDS, deceased, seeks money damages pursuant to 42 U.S.C. §§ 1983, the Fourth and Fourteenth Amendments to the United States Constitution, and under the common law of the State of Indiana against GUNNAR GOSSETT, individually and CITY OF INDIANAPOLIS.

PARTIES

3. Defendant, CITY, is a municipal corporation organized under the laws of the State of Indiana.
4. That at all times pertinent hereto, the Defendant, CITY, was a municipal maintaining, as a division of the municipal corporation, a police department, commonly referred to as the Indianapolis Metropolitan Police Department.
5. That at all relevant times, GUNNAR GOSSETT of the Indianapolis Metropolitan Police Department, was acting under the color of law and within the course of their employment. GUNNAR GOSSETT is also being sued individually.
6. At the time of his death on October 26, 2023, decedent, DARCEL EDWARDS was a citizen of the United States and a resident of Marion County, Indiana.
7. On November 15, 2023, Plaintiff, ROSELYN EDWARDS ROGERS was appointed as the Personal Representative for the Estate of DARCEL EDWARDS by the Probate Division of the Marion County Superior Court, No. 49D08-2310-EU-042393.

FACTUAL BACKGROUND

8. On October 24, 2023, at approximately 4:15 a.m., an Indianapolis Metropolitan Police Officer conducted a traffic stop to the vehicle driven by DARCEL EDWARDS, Decedent.

9. That DARCEL EDWARDS went out of his car and advised the Indianapolis Metropolitan Police Officer that his vehicle had been struck by another vehicle.
10. That DARCEL EDWARDS got back into his car and left the scene. The police officer followed DARCEL EDWARDS' vehicle. After losing sight of the vehicle, an Officer spotted the vehicle near East 25th Street and Columbia Avenue in Indianapolis, Indiana, where DARCEL EDWARDS' vehicle had crashed.
11. That DARCEL EDWARDS was stationary in a tree near 25th Street and Columbia Avenue, in Indianapolis, Indiana. DARCEL EDWARDS advised two Indianapolis Metropolitan Police Officers that he had medical conditions.
12. That two Indianapolis Metropolitan Police Officers at the scene continued to monitor the situation involving DARCEL EDWARDS, who was experiencing an adverse medical condition; while at the scene, near the tree DARCEL EEDWARDS was located, a third Officer, GUNNAR GOSSETT, appeared and fired into the tree shooting DARCEL EDWARDS. At the time of the shooting, DARCEL EDWARDS was not armed nor did he ever point any weapon in the direction of any of the three officers at the scene.
13. That as a result of the of weapons being fired by GUNNAR GOSSETT, DARCEL EDWARDS was transported to Eskenazi Hospital with multiple gunshot wounds and pronounced dead on October 26, 2023.
14. Within less than 24 hours after the shooting occurred, the tree which DARCEL EDWARDS was located at the time of the shooting, had been removed by law enforcement or its agents.

COUNT I: EXCESSIVE FORCE IN VIOLATION OF 42 U.S.C. § 1983 & 4th
AMENDMENT CLAIMS AGAINST DEFENDANT GUNNAR GOSSETT,
INDIVIDUALLY

15. Paragraph 15 hereby incorporates and re-alleges the entirety of Paragraphs 1-14 as though fully set forth herein.
16. The conduct of GUNNAR GOSSETT in: (a) firing at person who a reasonable police officer lacked probable cause to believe posed an immediate threat of serious physical harm to officers or others; (b) firing at person who was unrelated to any ongoing crime or felony; and (c) unreasonably firing at DARCEL EDWARDS under totality of circumstances, constituted an unreasonable seizure, excessive force, and deprived DARCEL EDWARDS of rights in violation of the 4th and 14th Amendment of the United States Constitution.
17. That the conduct of GUNNAR GOSSETT was neither justified nor necessary. After the investigation of the area where DARCEL EDWARDS was shot occurred immediately, no weapon was found. DARCEL EDWARDS did not put any person or officers in imminent danger nor actively resist arrest.
18. That in light of the facts and circumstances, GUNNAR GOSSETT could not have reasonably believed he acted lawfully.
19. That the actions of GUNNAR GOSSETT were undertaken with malice, willfulness, and reckless indifference to the rights of others.
20. That the actions of GUNNAR GOSSETT proximately caused DARCEL EDWARDS's pain, suffering, and untimely death.

