

















47. From October 2009 through December 2009, LOPEZ received excessive calls to her cell and hang up calls on her cell phone. The calls and hang ups were from O'NEAL himself as well as from others that he directed.

48. From October 2009 through December 2009 O'NEAL repeatedly called LOPEZ breathing heavily into the phone at all times during the day and night.

49. In November, 2009, a Miami divorce attorney called LOPEZ and advised her that he represented O'NEAL and had instructed O'NEAL never to call her again. The attorney assured LOPEZ that she would not be further threatened or harassed by O'NEAL. This was not to be the case.

50. O'NEAL and others at his direction contacted LOPEZ with excessive calls and text messages came in throughout all night long for several months.

Excessive calls and text messages came in throughout all night long for several months. There was no let up. O'NEAL that has caused LOPEZ to be harassed.

51. O'NEAL engaged in a course of conduct that caused substantial emotional distress to her and served LOPEZ as that term is defined in §784.048(1)(a).

52. O'NEAL engaged in a pattern of conduct over a period of time, October 2009 through December 2009, that caused LOPEZ to be harassed.

acts over a period of time, October 2009 through December 2009, that caused LOPEZ to be harassed.

53. O'NEAL made a threat against LOPEZ, as that term is defined in §784.048(1)(b), with the intent to cause her to be harassed.

54. O'NEAL engaged in a course of conduct that caused LOPEZ to be harassed, as that term is defined in §784.048(1)(a).

§784.048(1)(c), Fla. Stat. O'NEAL engaged in a course of conduct that caused LOPEZ to be harassed, as that term is defined in §784.048(1)(a).

55. O'NEAL engaged in a course of conduct that caused LOPEZ to be harassed, as that term is defined in §784.048(1)(a).

56. O'NEAL engaged in a course of conduct that caused LOPEZ to be harassed, as that term is defined in §784.048(1)(a).

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violence is defined in §784.046(1)(a). LOPEZ, as violence is defined in §784.046(1)(a), has been subjected to two incidents of violence or stalking, as that term is defined in §784.046(1)(d), which are directed against LOPEZ. O'NEAL, as that term is defined in §784.046(1)(d), has communicated with LOPEZ by electronic mail or electronic message to her and serving no legitimate purpose.

Fla. Stat., in that he has engaged in a course of conduct that caused LOPEZ to be harassed, as that term is defined in §784.048(1)(a).

continuing and significant relationship of a romantic or intimate nature. A date of such relationship existed within the past 6 months. The nature of the relationship was characterized by the expectation of affection or sexual involvement between the parties. LOPEZ and O'NEAL have been involved over time and on a continuous basis during the course of the relationship.

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58. LOPEZ is in fear of her safety.

**COUNT I: ASSAULT**

59. LOPEZ reincorporates the allegations contained in paragraphs 2-58 above as though fully set forth herein.

60. This is a cause of action for assault.

61. O'NEAL intentionally, unlawfully offered corporal injury to LOPEZ by force, or force unlawfully directed toward LOPEZ, under such circumstances as to create fear of imminent peril, coupled with O'NEAL'S apparent present ability to effectuate the injury.



62. O'NEAL acted with actual malice and/or wanton state of mind and/or deliberation and/ or utter disregard of law on his part, violating LOPEZ's legal right.

63. O'NEAL acted without legal justification.

64. As a result of O'NEAL's conduct, directly and indirectly, LOPEZ suffered bodily injury, physical suffering, physical inconvenience and discomfort, loss of time, and expenses incurred due to the assault. LOPEZ also experienced mental suffering.

WHEREFORE Plaintiff LOPEZ demands judgment for damages against Defendant O'NEAL and such other relief this Court deems just and proper.

#### **COUNT II: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

65. LOPEZ reincorporates the allegations contained in paragraphs 2-58 above as though fully set forth herein.

66. This is a cause of action for intentional infliction of emotional distress.

67. O'NEAL's conduct was intentional or reckless, *i.e.*, he intended his behavior because he knew or should have known that emotional distress would likely result from his conduct or the conduct of his agents.

