

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY, LONDON**

JERRY STEWART,)	
)	
Plaintiff,)	Case No.
)	
v.)	
)	
KNOX COUNTY, Knox County)	
Sheriff's Department Officer in his)	
Individual Capacity, JOHN MICHAEL)	JURY TRIAL DEMANDED
"MIKEY" ASHURST, Knox County)	
Sheriff MIKE SMITH, in his Individual)	
Capacity,)	
)	
Defendants.)	

COMPLAINT

NOW COMES Plaintiff, JERRY STEWART, and complains of Defendants KNOX COUNTY, JOHN MICHAEL "MIKEY" ASHURST, and MIKE SMITH as follows:

Introduction

1. Jerry Stewart is lucky to be alive.
2. Defendant Mikey Ashurst murdered twenty-year-old Jerry Stewart's best friend, Todd St. John, as Jerry sat next to Todd.
3. Defendant Ashurst did so without any legal justification.
4. Todd was not the first Knox County citizen killed by Defendant Ashurst.
5. Jerry is not the first Knox County citizen traumatized by Defendant Ashurst's murder of civilians.

6. Rather than follow proper police protocols, Defendant Ashurst turned his police cruiser into a deadly weapon.

7. On July 24, 2025, twenty-one-year-old Todd was driving a side-by-side utility task vehicle (“UTV”) with Jerry, who sat in the bucket seat next to Todd.

8. Defendant Ashurst killed Todd, with Jerry by his side, by ramming Todd’s UTV with his cruiser and running him off the road.

9. Fortunately, Jerry survived.

10. Defendant Ashurst’s illegal actions followed his long history of abusive, excessive, deadly misconduct as a law-enforcement officer.

11. Defendants Knox County and Sheriff Mike Smith were aware of Defendant Ashurst’s prior illegal actions when they hired him.

12. Because of the failures of Defendants Sheriff Smith and Knox County to properly hire, train, or supervise Defendant Ashurst, the world is without Todd St. John, and Jerry Stewart lives every day with the horror of his best friend’s murder.

13. In committing this heinous act, Defendant Ashurst forever impaired Jerry Stewart’s quality of life, as he must live every day with the trauma he experienced.

14. Instead of ever seeing Todd again or attending his joyous wedding, Jerry mourns the death of his best friend and relives the horror of watching Todd die in the street.

15. This lawsuit seeks justice to hold those responsible for the violation of constitutional rights, not only for Jerry Stewart, but those who have been irreparably harmed by Defendants' misconduct.

Jurisdiction and Venue

16. This action is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation under color of law of Plaintiff's rights as secured by the U.S. Constitution.

17. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 and § 1367.

18. Venue is proper under 28 U.S.C. § 1391(b) and (c). On information and belief, all parties reside in this judicial district, and the events giving rise to the claims asserted herein all occurred within this district.

The Parties

19. Plaintiff, Jerry Stewart, is a twenty-one-year-old male who resides in Knox County, Kentucky.

20. At all relevant times, Defendant Mikey Ashurst was an officer with the Knox County Sheriff's Department. Defendant Ashurst is sued in his individual capacity and acted under color of law and within the scope of his employment in engaging in the actions alleged in this complaint.

21. At all relevant times, Defendant Mike Smith was the Knox County Sheriff and participated in Defendant Ashurst's hiring decision. Defendant Smith is sued in his individual capacity and acted under color of law and within the scope of his employment in engaging in the actions alleged in this complaint.

22. Defendant Knox County is a local governmental entity organized under Kentucky law. Defendant Knox County is responsible for the policies, practices, and customs of the Knox County Sheriff's Department.

FACTUAL ALLEGATIONS

Defendant Ashurst Put Jerry's Life at Risk and Killed Todd St. John, Without Justification

23. On July 24, 2025, at around 7:30 pm, Jerry Stewart went to Todd St. John's home to hang out.

24. Todd had bought a side-by-side vehicle two days prior.

25. A side-by-side is a recreational, utility task vehicle popular for outdoor activities and commonly owned by residents in rural Knox County.

26. As far back as 2009, the United States Consumer Product Safety Commission ("CPSC") has warned of safety concerns with side-by-sides during crashes.

27. As many do in Knox County, Todd was planning to ride his side-by-side on the backroads and trails near his property.

28. At around 8:00 pm, Jerry, his wife and children, Todd, Mackenzie, their children, and Todd's aunt and uncle all went to a nearby restaurant for dinner.

