

STATE OF INDIANA)	HOWARD CIRCUIT COURT
)	SS:
COUNTY OF HOWARD)	
)	
KIRK S. FREEMAN,)	
Plaintiff)	
)	
V.)	CAUSE NO.:
)	
HOWARD COUNTY SHERIFF JERRY)	
ASHER, HOWARD COUNTY SHERIFF'S)	
DEPARTMENT, HOWARD COUNTY,)	
INDIANA & J.D. BLACKBURN)	
Defendants.		

COMPLAINT AT LAW AND DEMAND FOR JURY TRIAL

COMES NOW the Plaintiff, KIRK S. FREEMAN, by counsel, Dylan R. Mroczek and states as follows for his complaint against the defendants herein. In support thereof, Plaintiff would state:

I. NATURE OF THE CASE

1. Plaintiff Kirk S. Freeman, by counsel, brings this action against the Defendants, Howard County Sheriff Jerry Asher, Howard County Sheriff's Department, Howard County, Indiana, and Howard County Deputy Sheriff J.D. Blackburn. This action is brought by the Plaintiff pursuant to 42 U.S.C. § 1983 and various state law claims alleging that the Defendants caused damages to the Plaintiff, including but not limited to violation of constitutional rights, intimidation, civil rights violations, First Amendment violations, failure to supervise, negligence and recklessness as well as any other applicable state and federal claim(s) arising out of the tortious conduct of said parties occurring on, around March 17, 2022 and ongoing, resulting in injuries to the Plaintiff.

II. PARTIES

2. Plaintiff Kirk S. Freeman is a resident of the County of Tippecanoe, State of Indiana.
3. Defendant Jerry Asher is the Sheriff of Howard County, Indiana.
4. Defendant J.D. Blackburn is a Deputy with the Howard County Sheriff's Office.
5. That the remaining listed Defendants are government agencies in Howard County, Indiana.

III. JURISDICTION AND VENUE

6. That all Defendants named in this complaint are located in Howard County, State of Indiana.
7. That all of the facts, events, and transactions giving rise to this complaint occurred within the geographic environs of Howard County, Indiana.
8. That venue is proper in this Honorable Court.

IV. STATEMENT OF CLAIMS

9. That the Plaintiff, an attorney, was present at the Howard County Courthouse on March 17, 2022, for a hearing for a client in Howard County Superior IV.
10. That upon entering the Courthouse the Plaintiff passed through the metal detectors being monitored by Howard County Sheriff Deputy J.D. Blackburn.
11. That the Plaintiff passed through the metal detectors twice after being told his belt activated the metal detector.
12. That the Plaintiff then handed his belt to another unknown bailiff.

13. That the Plaintiff then went back through the metal detector which activated on the Plaintiff's shoes, the Plaintiff then raised his pant legs and took back possession of this belt.
14. That while getting re-dressed the Plaintiff stated to no person in particular "I guess it wasn't my belt."
15. That upon hearing this remark from the Plaintiff, bailiff J.D. Blackburn angrily stated that it was the Plaintiff's belt that set off the metal detector.
16. That the Plaintiff responded that it was in fact his shoes, not his belt that set off the metal detector as the Plaintiff regularly passes through metal detectors as part of his vocation.
17. That bailiff J.D. Blackburn then stated to the Plaintiff that he was unaware that the Plaintiff had received training on metal detectors.
18. That bailiff J.D. Blackburn then unlawfully threatened the Plaintiff that if he stated one more word that Defendant Blackburn would expel the Plaintiff from the Courthouse.
19. That the Plaintiff then gathered his belongings and began walking toward the stairs inside the Howard County Courthouse so that he could attend a hearing in Howard Superior Court IV.
20. That bailiff J.D. Blackburn then chased after the Plaintiff and ordered the Plaintiff to leave the Courthouse.
21. That upon seeing bailiff J.D. Blackburn chase after him and threaten him with an unlawful directive, Plaintiff was in fear for his bodily safety.

22. That upon seeing bailiff J.D. Blackburn's rage on his face and what the Plaintiff assumed was a fighting stance of bailiff J.D. Blackburn, the Plaintiff involuntarily left the Courthouse.
23. That the Plaintiff had committed no criminal/civil/ or administrative offense and bailiff J.D. Blackburn had no authority to move Plaintiff from one place to another, in particular, ejecting the Plaintiff from the Howard County Courthouse.
24. That bailiff J.D. Blackburn acted only in retaliation after a disagreement about metal detectors between himself and the Plaintiff.
25. That the Sheriff of Howard County, Indiana and Howard County, Indiana failed to supervise bailiff J.D. Blackburn by allowing him to act in this manner and such neglect of supervision rises to the level of recklessness.
26. That as a result of the aforementioned incident, the Plaintiff suffered injuries including, but not limited to violation of constitutional rights, intimidation, civil rights violations, First Amendment violations, failure to supervise, negligence and recklessness as well as any other applicable state and federal claim(s) arising out of the tortious conduct of said parties occurring on, around March 17, 2022, and ongoing, resulting in injuries to the Plaintiff.

V. NONAPPLICABILITY OF QUALIFIED IMMUNITY

27. That the Plaintiff has the right to exercise free speech under the First Amendment *a la City of Houston v. Hill 482 U.S. 451 (1987)* or *Cohen v. California 403 U.S. 15 (1971)*.

VI. REQUEST FOR RELIEF

28. That the Plaintiff requests a declaration of civil rights violation against the Plaintiff.
29. That the Plaintiff requests a declaration that the Plaintiff was knowingly and intentionally moved from one place to another without cause.
30. That the Plaintiff asks for an award against the Defendants that compensates him for the loss and injury.
31. For all other relief that is just and proper.

VII. JURY TRIAL DEMAND

32. That the Plaintiff demands a trial by jury on all claims in which he has the right to trial by jury.

WHEREFORE, PLAINTIFF, Kirk S. Freeman, prays for judgment against the Defendants, Howard County Sheriff Jerry Asher, Howard County Sheriff's Department, Howard County, Indiana, and J.D. Blackburn for damages that will reasonably compensate Plaintiff and for all other relief just and proper in the premises.

Respectfully submitted,

/s/Dylan R. Mroczek
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CERTIFICATE OF SERVICE

On the 19th day of April 2023, a copy of the foregoing was served upon Mr. Alan Wilson, Howard County Attorney via Certified Mail and efile and serve.

/s/Dylan R. Mroczek

Dylan R. Mroczek, Attorney at Law