

STATE OF INDIANA  
COUNTY OF MARION

SS:

IN THE MARION SUPERIOR COURT  
CIVIL DIVISION, ROOM 4  
CAUSE NO. 49D04-2105-OV-016870

CITY OF INDIANAPOLIS,  
Plaintiff,

v.

JEREMIAH LEE STARGELL,  
DOB: 02/11/1985,  
Defendant.

**MOTION FOR DEFAULT JUDGMENT AND PERMANENT INJUNCTION**

Comes now the Plaintiff, the City of Indianapolis, by counsel, and files its Motion for Default Judgment as to the Defendant, Jeremiah Lee Stargell, and in support thereof states the following:

1. The Plaintiff's Complaint and Summons was opened as a new filing in Odyssey on May 20, 2021, and Plaintiff filed its Complaint and Summons on May 26, 2021, alleging that Defendant violated Section 531-102 (c)(1): Animal at Large Attacks Another Animal (two counts) and Section 531-301: Rabies Vaccination Required (two counts) of the Revised Code of the Consolidated City of Indianapolis and Marion County ("Revised Code") in Indianapolis, Marion County, Indiana.

2. Defendant was served with the original Complaint and Summons on May 18, 2021 by ACO Gerald Kellems of Indianapolis Animal Care Services. The ticket was dated May 18, 2021 because that was the day the violation occurred. ACO Gerald Kellems' Affidavit is attached hereto and made a part of.

3. Defendant was ordered to appear on June 14, 2021. Defendant appeared at the scheduled Pre-Trial Conference. Parties agreed to continue the Pre Trial Conference and

set this matter for a Pre Trial Conference on June 28, 2021. On June 28, 2021 Defendant failed to appear or otherwise answer the Complaint.

4. The Court Order Defendant to appear for a third Pre Trial Conference on July 19, 2021. On July 19, 2021 Defendant failed to appear to the Pre Trial Conference or otherwise answer the Complaint.

5. On May 18, 2021 personnel of Indianapolis Animal Care Services (IACS) arrived at 45 South Addison Street, Indianapolis for an animal attack investigation. ACO Gerald Kellems spoke with the owner of the dog that was attacked. The victim stated that at approximately 8:30 am, on May 18, 2021 two dogs entered her backyard and attacked her dog, resulting in the dog's death. The victim stated that her roommate alerted her to the attack, and that her neighbor at 47 S. Addison street (in same duplex) had observed the attack. While ACO Kellems was interviewing the victim, they all observed the two reported attacking dogs come cross the street (west side of Addison street) and go into the attacking dog owner's front yard located at 29 South Addison street (located on the east side of Addison street). ACO Kellems observed an adult white male later identified as the Defendant Jeremiah Lee Stargell secure both dogs onto his property. Both dogs were observed to be gray or blue and white pit bull terrier (pbt) mix breed dogs.

6. The victim took ACO Kellems into her backyard. There ACO Kellems observed the approximately 11-month-old intact female white/gray shih tzu named "Pirate" lying deceased in the side yard (north side). Pirate had an approximately 6" long tear/laceration type wound to her right shoulder, and multiple puncture wounds to her face and body. The victims stated that she had all three of her dogs on the back wooden deck confined within a puppy corral. She explained that her other two dogs escaped the attack and were secured back inside the residence by her roommate.

7. ACO Kellems changed locations to 29 S. Addison street where he met with the reported attacking dog owner Jeremiah Lee Stargell. After verifying Defendants identity, ACO Kellems issued Jeremiah Stargell citations for the violation of Section 531-102(c)(1): Animal at Large Attacks Another Animal (two counts), and Section 531-301: Rabies Vaccination Required (two counts). ACO Kellems also issued pre-payable citations for a violation of Section 531-202: Permanent Identification Required (two counts), and Section 531-302: Record of Rabies Vaccinations Tag Required (two counts).

8. On October 21, 2019 the Defendant entered into an Agreed Judgement with the City of Indianapolis, in which he was permanently enjoined from violating Section 531-102 (animals may not be at large and must be properly confined at all times) of the Revised Code, under Cause number 49D04-1909-OV-040483. As of the date of this filing the Defendant has not paid the \$635 fine and court costs imposed by the Court.

9. The Defendant has an additional open case on this Court under Cause number 49D04-2105-OV-016871 for violating two counts of Section 531-102(c)(1): Animal at Large Attacks Another Animal.

10. The Defendant is not an infant or incompetent person to the best of my knowledge and belief.

11. The Defendant is not on active military status as evidenced by the Military Affidavit attached hereto and made a part of.

WHEREFORE Plaintiff respectfully requests that the Court grant the Plaintiff's Motion for Default Judgment and enter judgment as follows:

Section 531-102: Animal at Large Attacks Another Animal (\$500.00 each, \$1,000.00 total), two counts, and Section 531-301: Rabies Vaccination Required (\$100.00 each, \$200 in total), two counts, of the Revised Code;

for total fines in the amount of \$1,200.00 plus Court costs in the amount of \$135.00, and for all other proper relief.

Plaintiff also requests that the Defendant be permanently enjoined from violating Section 531-102: Animal at Large Attacks Another Animal and Section 531-301: Rabies Vaccination Required.

Plaintiff also request that the Defendant be permanently enjoined from owning or Keeping and animal in the City of Indianapolis.

Plaintiff also request that Defendant be ordered to surrender his dogs, identified as Sheba (A296861), a 2-year-old unaltered female grey and white pit bull terrier mix, and 2-year-old Izzy (A314771), an unaltered male blue and white pit bull terrier mix.

Respectfully submitted,

by: /s/ Yamir Gonzalez-Velez  
Yamir Gonzalez-Velez, #32609-64  
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### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing is being sent to Defendant as listed below, by United States mail, first class postage prepaid, this same date as filing.

Jeremiah Lee Stargell  
29 S Addison St.,  
Indianapolis, IN 46222

/s/ Yamir Gonzalez-Velez  
Yamir Gonzalez-Velez, #32609-64  
Assistant City Prosecutor