29. At the restaurant, Todd shared a small pitcher of beer with his uncle, who joined them for dinner.

30. Todd and Jerry left the restaurant and returned to Todd's home.

31. At around 9:15 pm, Todd and Jerry went to a local convenient store to get gasoline in the side-by-side.

32. The store is less than two miles from Todd's home.

33. After leaving the gas station, Todd drove the UTV toward a trail in a field near Todd's property.

34. The field was just 5-10 seconds away from the location where Defendant Ashurst killed Todd.

35. While Todd and Jerry were riding in the side-by-side on the main road, just before the turning lane onto SE Business Drive, Jerry noticed a police cruiser pull up behind them with its lights on.

36. Defendant Knox County Sheriff's Deputy Mikey Ashurst was on duty and driving the Dodge Charger police cruiser.

37. At the time Defendant Ashurst decided to initiate the traffic stop and pursue the UTV, Defendant Ashurst was not investigating a serious crime, and Todd and Jerry posed no safety threat.

38. Defendant Ashurst is familiar with side-by-side recreational vehicles, which are common in Knox County.

39. Defendant Ashurst knew that the UTV was less safe and no match for his cruiser, which had additional safety features.

40. Upon information and belief, Defendant Ashurst utilized personal funds to purchase and install the pit bumper on his cruiser, which he did in order to

carry out his duties as a Knox County Deputy, and which he used to pit maneuver the UTV.

41. A side-by-side is an open-air vehicle with a smaller frame than a car, with a higher center of gravity, a smaller wheelbase, and an inherent risk of rollovers, ejections, and, most importantly, catastrophic injuries.

42. For these reasons, known to Defendant Ashurst, his decision to engage in a high-speed pursuit and to intentionally ram the UTV was both illegal and fatal.

43. Knowing he had no just cause to engage in a pursuit, Defendant Ashurst did not call in the alleged traffic stop or pursuit to dispatch.

44. Dispatch was not notified until after the collision.

45. Defendant Ashurst acknowledged to a Kentucky State Police Detective investigating the collision that he did not believe Todd saw him when Ashurst began his pursuit.

46. In the 20-30 seconds from when Defendant Ashurst pulled up behind the side-by-side, Todd did not slow down.

47. In less than 30 seconds upon encountering the UTV, Defendant Ashurst rammed his cruiser into the side-by-side, causing it to overturn with Todd and Jerry inside.

48. Defendant Ashurst used his deadly police cruiser to take the life of a 21-year-old father of two and to place Jerry's life in imminent danger.

49. Secured in the safety of his cruiser, Defendant Ashurst was not injured in the collision.

50. Defendant Ashurst improperly engaged in a high-speed pursuit of the side-by-side despite the circumstances clearly demonstrating it was not safe to do so.

51. Rather than follow proper protocols, Defendant Ashurst rammed his police vehicle into the side-by-side without legal justification.

52. The Kentucky State Police Detective investigating the collision noted Defendant Ashurst failed to keep the proper lane, followed Todd too close, and improperly passed the UTV.

53. Although Jerry suffered only minor contusions, the mental trauma caused to Jerry by Defendant Ashurst's illegal actions will last Jerry's lifetime.

54. Jerry recalls the driver's side of the side-by-side hitting the ground first.

55. Because of the open-air nature of the side-by-side, Todd's head and a portion of his body landed outside on the ground, while the rest of his body was still inside.

56. Todd tragically suffered catastrophic injuries, leaving a blood-soaked area on the pavement where his body came to rest.

57. Todd was pronounced dead at Baptist Health Hospital at 10:23 pm.

58. The following photo was taken on July 25, 2025, several hours after the crash, and depicts the side-by-side driven by Todd in the foreground – after it had been flipped back upright - and the police cruiser driven by Defendant Ashurst in the background.



59. The following photo depicts Defendant Ashurst's police cruiser, equipped with impact bars around the bumper and other enhancement features to protect against impact.



60. Defendant Ashurst's intentional and/or reckless deadly use of his police cruiser caused the crash that killed Todd, right next to Jerry Stewart.

61. Defendant Ashurst's unjustified, intentional and/or reckless use of his police cruiser put Jerry at risk of imminent harm, serious physical injury, and/or death.

Defendants Knox County and Sheriff Smith Were Well Aware of Defendant Ashurst's History of Egregious Misconduct Before Hiring Him in 2024

62. Defendant Ashurst is a dangerous law-enforcement officer with a history of committing unjustified violence toward citizens.

