

United States District Court  
Northern District of Indiana  
South Bend Division

-FILED-

MAY 20 2021

At  
ROBERT N. TRGOVICH, Clerk  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA

Charles Hartsell, Jr.,  
Plaintiff, pro se,

v.

3:20-cv-505-JD-MGG

Sergeant Adam Schaaf,  
Officer Erick Jordan,  
Officer Loza,  
Officer John Doe One,  
Officer John Doe Two,  
Defendants,

### Amended Complaint

This is a civil rights complaint, amended per the courts order of April 9, 2021. This complaint is brought under 42 U.S.C. 1983, alleging violations of the Fourth Amendment of the United States Constitution.

### Parties

1. Charles Hartsell, Jr., is the plaintiff in this action. His address is P.O. Box 2000, White Deer, PA. 17887.

2. Sergeant Adam Schaaf is a Pokagon Tribal Police Officer. He is a duly-sworn and cross-deputized St. Joseph County police officer. He is being sued in his individual capacity, for actions he committed under color of state law.

3. Erick Jordan is a Pokagon Tribal Police Officer. He is a duly-sworn and cross-deputized Michigan Police Officer. He is being sued in his individual capacity for actions he committed under color of state law.

4. Officer Loza is a Pokagon Tribal Police Officer. He is a cross-deputized police officer. He is being sued in his individual capacity for actions he committed under color of state law.

5. Officers John Doe One and Two are St. Joseph Co. police officers. They will be identified upon discovery, and are being sued individually for actions they committed under color of state law.

### Claim and Facts

1. On February 23, 2019, plaintiff Hartsell was at the Four Winds Casino in South Bend, Indiana.

2. Plaintiff was gambling at a slot machine.
3. Earlier in the day, plaintiff had met an acquaintance, Jason Clevenger.
4. Unknown to plaintiff, Clevenger had passed counterfeit currency to a casino patron.
5. Clevenger also had a warrant for his arrest.
6. Officer Jordan was called to investigate the counterfeit allegation.
7. After reviewing surveillance camera footage, Officer Jordan identified Jason Clevenger as a suspect.
8. Officer Jordan reported his findings to his superior officer, Sergeant Adam Schaaf.
9. Sergeant Schaaf contacted the St. Joseph Co. Sheriff dept.
10. When plaintiff Hartsell and Clevenger returned to the casino later in the day, Clevenger was arrested for the outstanding warrant.
11. Plaintiff Hartsell was actively gambling at a slot machine when he was surrounded by no less than five police officers.
12. John Doe One and Two participated in the seizure and arrest of plaintiff Hartsell.

13. Sergeant Schaaf handcuffed and arrested plaintiff.

14. Plaintiff was taken to a room where he denied consent to search his person.

15. Sergeant Schaaf illegally searched the plaintiff.

16. Officer Loza, without a warrant seized and searched plaintiff's cell phone. This phone has not been returned.

17. Plaintiff was transported to the St. Joseph Co. Jail.

18. Sergeant Schaaf, in his capacity as a cross-deputized St. Joseph Co. police officer, not only requested various charges be issued against plaintiff, but also removed charges from the plaintiff.

19. The state-level charges were dismissed.

20. Plaintiff was indicted by federal grand jury under 3:19-CR-14-DRL-MGG.

21. The indictment was dismissed after the court found that plaintiff had been arrested with no probable cause, and seized and searched illegally, all in violation of the Fourth Amendment.

22. Sergeant Schaaf is a tribal police officer, but is cross-deputized as a St. Joseph Co Sheriff's deputy.

23 This cross-deputization allows Sergeant Schaaf to effect arrests against non-native americans, level state felony charges, all under the color of state law.

24 This authorization is through an agreement with the city of South Bend.

25. Sergeant Schaaf has explained this agreement, on the record, in a prior court proceeding in Biggle v. State, (Ind. 2020)

26. That officers Schaaf, Jordan, and Loza, acted pursuant to the agreement and authority as state/county officers when they seized, arrested, and illegally searched plaintiff Hartsell.

27. That officers Schaaf, Jordan, and Loza worked jointly with officers John Doe One and Two in effecting the illegal arrest and search of plaintiff Hartsell.

28. Sergeant Schaaf called the St. Joseph Co. officers to work in a joint operation as discovery will later reveal.

29. At all times relevant to this complaint, all defendants acted under color of state law, through authorization and agreement as state actors.

## Relief

Plaintiff Hartsell is seeking:

1. Declaratory judgment;
2. Compensatory damages in the amount of \$50,000.<sup>00</sup> per named defendant;
3. Punitive damages in the amount of \$100,000.<sup>00</sup> per named defendant;
4. Return of illegally seized evidence still being held in the evidence room at the Four Winds Casino, South Bend.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Charles Hartsell, Jr.

This is to certify that on this 15<sup>th</sup> day of May, 2021, I mailed a copy of this Amended Complaint to the Clerk of the court.

Charles Hartsell, Jr.