

STATE OF INDIANA
MARION COUNTY, ss:

IN THE MARION SUPERIOR COURT
CRIMINAL DIVISION

Cause No: 49

STATE OF INDIANA)
)
 vs.)
)

INFORMATION
COUNT I

OFFICIAL MISCONDUCT
I.C. 35-44.1-1-1(1)
A LEVEL 6 FELONY

ERIC M HUXLEY W/Male
DOB 3/7/1978

COUNT II

BATTERY RESULTING IN MODERATE
BODILY INJURY
I.C. 35-42-2-1(c)(1) and I.C. 35-42-2-1(e)
(1)
A LEVEL 6 FELONY

On this date, the undersigned Deputy Prosecuting Attorney of the Nineteenth Judicial Circuit, being duly sworn on his/her oath (or having affirmed), says that in Marion County, Indiana

COUNT I

On or about September 24, 2021, ERIC M HUXLEY, a public servant, to-wit: a law enforcement officer employed by the Indianapolis Metropolitan Police Department, knowingly or intentionally committed an offense to-wit: Battery, in the performance of his official duties;

COUNT II

On or about September 24, 2021, ERIC M HUXLEY did knowingly touch Jermaine Vaughn in a rude, insolent, or angry manner by kicking Jermaine Vaughn in the face, resulting in moderate bodily injury;

all of which is contrary to statute and against the peace and dignity of the State of Indiana.

October 12, 2021
Date

RYAN MEARS
Marion County Prosecutor
19th Judicial Circuit

/s/ Robert Beatson
Deputy Prosecuting Attorney

State's Witnesses:

Jermaine Vaughn
A. Marble/IMPD/T7352
M. Shores/IMPD/S8237
C. Kibbey/IMPD/20110
S. Carpenter/IMPD/C1036

AFFIDAVIT FOR PROBABLE CAUSE

STATE OF INDIANA, COUNTY OF MARION, SS: Detective A. Marble

Marble, Arleatha swears (affirms) that:

On September 24, 2021, Sgt. Christopher Kibbey, Sgt. Eric Huxley, and Ofc. Matthew Shores, all with IMPD, were involved in the arrest of Jermaine Vaughn in downtown Indianapolis at Monument Circle. After Vaughn was arrested for Disorderly Conduct and Resisting Law Enforcement, Ofc. Shores submitted the following report:

On September 24, 2021 Sgt. Huxley, Sgt. Kibbey and I, Officer Shores, are all employed with IMPD were assigned to the Metro Downtown District. At approximately 1105 Sgt. Kibbey, who was near the east spoke of Monument Circle across the street from 55 Monument Circle, requested another car. Upon arriving I observed an adult male identified as Jermaine Vaughn who was being loud and disorderly. Sgt. Kibbey stated he could initially hear Jermaine Vaughn screaming all the way from the south spoke of the monument. Sgt. Kibbey ordered Jermaine Vaughn multiple times to quiet down. Jermaine Vaughn refused to quiet down and I placed him under arrest.

While attempting to conduct an inventory of Jermaine Vaughn's property I began removing Jermain Vaughn's belt as I was doing so Jermaine Vaughn became agitated and began pushing into me. I ordered Jermaine Vaught to back up and pushed him back away from me, this occurred three times. I then placed my first two fingers into his suprasternal notch to push him back an additional time. Jermaine Vaughn continued to attempt to close the distance between him and I. I grabbed Jermaine Vaughn by both sides of his hood top and attempted to maintain distance between us. I then used my right leg and attempted a leg sweep. Jermaine Vaughn went to his knees and I was able to place him on his back. I again placed my first two fingers into Jermaine Vaughn's suprasternal notch and stabilized my position. I was the able to roll Jermaine Vaughn to his stomach and applied a wrist lock to Jermaine Vaughn's right wrist. Jermaine Vaughn became compliant and I was able to complete my inventory.

On October 5, 2021 I, Det. Marble, with the IMPD Special Investigations Unit, was assigned this case as a routine investigation when there is an allegation of excessive force. After reviewing the body-worn camera footage and witnessing the use-of-force, Sgt. Carpenter contacted his supervisor to review the incident. The incident was reviewed by Sgt. Huxley's chain of command who then requested an investigation be conducted by the Special Investigation Unit (SIU).