63. Defendants Knox County and Sheriff Smith were aware of Defendant Ashurst's propensity for violence before again hiring him at the Knox County Sheriff's Office in August 2024 and before he killed Todd in July 2025.

64. In 2016, Defendant Ashurst—then a Knox County Sheriff's Deputy under Defendant Sheriff Smith's command—intentionally murdered Jessie J. Mills.

65. Defendant Ashurst, along with another law enforcement officer, beat an unarmed Mr. Mills until he lay bloodied and unresponsive on the ground.

66. After Mr. Mills was finally able to get up, as he was stumbling forward, Defendant Ashurst shot Mr. Mills in the abdomen.

67. Defendant Ashurst committed this act of cold, calculated violence just six feet away from Mr. Mills.

68. After this first gunshot, Defendant Ashurst fired a second and fatal shot into Mills' chest.

69. During the investigation into Defendant Ashurst's killing of Mr. Mills, investigators admitted that their only goal was to prove that Mr. Mills resisted officers.

70. The Administrator of Mr. Mills' Estate filed a civil suit as a result of Defendant Ashurst's unconstitutional conduct, naming Ashurst and Knox County, among others, as Defendants.

71. In July of 2019, Defendant Sheriff Smith was deposed in that civil suit.

72. Defendant Sheriff Smith was the Knox County Sheriff and Defendant Ashurst's employer at the time Defendant Ashurst shot and killed Mr. Mills.

73. During the 2019 deposition, Sheriff Smith was questioned about Defendant Ashurst's employment history.

74. Sheriff Smith acknowledged during the deposition that he was aware prior to hiring Defendant Ashurst in 2015, Defendant Ashurst had twice applied to the Kentucky State Police.

75. Sheriff Smith admitted he knew that Defendant Ashurst had twice been denied employment with KSP after KSP conducted a background investigation of Defendant Ashurst.

76. Sheriff Smith also admitted that he was aware that prior to hiring Defendant Ashurst in 2015 that Ashurst was forced to leave the employment of the Laurel County Sheriff's Office after having an extramarital affair with the then-Sheriff's daughter.

77. During the deposition, Sheriff Smith acknowledged that when Defendant Ashurst was previously employed at the Danville Police Department, his supervisor noted that Ashurst displayed a hostile attitude towards the public and wanted Defendant Ashurst to use a less aggressive approach to resolve conflicts with members of the public.

78. Sheriff Smith was also questioned about Defendant Ashurst's previous employer at the Harlan County Sheriff's Office, noting he would not recommend Ashurst for rehire due to the multiple citizen complaints that were made against Ashurst due to his attitude and behavior.

79. During the 2019 deposition, Sheriff Smith was questioned about a photo Defendant Ashurst posted on his social media account of a man pointing a gun at another man's head with the caption, "Train to Win."