68. O'NEAL's conduct was outrageous; his conduct was beyond all bounds of decency, atrocious and utterly intolerable in a civilized community.

69. O'NEAL's conduct caused emotional distress in LOPEZ.

70. The emotional distress of LOPEZ was severe.

WHEREFORE Plaintiff LOPEZ demands judgment for damages against Defendant O'NEAL and such other relief this Court deems just and proper.

#### **COUNT III: INVASION OF PRIVACY**

71. LOPEZ reincorporates the allegations contained in paragraphs 2-58 above as though fully set forth herein.

72. This is a cause of action for invasion of privacy by intrusion.

73. O'NEAL intentionally intruded, physically or otherwise, upon the solitude and seclusion of LOPEZ in her private affairs and concerns by hacking into her communications, voice mails, text messages, and e-mails, reviewing her communications, and deleting them at will.

74. O'NEAL intentionally intruded, physically or otherwise, upon the solitude and seclusion of LOPEZ in her private affairs and concerns by using Spoof software to make it appear that her cell phone was being used when it was not.

75. These intrusions would be highly offensive to a reasonable person.

WHEREFORE Plaintiff LOPEZ demands judgment for damages against Defendant O'NEAL and such other relief this Court deems just and proper.

#### COUNT IV: CONVERSION

76. LOPEZ reincorporates the allegations contained in paragraphs 2-58 above as though fully set forth herein.

77. This is cause of action for conversion.

78. O'NEAL obtained the communications belonging to LOPEZ in that he exercised dominion and control over the communications and made unauthorized use of the communications.

79. O'NEAL knowingly obtained or used, or endeavored to obtain or to use, the communications of LOPEZ with intent to, either temporarily or permanently, deprive LOPEZ of a right to the property or a benefit from his property.

80. Alternatively, O'NEAL knowingly obtained or used, or endeavored to obtain or to use, the communications of LOPEZ with intent to, either temporarily or permanently, appropriate the property to the use of the O'NEAL or to the use of another person not entitled to the use of the communications.

81. By his intentional conduct, O'NEAL converted LOPEZ's property.

82. At all times material, O'NEAL acted with criminal intent.

83. At all times material, O'NEAL perpetrated conduct upon LOPEZ with wanton, willful and malicious disregard of LOPEZ's rights.

WHEREFORE, Plaintiff Lopez demands judgment for compensatory damages against Defendant O'Neal, together with prejudgment interest and court costs. Plaintiff reserves the right to add a claim for punitive damages upon compliance with 768.72, Florida Statutes (2007).

#### **COUNT V: FLORIDA CIVIL RICO**

84. LOPEZ reincorporates the allegations contained in paragraphs 2-58 above as though fully set forth herein.

85. This is a cause of action against O'NEAL for violation of Florida R.I.C.O., pursuant to §772.103, Fla. Stat., and §772.104, Fla. Stat.

86. O'NEAL and others engaged in an enterprise, an ongoing organization, formal or informal, that functions both as a continuing unit and has a common purpose of engaging in a

course of conduct that was to control the actions of LOPEZ through fear, threat of violence, and/or violence.



87. O'NEAL and the others came to a mutual understanding to try to accomplish a common and unlawful plan, specifically to control the actions of LOPEZ through fear, threat of violence, or violence.

88. Each of them ---O'NEAL and the others --- knowingly and willfully became a member of such conspiracy.

89. At the time O'NEAL and each of the others joined such conspiracy, he or she did so with the specific intent either to personally engage in at least two incidents of racketeering, as alleged herein, or he or she specifically intended to otherwise participate in the affairs of the "enterprise" with the knowledge and intent that other members of the conspiracy would engage in at least two incidents of racketeering, as alleged herein, as part of a "pattern of racketeering activity."

