

FILED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

2010 JAN 21 PM 3:30
STEPHEN R. LUDWIG, CLERK
U.S. DISTRICT COURT
FOR THE NORTHERN DISTRICT
OF INDIANA

AMANDA STRUNK and JOSHUA)
CLEVELAND,)
)
Plaintiffs,)
)
v.)
)
LAGRANGE COUNTY SHERIFF)
TERRY MARTIN (in his official capacity),)
)
Defendant.)

1:10CV023 ALM

CASE NO.: 1:10-CV-_____

COMPLAINT

Plaintiffs allege against Defendant:

1. Amanda Strunk and Joshua Cleveland reside in Kendallville Indiana.
2. Plaintiffs, Amanda Strunk and Joshua Cleveland, were arrested (while together) for felonies without a warrant on September 29, 2008 at approximately 11:55 p.m.; the Plaintiffs were booked into the Lagrange County Jail on September 30, 2008 at approximately 7:15 a.m. (a Tuesday); Plaintiff Joshua Cleveland was not arraigned and was not afforded an initial hearing until October 7, 2008 at approximately 1:30 p.m.; Plaintiff Amanda Strunk was not arraigned and was not presented for an initial hearing until October 3, 2008 at approximately 1:30 p.m.
3. The Defendant, the Lagrange County Sheriff, is herein sued in his official capacity pursuant to 42 U.S.C. § 1983 and the Fourth Amendment of the United States Constitution. Defendant employed and implemented unconstitutional policies, or policies of omission, with respect to getting pre-trial detainees arrested without a

warrant promptly before a judge or magistrate for an initial hearing or arraignment within forty-eight (48) hours, and is also liable for failing to supervise and train his deputies, guards, and jail staff to promptly bring inmates arrested without a warrant before a judge or magistrate within forty-eight (48) hours after arrest and/or booking into the Lagrange County Jail.

4. As a direct and proximate result of the unconstitutional policies of the Lagrange County Sheriff, or policies of omission, and/or because of the Sheriff's failure to appropriately train and supervise his deputies, guards, and jail staff as to the procedures necessary to ensure an inmate's right to be promptly brought before a judge or magistrate within forty-eight (48) hours after arrest and/or booking, the Plaintiffs, Amanda Strunk and Joshua Cleveland, were deprived of their constitutional right to a prompt arraignment/initial hearing guaranteed by the Fourth Amendment to the United States Constitution. Plaintiffs suffered damages and injuries as a result of the Defendant's violation of Plaintiffs' constitutional rights, including a denial of their right to a prompt initial hearing, deprivation of liberty, a violation of their due process rights, a violation of substantive due process (failure to abide by Indiana Statute in providing prompt judicial hearings), emotional distress, mental anguish, and other damages and injuries.
5. Plaintiffs seek a declaration of this Court that Defendant's policies or policies of omission, or failure to train and supervise his jail staff, guards, and deputies to ensure an inmate's constitutional right to a prompt judicial hearing, was in violation of the Fourth Amendment of the United States Constitution, thus entitling Plaintiffs to relief

under 42 U.S.C. § 1983 and the Fourth Amendment.

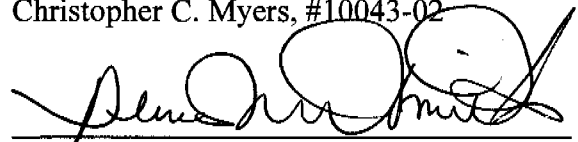
WHEREFORE, Plaintiffs pray for judgment against the Defendant, for compensatory damages, a declaration that the policies or policies of omission ordered unconstitutional, for attorney's fees and costs, and for all other just and proper relief in the premises.

Respectfully submitted,

CHRISTOPHER C. MYERS & ASSOCIATES



Christopher C. Myers, #10043-02



Ilene M. Smith #22818-02

809 South Calhoun Street, Suite 400

Fort Wayne, IN 46802

Telephone: (260) 424-0600

Facsimile: (260) 424-0712

E-mail: cmyers@myers-law.com

ismith@myers-law.com

Attorneys for Plaintiff