I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Arleatha Marble

AFFIANT

DATED: October 8, 2021

Affidavit for Probable Cause

From: Marble, Arleatha

All of the officers involved in Vaughn's arrest were equipped with department-issued body-worn cameras. The footage from Ofc. Shores's camera shows Ofc. Shores attempting to conduct a search incident to arrest of Vaughn, who is in handcuffs at the time. As Vaughn becomes uncooperative, Ofc. Shores takes Vaughn to the ground. At this point, Vaughn is on his backside on the ground, looking up at Ofc. Shores, with his hands cuffed behind his back. Sgt. Huxley then walks over to Vaughn, lifts his left leg, and drives his left foot down into Vaughn's face. Within seconds, blood is visible in Vaughn's mouth.

Sgt. Scott Carpenter arrived to complete a use-of-force report pursuant to IMPD policy. On Sgt. Carpenter's body-worn camera footage, Sgt. Huxley can be heard saying "I accidentally kicked him in his face. I was attempting to put my foot on his shoulder and I accidentally kicked him in his face."

On October 7, 2021, I, Detective Marble, spoke with Jermaine Vaughn, B/M, DOB 2/16/1982, who stated he is homeless and has been living on the streets of Indianapolis for approximately a year.

Vaughn further stated that on September 24, 2021, he was on Monument Circle practicing his First Amendment right to free speech. Vaughn admitted that he was talking/yelling to no one in particular when an IMPD officer approached him. Vaughn stated that initially the officer sat inside of his vehicle while the two of them spoke peacefully. When the officer exited his vehicle, Vaughn heard him asking for assistance. Vaughn stated that he continued to talk/yell when the officer asked him to leave the area. Vaughn stated that as he began walking towards his bags, two other officers arrived. Vaughn stated that both Vaughn and one of the officers were yelling at each other when the officer said, "you're under arrest." Vaughn stated that he turned around and allowed the officer to place the handcuffs about his wrists. Vaughn stated that while handcuffed, he continued to talk/yell comments towards the officers. Vaughn stated that while the officer was holding onto him by the belt in his pants, the officer demanded several times that he move back and/or back up. Vaughn stated that the officer pushed him back several times but it was impossible to back up while the officer was holding onto his belt.

Vaughn stated that when the officer attempted a leg sweep, he avoided the sweep and voluntarily went down to his knees. Vaughn stated that while he was handcuffed and lying on his back one of the officers kicked him in his face. Vaughn complained of a laceration, pain, swelling, and/or bleeding about his mouth/lip.

I reviewed Vaughn's booking photograph which shows blood and/or a laceration to his lower lip.

I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Arleatha Marble

AFFIANT

DATED: October 8, 2021

Affidavit for Probable Cause

From: Marble, Arleatha

On October 7, 2021, I spoke with Officer Matthew Shores who stated that he was on the ground with Jermaine Vaughn (who was handcuffed behind his back). Ofc. Shores stated of Sgt. Huxley's involvement, "I didn't know what led up to it, he came up and it looked like his foot struck Jermaine Vaughn in the face." Ofc. Shores stated that while on scene he overheard Sgt. Huxley say he had accidentally kicked Vaughn in the face. Ofc. Shores stated that after the incident, he reviewed the body-worn camera footage and learned the full extent of what happened before contacting Sgt. Kibbey to advise him that "it looked very bad." Ofc. Shores stated that he witnessed Sgt. Huxley watching body-worn camera footage of the incident in order to complete his "blue-team" use of force report when Ofc. Shores overheard Sgt. Huxley say, "Oh fuck."

While speaking with Officer Shores after his taped statement, Officer Shores stated words to the effect of, "I don't know why he got involved like that. I'd like to ask, but I guess we'll never know."

All events occurred in Marion County, Indianapolis, Indiana.

I swear (affirm), under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Arleatha Marble

AFFIANT

DATED: October 8, 2021