WHEREFORE, Plaintiff, ROSELYN EDWARDS ROGERS, as Personal Representative of the Estate of DARCEL EDWARDS, deceased, respectfully requests that this court enter an Order of Judgment in favor of the Plaintiff; declare aforementioned conduct unlawful; award damages to Plaintiff, and for all other just and proper relief in the premises.

COUNT II: WRONGFUL DEATH/BATTERY

21. Paragraph 21 hereby incorporates and re-alleges the entirety of Paragraphs 1-20 as though fully set forth herein.
22. That DARCEL EDWARDS' death was a direct and proximate result of the careless and negligent acts of CITY. CITY failed to exercise ordinary care to train, supervise, and monitor the actions of GUNNAR GOSSETT who acted as an agent for CITY.
23. That GUNNAR GOSSETT, while acting as an agent for CITY, fired into the tree where DARCEL EDWARDS was located, struck his back, which resulted in his untimely death.
24. That CITY was careless and negligent in training, supervising and monitoring GUNNAR GOSSETT, agents and employees of CITY as displayed by the willful, wanton, excessive, and unreasonable force utilized by GUNNAR GOSSETT.
25. At the time of his death, DARCEL EDWARDS, deceased, left a surviving minor child, Starlesia Butler, and his Mother, Petitioner, Roselyn Edwards Rogers.

26. Due to the death of DARCEL EDWARDS, the minor child has been deprived of DARCEL EDWARDS' earning capacity, probable future earnings, and support that DARCEL EDWARDS could reasonably have provided.

27. That due to the death of DARCEL EDWARDS, the minor child, Mother, Family and Friends have been deprived of love, care, and affection that DARCEL EDWARDS could have reasonably provided from his continued life.

WHEREFORE, Plaintiff, ROSELYN EDWARDS ROGERS, as Personal Representative of the Estate of DARCEL EDWARDS, deceased, respectfully requests that this court enter judgment against the defendants, CITY and GUNNAR GOSSETT, awarding compensatory damages, including medical and funeral expenses, and damages against GUNNAR GOSSETT in their individual capacities, and for any further relief this court deems just.

COUNT III: TAMPERING WITH EVIDENCE

28. Paragraph 28 hereby incorporates and re-alleges the entirety of Paragraphs 1-27 as though fully set forth herein.

29. That the removal of the tree constitutes tampering with evidence as it eliminated crucial evidence from the scene of the shooting, potentially obstructing the investigation into the circumstances of DARCEL EDWARDS' wrongful death.

30. That the CITY, by and through its agents and law enforcement officers, had a duty to preserve the integrity of the crime scene and all physical evidence therein.

31. That by removing the tree, the CITY, through its agents, intentionally interfered with the evidence, thereby hindering the investigation and prejudicing any potential claims or defenses that could be raised by the Plaintiff.
32. That the actions of the CITY's agents constitute a violation of both statutory and common law prohibitions against tampering with evidence.
33. That as a direct and proximate result of the CITY's tampering with evidence, the Plaintiff has suffered harm, including but not limited to the obstruction of justice and the impairment of the Plaintiff's ability to seek redress through the legal system.

WHEREFORE, Plaintiff, ROSELYN EDWARDS ROGERS, as Personal Representative of the Estate of DARCEL EDWARDS, deceased, respectfully requests that this court enter judgment against the defendant, CITY, awarding compensatory damages, punitive damages, and for any further relief this court deems just.

DEMAND FOR JURY TRIAL

34. Plaintiff respectfully demands a jury trial in this matter for all issues triable by jury.

WHEREFORE, Plaintiff, by Counsel, respectfully requests that this Honorable Court assume jurisdiction over this cause; declare the aforementioned conduct unlawful; award actual damages to Plaintiff to compensate her for injuries; award punitive damages to deter Defendants, and all other similarly situated, from like conduct in the future; grant Plaintiff the costs of this action and reasonable attorney fees; trial by jury; award pre-judgment and statutory interest; and for all other relief just and proper within the premises.

Respectfully submitted,



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