

**IN THE COURT OF COMMON PLEAS FOR FRANKLIN COUNTY, OHIO  
CIVIL DIVISION**

JOSEPH COPELAND, JR.  
FCCC II  
2460 Jackson Pike  
Columbus, Ohio 43223

09 CVC 06 8 2 10

PLAINTIFF

vs.

CASE NO.

SHERIFF JIM KARNES  
369 South High Street  
Columbus, Ohio 43215

JUDGE

And

FRANKLIN COUNTY COMMISSIONERS  
373 South High Street  
Columbus, Ohio 43215

MAGISTRATE

And

JURY DEMAND ENDORSED HEREON

THE COUNTY OF FRANKLIN, OHIO  
c/o Franklin County Prosecutor's Office  
373 South High Street, 14<sup>th</sup> Floor  
Columbus, Ohio 43215

And

JOSEPH CANTWELL  
9141 Parkpoint Lane  
Lewis Center, Ohio 43035

And

PHILLIP R. BARNETT  
4676 Trumhall Road  
Grove City, Ohio 43123

DEFENDANTS

FILED  
COMMON PLEAS COURT  
FRANKLIN CO. OHIO  
2009 JUN -2 PM 12:12  
CLERK OF COURTS-CV

- 1) This is an action for compensatory and special damages, costs and attorney's fees, brought pursuant to the Civil Rights Acts, 42 U.S.C. §§1981, 1983 and 1988; the Judicial Code, 28 U.S.C. §1331 and 1343(3); the Fourth, Fifth, Eighth, and Fourteenth Amendments to the United States Constitution and comparable provisions of the Ohio Constitution (art. I §§14; 16; 9 and 2), and this Court's pendent jurisdiction.
- 2) Plaintiff seeks this Court's jurisdiction pursuant to Civil Rights Acts, 42 U.S.C. §§1981, 1983 and 1988; the Judicial Code, 28 U.S.C. §1331 and 1343(3); the Fourth, Fifth, Eighth, and Fourteenth Amendments to the United States Constitution and the comparable provisions of the Ohio Constitution (art. I §§14; 16; 9 and 2) and this Court's pendent jurisdiction.
- 3) Plaintiff, Joseph Copeland, Jr, at all relevant times herein mentioned was a resident of Columbus, Ohio and more specifically an inmate at the Franklin County Correctional Center in Columbus, Ohio;
- 4) Plaintiff Joseph Copeland at all relevant times herein mentioned was under the direct supervision and authority of the Franklin County Jail, The County of Franklin, Ohio, Defendant Sheriff Jim Karnes, Defendants Joseph Cantwell and Defendant Phillip Barnett and other Deputy Sheriffs who are employed by the Defendants Franklin County, Ohio, Franklin County Commissioners, Defendant Sheriff Jim Karnes and other unnamed supervising officers of the Defendants;
- 5) Plaintiff Joseph Copeland at all relevant times herein mentioned was required to comply with directions and orders from the Defendants herein mentioned;

- 6) Plaintiff at all relevant times herein mentioned, was unable to avoid contact, orders and directives with and from the Defendants herein;
- 7) Plaintiff Joseph Copeland is an African American male;
- 8) Defendant Jim Karnes is a white male;
- 9) Defendant Joseph M. Cantwell is a white male;
- 10) Defendant Phillip Barnett is a white male;
- 11) Inmate Triplett, who was forced to contaminate the food that was ingested by Plaintiff Copeland, is an African American;
- 12) Defendant Jim Karnes, at all relevant times herein referenced was an elected official and served as the Sheriff for Franklin County, Ohio;
- 13) Defendant Jim Karnes, at all times herein referenced, while performing his duties as Sheriff of Franklin County, Ohio, acted under color of state law and served as the Chief Administrative Officer of the Franklin County Sheriff's Office and Franklin County Correction Centers;
- 14) Defendant Jim Karnes is being sued in his official capacity;
- 15) The Franklin County Commissioners, kna as the Franklin County Board of Commissioners, are and at all relevant times herein mentioned were the employer (s) for Defendants Karnes, Joseph Cantwell and Phillip Barnett;
- 16) The County of Franklin, kna as Franklin County, Ohio, is and at all relevant times herein mentioned was, an employer of the Defendants Karnes, Cantwell and Barnett;
- 17) Defendant Joseph Cantwell, at all relevant times herein mentioned, was a Deputy Sheriff with the Franklin County Sheriff's Department;