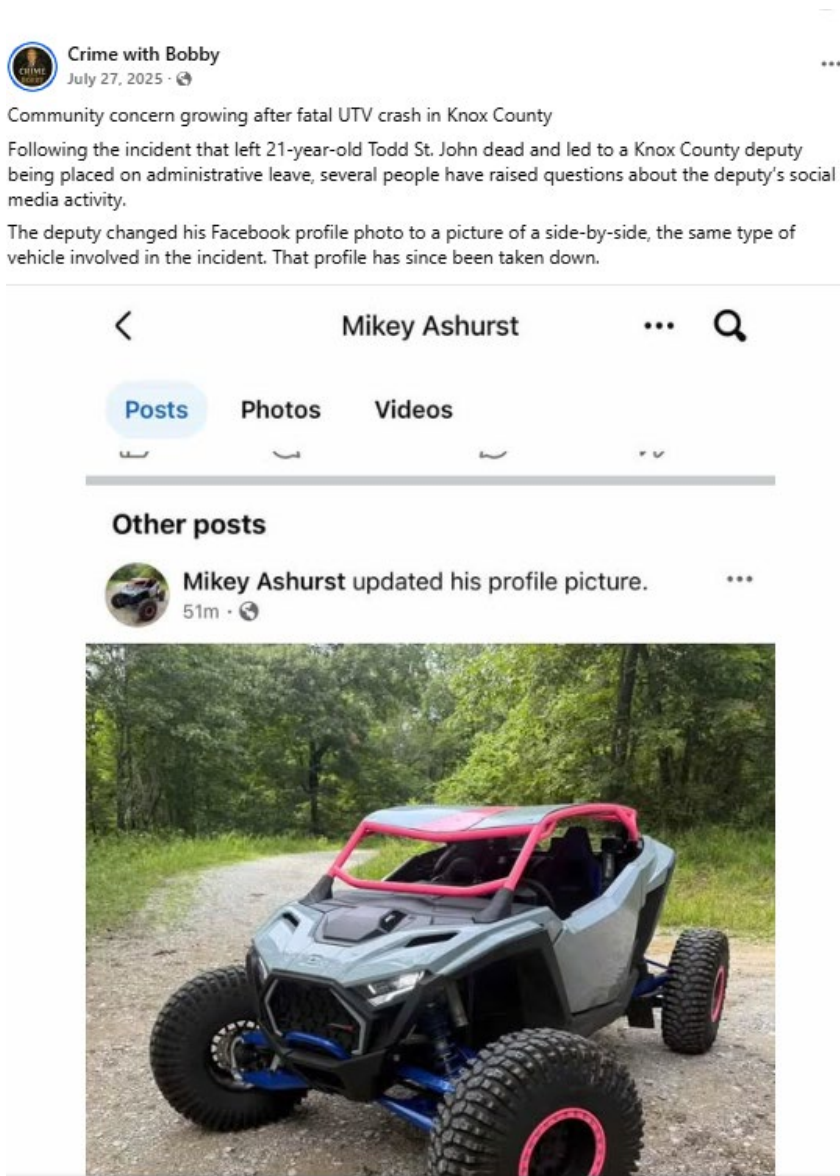
80. Sheriff Smith was also questioned about another photo Defendant Ashurst posted on his social media account of an officer tasing an individual with the caption, "Taser. From Badass to p***y in .5 seconds."

81. Upon information and belief, Defendants Knox County and Smith were also aware, or should have been aware, that in 2022, Defendant Ashurst was fired as Chief of the Livingston Police Department after engaging in physically threatening and aggressive behavior toward an incoming mayor at a City Council meeting.

Defendant Ashurst Flaunted His Assault of Jerry and Killing of Todd on Social Media

82. Defendant Ashurst does not shy away from his violent reputation. In fact, just days after he intentionally pit maneuvered Todd's side-by-side, Defendant Ashurst changed his Facebook profile picture to an image of a side-by-side vehicle.

83. The following screenshot shows Defendant Ashurst's profile picture, updated after the collision.



84. Defendant Ashurst's public nod to a side-by-side vehicle, like the one driven by Todd and ridden in by Jerry just hours before, not only demonstrates Defendant Ashurst's familiarity with side-by-side vehicles, but his total lack of remorse for his actions.

85. Defendant Ashurst engaged in the misconduct described above in part because he believes he is untouchable in Knox County.

Plaintiff's Damages

86. Defendants' actions imposed substantial harm upon Jerry Stewart before and after Defendant Ashurst assaulted Jerry and killed his best friend.

87. Jerry grew up with Todd, who was like a brother to him.

88. Not a night passes without Jerry reliving the horrifying image of Todd, bleeding out in the street while Jerry is unable to help save his best friend's life.

89. Jerry struggles with flashbacks, constant grief, and a deep psychological pain and suffering that has interfered with all aspects of his life.

90. Jerry also lives with physical injuries from Defendants' actions. He sustained injuries to his neck and back, which continue to cause him daily discomfort and also interfere with his ability to sleep.

91. Jerry's psychological, mental, and emotional distress have interfered with his ability to hold down a job, be present with his family, and take care of himself.

92. The substantial damages Jerry have suffered will last the rest of his life.

Count I - 42 U.S.C. § 1983
Fourth Amendment – Excessive Force
Defendant Ashurst

93. Each of the Paragraphs in this Complaint is incorporated as if restated fully herein.

94. As described in the preceding paragraphs, the conduct of Defendant Ashurst toward Jerry Stewart constitutes excessive force in violation of the Fourth Amendment of the United States Constitution.

95. The misconduct described in this Count was objectively unreasonable and undertaken with willfulness and reckless indifference to the rights of others.

96. As a result of the misconduct described in this Count, Plaintiff suffered injuries, as more fully alleged above.

Count II - 42 U.S.C. § 1983
***Monell* Claim Against Defendant Knox County**

97. Each of the Paragraphs in this Complaint is incorporated as if restated fully herein.

98. The misconduct described in this Complaint was undertaken pursuant to the policies and practices of the Knox County Sheriff's Department, described above, which were ratified by policymakers for the Knox County Government with final policymaking authority.