90. O'NEAL and the others intentionally participated in a scheme to control the actions of LOPEZ through fear, threat of violence or violence by engaging in the following:

a. By making repeated harassing and heavy breathing calls to her, deleting her communications, and spoofing her communications, O'NEAL engaged in a scheme to defraud LOPEZ and, in furtherance of that scheme, communicated with LOPEZ with the intent to obtain property from her in violation of §817.034(4)(b), Fla. Stat.

b. By making threatening phone calls and by spoofing her communications, Justin engaged in a scheme to defraud LOPEZ and, in furtherance of that scheme, communicated with LOPEZ with the intent to obtain property from her in violation of §817.034(4)(b), Fla. Stat.

c. By making threatening phone calls, Ayesha Harrison engaged in a scheme to defraud LOPEZ and, in furtherance of that scheme, communicated with LOPEZ with the intent to obtain property from her in violation of §817.034(4)(b), Fla. Stat.

d. By making repeated harassing and heavy breathing calls to her and causing others, including but not limited to Justin and Ayesha Harrison to threaten LOPEZ, intentionally, unlawfully threatened by word and act to do violence to LOPEZ, coupled with an apparent ability to do so, and acting in such a manner as to create a well-founded fear in LOPEZ that such violence is imminent, in violation of §784.011(1), Fla. Stat.

e. By making the call and texting LOPEZ on October 1, 2009, letting her know that he was on the way to get her and spoofing the use of her own cell phone number, Justin intentionally, unlawfully threatened by word and act to do violence to LOPEZ, coupled with an apparent ability to do so, and acting in such a manner as to create a well-founded fear in LOPEZ that such violence is imminent, in violation of §784.011(1), Fla. Stat.

f. By making threatening phone calls a block away from the house of LOPEZ, Ayesha Harrison intentionally, unlawfully threatened by word and act to do violence to LOPEZ, coupled with an apparent ability to do so, and acting in such a manner as to create a well-founded fear in LOPEZ that such violence is imminent, in violation of §784.011(1), Fla. Stat.

g. By making repeated harassing and heavy breathing calls to her, deleting her communications, and spoofing her communications, directing Ayesha Harrison and Justin to threaten and/or harm LOPEZ, O'NEAL willfully, maliciously, and repeatedly followed,

harassed, and/or cyberstalked LOPEZ, and made a credible threat with the intent to place LOPEZ in reasonable fear of her death or her bodily injury in violation of §784.048(2) & (3), Fla. Stat.

h. By making the call and texting to LOPEZ on October 1, 2009, letting her know that he was on the way to get her and spoofing the use of her own cell phone number, Justin willfully, maliciously, and repeatedly followed, harassed, and/or cyberstalked LOPEZ, and made a credible threat with the intent to place LOPEZ in reasonable fear of her death or her bodily injury in violation of §784.048(2) & (3), Fla. Stat.

i. By making a series of threatening phone calls a block away from the house of LOPEZ, Ayesha Harrison willfully, maliciously, and repeatedly harassed LOPEZ, and made a credible threat with the intent to place LOPEZ in reasonable fear of her death or her bodily injury in violation of §784.048(2) & (3), Fla. Stat.

j. By making repeated phone calls with such frequency during the day and in the middle of the night so as to constitute harassment which constituted a credible threat and with the intent to place LOPEZ in reasonable fear of her death or her bodily injury in violation of §784.048(2) & (3), Fla. Stat.

k. O'NEAL knowingly obtained or used, or endeavored to obtain or to use, the property of LOPEZ with intent to, either temporarily or permanently deprive LOPEZ of a right to her property ---- her right to privacy and her communications---- or a benefit from the property or appropriate the property to his own use or to the use of any person not entitled to the use of the property violation of §812.014(1), Fla. Stat.

l. O'NEAL willfully, knowingly, and without authorization accessed or caused to be accessed the computer of LOPEZ in violation of §815.06(1), Fla. Stat.

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