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**HEADLINE:** Gambler says police cost him part of toe;  
Robert Henin, 89, said Miccosukee police cut off part of a toe when they slammed a door on his foot.

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**BODY:**

For Robert Henin, it was a day at the poker tables, a chance for fun, win or lose, at Miccosukee Resort & Gaming.

But less than an hour later, the 89-year-old World War II veteran who eats with a feeding tube was cuffed by tribal police and thrown in a holding cell. He then begged for medical help.

It wasn't until the next day, after he had lost part of his middle toe from a metal door slamming on his foot, that a judge threw out the case and apologized for the way Henin was treated by police.

Months later, Henin now wants to be compensated for the events that he says changed his life.

The Purple Heart recipient has filed a federal claim, saying he was wrongfully imprisoned and assaulted by police during his trip in June to the gaming center.

"I kept thinking what are they treating me like this for," he said Thursday in his Coral Gables apartment. "They've changed my whole life."

The Miccosukee police referred questions to an attorney for the tribe, who did not return several messages left Thursday.

Reports show that Henin's problems started during a visit to the casino several months earlier.

Henin said he was sitting at a poker table when he had a coughing fit, caused by his inability to swallow. Shortly after being ordered to leave, he was arrested for trespassing and was told not to return, he said.

Henin waited until June 2008, before returning, but he says only after asking for permission from a floor supervisor.

He had been at a poker table less than 15 minutes, he said, when he was told he was under arrest for trespassing.

Henin says he was brought to a jail cell and denied repeated requests to get his insulin and dietary supplements.

His blood sugar rose and police called for an ambulance, he said, but he refused to go to the hospital because he wanted to get his insulin from his car and treat himself. Officers wouldn't let him.

Gambler says police cost him part of toe; Robert Henin, 89, said Miccosukee police cut off part of a toe when they slammed a door on his foot. The Miami Herald February 13, 2009 Friday

At that point, he said a detective handcuffed him, ordered him into a cell and when he refused, he was thrown inside.

When the officer closed the door, his foot got caught in the hinge, he said.

"I yelled for help," he said. "No one came."

An arrest affidavit from that night, prepared by Miccosukee police, states that Henin was not cooperating with officers.

Once he was taken into custody, the report says Henin asked to speak with an officer, and was told to go into a cell. When he refused, he "placed his right foot between the door and the door frame."

In the process, his middle toe on his right foot had been partially severed, medical reports state.

Medical records indicate he was treated that night for his foot, which was bleeding profusely.

After spending the night at Turner Guilford Knight Correctional Center, he was arraigned the next day on charges of trespassing and resisting arrest without violence.

A video of the hearing shows that Miami-Dade County Court Judge Fred Seraphin was perplexed by the charges.

"Some officer actually arrested this man?" the judge asked.

"I apologize for them doing this," the judge said. "This is totally outrageous that the officer would do this, not that because you're old you're allowed to do whatever you want to. You're not, but I think there could have been a better way of handling this, but what do I know, I'm only a judge."

The judge dismissed the charges.

Henin's lawyer, John Thornton, said he tried to reach a settlement with the tribe, but was unsuccessful.

Because the tribe is a sovereign nation, Thornton said his only recourse is to seek a torts claim through the U.S. Department of Interior. He's asking for \$250,000 in compensation for injuries.

"We're hopeful the administrative process proceeds quickly, and he gets compensation for what he went through," Thornton said.

Since the arrest, Henin walks with a cane and wears a black soft cast on his foot.

He said he doesn't regret going to the casino.

However, "they never came to me and offered any sympathy, or compensation," Henin said, "anything at all."

*Miami Herald staff writers Alfonso Chardy and Jose Pagliery contributed to this report.*

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