99. As such, Defendant Knox County is also liable, in that:

- a. As a matter of both policy and practice, Knox County encourages, and is thereby the moving force behind, the very type of misconduct at issue here by failing to adequately train,

supervise, control, and discipline its officers such that its failure to do so manifests deliberate indifference;

- b. As a matter of both policy and practice, Knox County facilitates the very type of misconduct at issue here by failing to adequately investigate, punish, and discipline prior instances of similar misconduct, thereby leading Knox County officers and constables to believe their actions will never be meaningfully scrutinized and, in that way, directly encouraging future uses of excessive deadly force such as those Plaintiff complains of;
- c. Generally, as a matter of widespread practice so prevalent as to comprise municipal policy, officers of the Knox County Sheriff's Department abuse citizens in a manner similar to that alleged by Plaintiff in this Court on a regular basis, yet the Knox County Sheriff's Department investigates officer misconduct and makes findings of wrongdoing in a disproportionately small number of cases;
- d. The Knox County Sheriff's Department's failure to meaningfully investigate police misconduct and to control its officers is further illustrated by its handling of Defendant Ashurst's misconduct and lack of discipline for the misconduct.

- e. In fact, the Knox County Sheriff's Department encouraged Ashurst's conduct by previously rewarding him with commendations for aggressive police tactics.

100. As a result of the Knox County's policies and practices, and the unjustified and unreasonable conduct of Defendant Ashurst, Plaintiff has suffered injuries, including severe emotional distress.

101. The policies and practices described in this Count were maintained and implemented by the Knox County Government with deliberate indifference to Plaintiffs' constitutional rights.

102. As a direct and proximate result of the Knox County Government's actions, Plaintiff's constitutional rights were violated and he suffered injuries and damages, as set forth in this Complaint.

103. The Knox County Government is therefore liable for the misconduct committed by its officers.

104. As a result of the misconduct described in this Count, Plaintiff suffered injuries, as more fully alleged above.

**Count III - 42 U.S.C. § 1983
Negligent Supervision and Training
Defendants Smith and Knox County**

105. Each of the Paragraphs in this Complaint is incorporated as if restated fully herein.

106. In committing the acts alleged in the preceding paragraphs, Defendant Ashurst was a member of, and an agent of, the Knox County Sheriff's Department, acting at all relevant times within the scope of his employment.

107. At all times relevant, Defendant Mike Smith was the Knox County Sheriff and had a duty to properly train and supervise in relation to the tasks law enforcement officers must perform pursuant to the policies at the Knox County Sheriff's Department.

108. At all times relevant to the allegations in this Complaint, Defendant Knox County had a duty to properly train and supervise in relation to the tasks law enforcement officers must perform pursuant to the policies, practices, and customs of the Knox County Sheriff's Department.

109. The training and supervision of Defendant Ashurst, as performed by Defendant Smith and Defendant Knox County, was inadequate for the tasks Defendant Ashurst was required to perform.

110. The inadequate training and supervision by Defendant Smith and Defendant Knox County were the result of deliberate indifference.

111. The inadequate training and supervision by Defendant Smith and Defendant Knox County were closely related to or actually caused Plaintiff's injury.

112. As a result of the misconduct described in this Count, Plaintiff suffered injuries, as more fully alleged above.

**Count IV – State-Law Negligent Hiring
Defendants Smith & Knox County**

113. Each of the Paragraphs in this Complaint is incorporated as if restated fully herein.

114. Defendants Smith and Knox County were negligent in hiring Defendant Ashurst as an employee of the Knox County Sheriff's Department.

115. By the time that Defendant Ashurst was employed by the Knox County Sheriff's Department, Defendants Smith and Knox County knew, or reasonably should have known, that Defendant Ashurst was unfit for the job for which he was hired.

116. By the time of Defendant Ashurst's hire in 2024, Defendants Smith and Knox County knew, or reasonably should have known that Defendant Ashurst had a documented history of misconduct as a law enforcement officer, including unjustified violence against citizens.

117. On information and belief, by the time of Defendant Ashurst's hire in 2024, Defendants Smith and Knox County knew, or reasonably should have known, that Defendant Ashurst had lied on his employment application regarding his fitness to be a law-enforcement officer.