- 18) Upon information and belief, Defendant Joseph Cantwell is a resident of Delaware County, Ohio;
- 19) Defendant Cantwell is being sued in his former official capacity and in his personal capacity;
- 20) Defendant Phillip Barnett, at all relevant times herein mentioned was a Deputy Sheriff with the Franklin County Sheriff's Department;
- 21) Defendant Barnett is being sued in his former official capacity and in his personal capacity;
- 22) Upon information and belief, and at all relevant times herein mentioned, Defendant Barnett is and was a resident of Franklin County, Ohio;
- 23) At all relevant times herein mentioned, Defendants Cantwell, Barnett and Karnes were acting under color of state law;
- 24) At all relevant times herein mentioned, Deputies Cantwell and Barnett were under the direct supervision of their superiors, including Defendant Sheriff Jim Karnes;
- 25) At all relevant times herein mentioned, Defendants Franklin County, Ohio, Franklin County Commissioners, Defendant Sheriff Jim Karnes, Defendant Cantwell and Defendant Barnett owed Plaintiff Joseph Copeland a duty of care consistent with policies and procedures incorporated and adopted by the Franklin County Corrections Center and consistent with human decency;
- 26) All individual Defendants were, at all times material to this Complaint, acting under color of law.

- 27) All individual Defendants were, at all times material to this Complaint, acting manifestly outside the scope of their employment.
- 28) The conduct to which the Plaintiff was made subject was known to and ratified by the Defendant Sheriff Jim Karnes, who took no action to deter or prevent said Officers from continuing to engage in said conduct.
- 29) Notwithstanding his prior notice of the conduct of said Officers, the Defendant Sheriff Jim Karnes failed to properly train, discipline, supervise or control said Defendants / Deputies in the exercise of their authority as law enforcement officers and jail employees.
- 30) As a direct and proximate cause of the acts or omissions of the Defendants, Plaintiff, Joseph Copeland, has sustained serious, progressive, temporary and permanent injury; temporary and permanent anxiety and mental distress; injury to character and reputation; embarrassment, shame and humiliation. Plaintiff was deprived of his right to be free from summary punishment; and free from public humiliation and embarrassment.
- 31) The various acts or omissions of the Defendants violated Plaintiff's Fourth, Fifth, Eighth and Fourteenth Amendment rights as guaranteed by the United States Constitution and similar provision of the Ohio Constitution, and to due process of law, and the right to equal protection of the law;
- 32) All of the acts or omissions complained are alleged to have been committed in the City of Columbus, Franklin County, Ohio, and venue is properly vested in the Southern District of Ohio, Eastern Division.

- 33) At all relevant times herein mentioned the Defendants, collectively, knew and were aware, that Plaintiff Copeland suffered from mental infirmity and was for all intent and purposes mentally handicapped;
- 34) At all relevant times herein mentioned, Defendants, collectively, knew and were aware that Plaintiff Copeland, as an inmate under their captivity and control, could not protect himself from the negligent, reckless and intentional conduct of the Defendants;
- 35) Defendants, collectively, at all relevant times herein mentioned knew of and were aware of the medical condition of each and every inmate at the Franklin County Correctional Center;
- 36) The conduct of the Defendants herein referenced was at all times malicious, reckless, intentional, negligent and with the specific intent to cause harm and death to Plaintiff Copeland;
- 37) The Defendants, acting under color of State law, engaged in a pattern, practice, and custom of which acts herein complained were a part, to illegally intimidate, assault, permanently injure and intentionally inflict mental and emotional distress upon Plaintiff Copeland and other inmates subject to the control and restraint of the Defendants;
- 38) The practices, customs and conduct of the Defendants, was intended to injure, humiliate, and punish the Plaintiff and other inmates in a manner not accepted or permitted by current State or Federal law;
- 39) At all relevant times herein mentioned, Plaintiff Joseph Copeland, similarly situated as other inmates in the Franklin County Correctional Center was

subordinate to the Defendants herein referenced and was subject to the authority and directives of each Defendant herein named;

- 40) As a result of the conduct alleged within this complaint, Defendant Cantwell has been criminally charged with Dereliction of Duty, Operating without a License, Health Code Violation, and Disorderly Conduct, in case number 2009 ER B 070801;
- 41) On or about the date of February 20, 2009, the exact date being unknown, Defendant Joseph Cantwell with Defendant Phillip Barrett, began distributing meals to inmates consisting of bologna sandwiches;
- 42) Defendants Cantwell and Barnett, conspired to force another inmate, Todd E. Triplett, to rub his penis on a bologna sandwich, then photograph that conduct, with the purpose, intent and desire to have Plaintiff Copeland eat the contaminated sandwich;
- 43) Upon information and belief, then inmate Todd E. Triplett, was infected with HIV and further infected with Hepatitis C;
- 44) The medical condition of then inmate Triplett was known to the staff, Deputies, Defendants and specifically Defendants Cantwell, Karnes and Barnett;
- 45) It was the purpose and intent of the Defendants to cause Plaintiff Copeland to contract the HIV virus and contract Hepatitis C;
- 46) On or about February 20, 2009, Defendant Cantwell directed and forced inmate Triplett to place his penis on the bologna sandwich. When inmate Triplett refused, Defendant Cantwell threatened inmate Triplett by telling him

to “Put your dick on the sandwich or I’ll put you in the hole”. Inmate Triplett, out of fear complied and at that time a photograph was taken of the act with a cell phone;

