



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

|                            |   |                 |
|----------------------------|---|-----------------|
| STATE OF DELAWARE          | ) |                 |
|                            | ) |                 |
| Plaintiff,                 | ) |                 |
|                            | ) |                 |
| v.                         | ) | C. A. No.       |
|                            | ) |                 |
| 118 UNITY LANE, GREENWOOD, | ) | NON-ARBITRATION |
| DE 19950, LATASHA LOVETT,  | ) | CASE            |
| ANNETTE STEVENS, SYLVESTER | ) |                 |
| LOVETT, LUCY LOVETT, DAVID | ) |                 |
| LOVETT, CHARLES LOVETT,    | ) |                 |
| JOANNE LOVETT, TAQUEN      | ) |                 |
| OWENS, TERRANCE LOVETT,    | ) |                 |
| FRANK LOVETT and HEATHER   | ) |                 |
| MURPHY,                    | ) |                 |
| Defendants.                | ) |                 |

**VERIFIED COMPLAINT**

This action, brought by the State of Delaware against the defendants and property named above, seeks to abate a criminal nuisance occurring on that property pursuant to the *Criminal Nuisance Abatement Act*, Title 10 Delaware Code section 1701 *et seq.*

This action arises out of ongoing criminal activity at the property consisting of a multiple and pervasive illegal drug dealing events, I addition to other cirmnal activity. Upon information and belief, the State of Delaware alleges the following:

## **JURISDICTION AND VENUE**

1. Jurisdiction for this action is provided pursuant to 10 *Del. C.* § 7106(a), (b), and (c).
2. Venue is proper in this County under 10 *Del. C.* § 7106(a) because the property at issue in this case is located within Kent County.

## **THE PARTIES AND PROPERTY**

1. Plaintiff the State of Delaware brings this action through the Delaware Department of Justice. The Attorney General has standing to bring this action under 10 *Del. C.* § 7107(a)(2).
2. The property at issue in this case is located at 118 Unity Lane, Greenwood, De 19950 (the "Property"). The Property includes that lot, the parcel of land, and any building erected thereon. The Kent County Property Tax Parcel No. is 6-00-18900-01-6400-00001.
3. The owner of record of the Property is listed as James Lovett, Sr. who, upon information and belief, is deceased. The County Tax Parcel information database lists Defendant Latasha Lovett, James' granddaughter and current resident of the Property, as the responsible party for tax purposes. Upon information and belief, James died intestate and the Title to the Property passed to his children: Annette Stevens, David Lovett, Charles Lovett, Joann Lovett, Lucy Lovett and

Sylvester Lovett. James' children are named as defendants as equitable owners of the Property.

4. Defendant Latasha Lovett is a Delaware resident who resides at the Property and may be served there.

5. Defendant Annette Stevens is a Delaware resident and may be served either at the Property (her address of record) or, upon information and belief, next door at 142 Unity Lane, Greenwood DE 19950.

6. Defendant David Lovett is a Pennsylvania resident and may be served at 1516 Lindley Avenue, Philadelphia PA 19141.

7. Defendant Lucy Lovett is a Delaware resident who resides at 208 Unity Lane Greenwood DE 19950 and may be served there.

8. Defendant Charles Lovett is a Delaware resident who resides at 1465 Buffalo Road, Frederica DE 19946 and may be served there.

9. Defendant Sylvester Lovett is a Delaware resident who resides at 20304 Wilking Road, Lewis Sussex DE and may be served there.

10. Defendant Joanne Lovett is a Kentucky resident who resides at 640 S. 35<sup>th</sup> Street, Louisville KY 40211 and may be served there.

11. Defendant Taquen Owens is a Delaware resident who resided at the Property until his arrest in September 2015, as is discussed in more detail in

paragraph 35, *infra*. He is currently being held in Sussex County Correctional Institution.