118. On information and belief, by the time of Defendant Ashurst's hire in 2024, and as far back as 2015, Defendants Smith and Knox County knew, or reasonably should have known, that Defendant Ashurst had twice applied to the Kentucky State Police and been denied employment following his background investigation.

119. By the time of Defendant Ashurst's hire in 2024, and as far back as 2015, Defendants Smith and Knox County knew, or reasonably should have known, that Defendant Ashurst was forced to leave the employment of the Laurel County Sheriff's Office after having an extramarital affair with the then-Sheriff's daughter.

120. By the time of Defendant Ashurst's hire in 2024, and as far back as 2015, Defendants Smith and Knox County knew, or reasonably should have known, that during Defendant Ashurst's previous employment at the Danville Police Department, Ashurst's supervisor noted that Ashurst displayed a hostile attitude towards the public and wanted Defendant Ashurst to use a less aggressive approach to resolve conflicts with members of the public.

121. By the time of Defendant Ashurst's hire in 2024, and as far back as 2015, Defendants Smith and Knox County knew, or reasonably should have known, that Defendant Ashurst's previous employer at the Harlan County Sheriff's Office, noted he would not recommend Ashurst for rehire due to the multiple citizen complaints that were made against Defendant Ashurst due to his attitude and behavior.

122. By the time of Defendant Ashurst's hire in 2024, Defendants Knox County and Smith knew, or should have known, that in 2023, Defendant Ashurst resigned as Chief of the Livingston Police Department after engaging in physically threatening and aggressive behavior toward an incoming mayor at a City Council meeting.

123. Despite the above, Defendants Smith and Knox County recommended, enabled and/or authorized Defendant Ashurst's hiring at the Knox County Sheriff's Department.

124. Defendant Smith's hiring of Defendant Ashurst in 2024 created an unreasonable risk of harm to Plaintiff and others in the Commonwealth.

125. Less than a year after being hired by Defendant Smith as a Knox County Deputy, Defendant Ashurst unjustifiably assaulted Jerry and killed Todd St. John.

126. As a result of the misconduct described in this Count, Plaintiff suffered injuries, as more fully alleged above.

**Count V – State-Law Assault and Battery
Defendant Ashurst**

127. Each of the Paragraphs in this Complaint is incorporated as if restated fully herein.

128. In the manner described more fully above, Defendant Ashurst intentionally caused Jerry Stewart an imminent apprehension of harmful or offensive contact, as well as carried out unwanted, unjustified, and illegal touching of Jerry Stewart.

129. Defendant Ashurst was not effectuating a legal arrest, nor did he face any reasonable threat of force when he committed assault and battery against Jerry.

130. Defendant Ashurst's actions amounted to assault and battery under Kentucky law.

131. As a result of the misconduct described in this Count, Plaintiff suffered injuries, as more fully alleged above.

Count VI
Negligence
Defendant Ashurst

132. Each of the Paragraphs in this Complaint is incorporated as if restated fully herein.

133. Defendant Ashurst had a duty to exercise care with regard to the safety of Jerry Stewart when he used his police cruiser to intentionally and/or recklessly run Plaintiff and Todd St. John off the road.

134. Defendant Ashurst breached this duty of care to Jerry Stewart when he intentionally and/or recklessly weaponized his police cruiser against Plaintiff.

135. Defendant Ashurst's conduct was both a cause-in-fact and proximate cause of Jerry Stewart's harm.

136. As a result of the misconduct described in this Count, Plaintiff suffered injuries, as more fully alleged above.

Count VII
Respondeat Superior
Defendant Knox County

137. Each of the Paragraphs in this Complaint is incorporated as if restated fully herein.

138. In committing the acts alleged in the preceding paragraphs, Defendant Ashurst was a member and agent of the Knox County Sheriff's Department, acting at all relevant times within the scope of his employment.

139. Defendant Knox County is liable as principal for all state law torts committed by its agents.

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in his favor and against Defendants, KNOX COUNTY, JOHN MICHAEL “MIKEY” ASHURST, and MIKE SMITH, and, award compensatory damages and attorneys’ fees, as well as punitive damages against JOHN MICHAEL “MIKEY” ASHURST and MIKE SMITH, and any other relief this Court deems just and appropriate.

JURY DEMAND

Plaintiff, JERRY STEWART, hereby demands a trial by jury pursuant to Federal Rule of Civil Procedure 38(b) on all issues so triable.

Respectfully submitted,

/s/ Amy Robinson Staples
One of Plaintiff’s Attorneys

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**Pro Hac Vice Motion Forthcoming*