- 47) Subsequent to the conduct stated in Paragraph 42, Defendant Barnett handed the sandwich along with Defendant Cantwell to Plaintiff Copeland so that Plaintiff Copeland would ingest the sandwich along with any contamination that resulted from the Defendants’ conduct;
- 48) Once Plaintiff Copeland ate the sandwich, Defendants Cantwell and Barnett showed the picture of Triplett’s penis on the sandwich to Plaintiff Copeland and asked “”How does Triplett’s dick taste?””;
- 49) Subsequent to the conduct stated in Paragraph 44, Defendants Cantwell and Barnett began laughing at, insulting and humiliating Plaintiff Copeland;
- 50) Defendants, all white males, targeted Plaintiff because of his race and being and African American and due to his mental disability and handicap;

**FIRST CLAIM FOR RELIEF**  
**42 U.S.C. § 1983**

- 51) Plaintiff Copeland realleges and incorporates all of the preceding allegations including but not limited to those alleged in Paragraphs 1 – 50 as if fully rewritten herein;
- 52) Defendants, and others presently unknown, reached an understanding, engaged in a sequence of events and / or course of conduct, and otherwise agreed and conspired together to violate the constitutional rights of Plaintiff Copeland.

- 53) Each Defendant did reach this understanding, and agreement, and did engage in this course of conduct with the mutual purpose, objective, and knowledge that it would deprive Plaintiff of his rights, privileges and immunities, as guaranteed by the Constitution and the laws of the United States.
- 54) Additionally, said conspiracy/joint action violated Plaintiffs' Fourth, Fifth, Eighth and Fourteenth Amendment rights, under color of law, in further contravention of 42 U.S.C. §1983.
- 55) Acting in furtherance of this plan and conspiracy, some or all of the Defendants did commit overt acts, including, but not limited to the following: the unjustifiable assault and battery upon the Plaintiff; the attempt to conceal their wrongdoing; the attempt to cause Plaintiff to become infected with the HIV virus and Hepatitis C. This course of conduct by the Defendants was done willfully, maliciously, intentionally, and with reckless disregard and gross negligence, and directly and proximately caused injury and losses to Plaintiff.
- 56) The conduct of the Defendants as alleged herein constitutes cruel and unusual punishment and is in contravention of the United States Constitution and the Ohio Constitution;

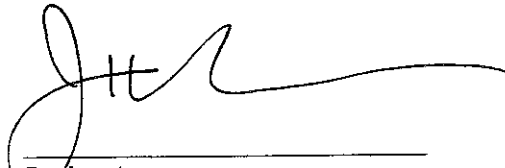
**SECOND CLAIM FOR RELIEF**  
**PENDENT TORT CLAIMS**

- 57) Plaintiff Copeland realleges and incorporates all of the preceding allegations including but not limited to those alleged in Paragraphs 1 – 56 as if fully rewritten herein;

- 58) The acts and omissions described herein constitute attempted murder, felonious assault, assault and battery, false imprisonment, false arrest, abuse of process, malicious prosecution, negligent infliction of emotional distress, and intentional infliction of emotional distress, under the laws of the State of Ohio, over which this Court has pendent jurisdiction.
- 59) As a direct and proximate result of the Defendants conduct, Plaintiff has suffered anxiety, humiliation, embarrassment, fear, apprehension and extreme emotional distress;
- 60) As a direct and proximate result of Defendants conduct, Plaintiff is in fear that he has contracted the HIV virus and Hepatitis C;

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly and severally, in the amount of One Million Dollars (\$1,000,000.00) in compensatory damages; Two Million Dollars (\$2,000,000.00) in punitive damages; attorney's fees; the costs of this action; and such other relief that this Court deems just and equitable.

Respectfully Submitted,



---

Javier Armengau  
Supreme Court Registration 0069776  
Trial Counsel for Plaintiff  
857 South High Street  
Columbus, Ohio 43206  
(614) 443-0516  
(614) 443-0608 Fax