

**IN THE COURT OF CLAIMS OF THE
STATE OF ILLINOIS**

LOVELY VARUGHESE, Administrator)	
of the Estate of PRAVIN VARUGHESE,)	
Deceased,)	
)	No.
Claimant,)	
)	\$100,000.00
-vs-)	Amount claimed
)	
ILLINOIS STATE POLICE, District 13,)	
And Illinois State Police TROOPER)	
CHRIS MARTIN,)	
)	
Respondents.)	

COMPLAINT

COMES NOW Lovely Varughese, Administrator of the Estate of Pravin Varughese, Deceased, and in support of her complaint states the following:

(a) General:

1. **Nature of Claim:** This is a tort claim for the wrongful death of Pravin Varughese brought by Lovely Varughese as Administrator of the Estate of Pravin Varughese based on the acts or omissions to act committed by Trooper Martin of the Illinois State Police, District 13, in the investigation of an incident that occurred on February 12, 2014 between Gaege Bethune, a resident of the County of Jackson and State of Illinois, and Pravin Varughese, a student at SIU Carbondale, Jackson County, Illinois leading up to the death by blunt force trauma to the head of Pravin Varughese.

2. **Jurisdiction:** Jurisdiction lies with the Court of Claims pursuant to 705 ILCS 505/8 (d).

3. **Fact Allegations:**

a. Bethune, Stanley, Filkins and Dillon Gaskin arrive at a house party at 405 West College in Carbondale. The group began drinking almost immediately upon arrival at the house party at approximately 9:38 p.m.

b. Varughese, Thomas, Haas, Oliveras and Ecton went to a house party at 606 West College in Carbondale at approximately 10:00 p.m.

c. Bethune thought about going to the house party at 606 West College.

d. Varughese's friends he went to the party with leave to go to work at a bar, Styx in Carbondale. Varughese was to join them at the bar after the party.

e. By 11:30 p.m. Bethune is no longer seen at the house party at 405 West College, but is sitting in his truck outside the house as the truck warmed up.

f. By 11:35 p.m., Varghese has left the party at 606 West College.

g. Varughese encounters Bethune just after leaving the house party at 606 West College. Bethune is in his pickup truck at 405 West College. Bethune and Varughese leave 405 West College together in Bethune's pick up truck.

h. About 11:45 Bethune tells Varughese he is going home. Varughese could not or would not direct Bethune to Varughese's residence. Bethune drove toward Illinois Route 13 and then eastward on Illinois Route 13 intending to drop Varghese off at a gas station or call the police to remove Varghese from his truck. Varghese becomes upset and strikes Bethune in the face with his hand.

i. Bethune stops his pickup truck on the shoulder of Illinois 13 and activates the emergency flashers. Bethune exits the truck and goes to the passenger side of the vehicle. There was an argument and Bethune and Varughese rolled down the

embankment, each punching the other. It was then (after 12:30 a.m.) that Bethune noticed a police vehicle parked behind his pickup truck. Bethune yelled cops and ran up the embankment toward his pickup truck while Varughese ran into the wooded area at the bottom of the embankment.

j. Bethune spoke to Trooper Martin telling him that he had picked up a black male on the highway to give him a ride, and they got into an argument. Bethune told Trooper Martin the individual had gotten out of the pickup truck and ran into the woods. Trooper Martin briefly looked down toward the wooded area. Bethune left the area followed for a short time by Trooper Martin.

k. At no time following the incident with Bethune on Illinois Route 13 east of Carbondale, did Trooper Chris Martin file a report regarding stopping his vehicle behind Bethune's vehicle, their conversation, or the fact that there was a missing male somewhere in the woods, according to Bethune and reported to Trooper Chris Martin. Since no report was filed by Trooper Chris Martin, no investigation was undertaken either into Pravin's disappearance into the woods by Illinois State Police Trooper Chris Martin.

l. At about 8:00 a.m. the following morning, friends/roommates of Varghese reported him missing to the Carbondale Police Department.

m. Bethune and Stanley were watching television together at about 5:00 p.m. on February 17, 2014 at Bethune's grandfather's house when a news broadcast aired concerning Varghese. Bethune told Stanley that Varghese was the man he had gotten into a fight with after the house party on February 12, 2014. Bethune left as did Stanley.

n. Stanley and Gaskin drive to the Carbondale Police Department and met with detectives telling them about the incident with Bethune and Varghese and that a state trooper had been on the scene that night.

o. On February 18, 2014 at approximately 9:45 a.m. the Carbondale Police find Varghese's body in the woods off of Illinois Route 13.

p. A week after Varughese's body was found on February 18, 2014, a police report dated the following week, shows an 8 minute interaction between Trooper Chris Martin on patrol the night of the disappearance and Bethune. The trooper's video showed Bethune walking up the embankment to this vehicle. The trooper also scanned the area at the bottom of the embankment from the shoulder of the roadway with his flashlight.

q. Trooper Chris Martin's activity showed that he resumed patrol and did not notify the Carbondale Police Department, the Jackson County Sheriff's Office or his immediate supervisor of the circumstances that evening.

r. An independent pathologist, acting on behalf of the Jackson County Coroner, conducted an autopsy of Varughese and determined the cause of death to be hypothermia.

s. The Varughese family, however, commissioned a second autopsy conducted by independent forensic pathologist Ben Margolis. This autopsy found significant injuries to Varughese's face, four different blows to the face and head, all of which could not have been caused by a single impact, such as falling on a rock or hitting a tree. According to Margolis, Varughese's body also showed an injury to his forearm

and his left thigh as well as bruises below his knees. He determined that the cause of death was blunt force injury.

t. Further forensic pathologist Ben Margolis opined that Pravin Varughese lived up to 24 hours after the traumatic event.

4. **History of Claim:** This claim has not been presented to any State department or officer, nor has it been the subject of an administrative hearing.

5. **Ownership:** Lovely Varughese is interested in this Claim as she was the mother of Pravin Varughese, deceased, and is presently the independent administrator of the Estate of Pravin Varughese, deceased, filed in Cook County, Illinois – Probate Division – No. 14-P-003783 on July 18, 2014.

6. **Assignments:** There has been no assignment or transfer of the claim, or any party thereof or interest therein, has been made except as stated in the Complaint.

7. **Entitlement:** That claimant is justly entitled to the amount claimed from the State of Illinois or the appropriate State Agency after allowing all just credits.

8. **Verification:** The facts stated in the complaint are true.

9. A claim arising out of the same occurrence against the Illinois State Police and Trooper Martin has been filed previously to persons other than the State of Illinois;

a. A five (5) count tort Complaint was filed by Lovely Varughese, Administrator of the Estate of Pravin M. Varughese in Jackson County Case No. 14-F-85 on August 7, 2014 against Gaege Bethune, The City of Carbondale, and Jody O’Guinn, Carbondale Chief of Police.

b. No payments or other consideration have been received by Claimant.

10. **Status of Respondent:** N/A.

11. **Damages:** The amount of \$100,000.00 is being claimed as damages because that is the amount allowed pursuant to 705 ILCS 505/8 (d). Damages are being sought as a result of the death of Pravin Varughese.

12. Claimant is the independent administrator of the Estate of Pravin Varughese. A copy of the Order Appointing Representative of Decedent's Estate – Intestate is attached hereto as Exhibit A.

(b) **Personal injuries:** N/A

Respectfully submitted,

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Verification

I hereby declare under the penalty of perjury that the facts stated in the foregoing Complaint are true and correct to the best of my knowledge, information and belief.



Lovely Varughese, Administrator of
the Estate of Pravin Varughese, Deceased.