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**Wrongful Death lawsuit filed against the City of Evansville and seven
Evansville Police Department officers arising out of the death of a
20-year-old young man in police custody**

EVANSVILLE, Indiana – On November 9, 2022, Indiana law firm Wagner Reese, LLP filed a federal wrongful death civil rights lawsuit against the City of Evansville and seven Evansville Police Department officers: Nathan Pitt, Jacqueline A. Duff, Cory Offerman, K. Howard, Trendon Amuzie, Chris Egan and John McQuay. The lawsuit arises out of the death of Evan Terhune after he sustained a devastating brain injury shortly after being arrested on November 14, 2020.

“I have never been so terrified in my life...Holy S---, what is happening?” Those were among the last words uttered by 20-year-old Evan Terhune before he died in police custody on November 14, 2020. Evan was a young man who had slipped into a bad habit of abusing drugs, mostly marijuana and Xanax. But he was not a bad kid. Other than one misdemeanor arrest, Evan had never been in trouble with the law. He had a good job as an auto detailer at a car dealership. He had two parents who loved him and were trying to get him help for his drug problem. Evan talked about quitting “cold turkey” and moving to Indianapolis to get a fresh start.

Unfortunately, on November 14, 2020, Evan took a psychedelic drug—LSD (acid)—and experienced a bad trip. He had gathered with friends at 1136 Loft Cove in Evansville, Indiana, to do what young adults often do: play video games and eat pizza. When the LSD kicked in, Evan started to behave bizarrely. He was crying uncontrollably and then attacked one of his friends. That person called 911 and reported that Evan “...is on some type of drugs, acting all crazy.” When officers from the Evansville Police Department responded to the scene and went into the house, Evan can be seen on a police dash cam running into a police vehicle and then falling down. As Evan was lying on the ground, Officer Pitt exited the house and approached Evan. Evan jumped up, screamed, and swung wildly at Officer Pitt, grazing his lip. Evan, who was 5’9” tall and weighed 148 lbs., was tased by Pitt who then quickly subdued Evan with the assistance of Officer Duff. He was cuffed behind his back and placed face down on the ground. While the officers held Evan down, he was thrashing around, screaming and hallucinating. Officers on the scene were told that Evan had taken LSD. One officer described him as “super high.” After noting the blood and vomit on Evan’s face, officers put a “spit mask” over Evan’s head.

At this point the officers on the scene strongly suspected Evan was severely impaired by LSD. They knew he was acting erratically and screaming incoherently. They also knew Evan was a danger to himself. Evan was in their custody and at their mercy. Regardless of Evan’s poor decision to take drugs that night, the officers had a duty to protect him and keep him safe. Tragically, they utterly failed in this duty.

The officers on the scene agreed that Evan needed to be taken to the hospital. One officer commented to an EMT, “We’ll transport him in the wagon...unless you want him in your ambulance? He’s covered in blood and throw up. But I’m not riding back there [in an ambulance])...it’s not happening.” At

the instruction of Sergeant McQuay, the officers then put Evan—who was terrified out of his mind, hallucinating, cuffed behind his back, and covered with a mask—in the back of a metal paddy wagon which was not equipped with seatbelts or any sort of restraints. Almost immediately, Evan began violently thrashing about in the back of the wagon. For 13 minutes, Evan can be heard (and seen) on police video screaming and violently banging his head and body against the sides of the transport wagon during the drive to Deaconess Hospital. The driver of the wagon, Officer Egan, could hear, and feel, Evan striking the walls of the wagon. The shocking scene was recorded in its entirety on surveillance video. All the while, Egan drove the wagon at normal speeds without emergency lights or siren. He stopped at stoplights and listened, and felt the wagon shake, as Evan flailed about in the back of the wagon. Another officer, Howard, followed the wagon in her own patrol car. Despite knowing that Evan was harming himself in the back of the wagon, Egan refused to stop and check on Evan, even though another officer was following and available to assist him. Upon arrival at Deaconess, officers stood outside the wagon casually chatting for another 7 agonizing minutes as Evan continued to scream and bang his head into the side of the wagon. One officer commented, “Acid sometimes gives people a spiritual experience...this guy is having a whole different experience.” The same officer concluded, “It’s not a good day for this guy.” Egan responded, “Every time we would start moving [the wagon], it was a bad experience for him.” A woman officer responded, “I think if you were tripping on acid, being in the back of the wagon...every vibration would get to you.”

When the officers finally opened the back door, Evan was unresponsive on the floor of the wagon, his breathing labored. His limp body was placed in a wheelchair, blood streaming from his nose, and he was wheeled into the ER. When a nurse finally examined him several minutes later, Evan’s pupils were dilated and nonreactive. Officers removed his handcuffs, and Evan began posturing, a clear sign of brain injury. A CT scan confirmed that Evan had sustained a massive subdural hematoma. Despite surgical intervention, Evan would never regain consciousness and was pronounced dead three days later. The coroner determined Evan’s cause of death was blunt force trauma to the head due to hallucinogen intoxication.

Like so many other young people, Evan made a mistake by using drugs, in this case, LSD. However, that mistake should not have resulted in a death sentence. Evan’s parents, Gerald (“Jerry”) Terhune and Theresa (“Tracy”) Sperry, are bringing this lawsuit to force the Evansville Police Department to change the way they treat those in their custody who cannot take care of themselves. The Constitution requires as much.

About Stephen M. Wagner and Wagner Reese:



Attorney Stephen M. Wagner has worked tirelessly to hold police and jail officers accountable for civil rights violations in various high profile lawsuits for the last 25 years. Mr. Wagner’s biography can be found at <https://www.wagnerreese.com/our-team/stephen-wagner/>. Wagner Reese is a personal injury and complex litigation law firm representing clients throughout Indiana and across the country. The Wagner Reese team handles many types of cases, including civil rights violations, class actions, mass torts, product liability, explosion and fire claims, construction accident, medical malpractice, and more. For more information about Wagner Reese, visit <https://www.wagnerreese.com/>.

Photos of Evan Terhune