12. Defendant Frank Lovett is a Delaware resident who resides at the Property and may be served there.

13. Defendant Terrance Lovett is a Delaware resident who resides at the Property and may be served there.

14. Defendant Heather Murphy is a Delaware resident who resides at the Property and may be served there.

#### **Factual Background**

15. The Property is located on Unity Lane, which is off Deep Grass Lane in between Teatown Road and Hunting Quarter Road in Greenwood, Delaware. The area itself is completely encompassed by trees and thick foliage surrounded by farm fields. The area was conveyed to the people by the farm owner who owned the entire parcel at one time. There is only one egress\ingress access into the Unity Lane area. Unity Lane is a dirt lane which travels west from Deep Grass Lane approximately 100 yards and then turns sharply south. There is a church called New Birth Church of God on the south side of the lane approximately 150 feet off the road. The residences on Unity Lane consist of small, dilapidated houses, trailer homes and campers. Within the past year, several buildings have been condemned by local authorities as unfit for human habitation.

16. The lane itself is riddled with huge potholes, some wider than a vehicle, such that even a large SUV can navigate the road at no more than 5 mph. The size and nature of the holes varies such that a traditional passenger vehicle will bottom out, and if not going very slowly, suffer major damage. Upon information and belief, these holes were intentionally created by resident narcotics dealers to make it as difficult as possible for law enforcement personnel to respond to Unity Lane in a timely manner.

17. For more than twenty years, the Property has been a magnet for criminal drug activity and a haven for criminal offenders. As such, Unity Lane has earned the colorful epithet the "Hole." And within Unity Lane, the Property is generally known in the surrounding community as a prime location where drug dealing occurs. Criminal activity, perpetrated by the Property's residents, has occurred on or near the Property for well over a decade.

18. Commencing August 17, 2015 and concluding September 9, 2015, Delaware State Police (DSP) conducted wiretap surveillance on, among other individuals, Taquen Owens, a resident at the Property. This surveillance showed that Taquen, Defendant Frank Lovett and others were actively dealing crack cocaine out of the Property. DSP officers documented numerous drug transactions in which a clear modus operandi emerged: Taquen or others would take a call requesting illegal narcotics, either crack cocaine or heroin. He would usually tell the caller to

“go to the Hole.” Taquen would then leave the Property with the crack cocaine and walk down the impassable to vehicles lane to the vicinity of the church, where the drug transaction would take place. On several occasions, Taquen would tell the caller “come all the way back,” which meant that he was unwilling to walk out to the church and the buyer would have to walk to the vicinity of 118 Unity Lane to buy the drugs.

19. On August 21, 2015, Taquen is heard on the wiretap discussing with Frank Lovett and co-conspirator Gary Williams the purchase of 365 grams of crack for distribution at the Hole, among other places.

20. On August 22, 2015, Taquen is heard on the wire setting up and is seen conducting three separate drug deals at the Hole: at 11:52 am he sells .39 grams of heroin to a buyer; at 5:33pm he sells .585 grams of heroin and .8 grams of crack to a buyer, and at 9:18pm he sells .39 grams of heroin. All of the following transactions were heard being set up on the wiretap:

21. On August 23, 2015, Taquen sells 1 gram of crack at the Hole.

22. On August 25, 2015, Taquen sells .5 grams of crack at the Hole in the area of the Church following the above described modus operandi.

23. On August 27, 2015, an unnamed individual sells two 9mm handguns to Gary Williams at the Hole.

24. On August 28, 2015, at 7:46pm Taquen arranges for an unnamed associate to sell .3 grams of heroin to suspect Darrell Stanley. Later that day, at 9:41, he facilitates a sale of two bundles (26 bags) of heroin between his unnamed associate and a third party at the Hole.

25. On August 29, 2015, at 3:56 pm, Taquen sells .6 grams of crack to an individual at the Hole. Later that day at 9:25pm, a confidential informant is told to meet Taquen "at Unity Lane," and is seen by law enforcement going behind the Property where she buys .2 grams of crack from Taquen.

26. On August 3, 2015, at 7:53pm, Taquen sells .5 grams of heroin at the Hole. At 9:03, he sells 1 gram of crack to another individual at the Hole, and at 10:19 he sells an additional gram of crack to a third individual at the Hole.

27. On September 1, 2015, at 12:01pm, Taquen sells .4 grams of crack to an individual who is instructed to "come all the way back," which means Taquen will not meet the buyers as usual at the church, but that they are instead to walk all the way back to Property to purchase the crack. At 7:22 pm the same day, Taquen sells 1 ounce of cocaine from the Hole. Finally, at 8:16 pm Taquen sells 6 grams of crack at the Hole.

28. On September 2, 2015 at 2:44 pm, Taquen sells .3 grams of crack at the Hole. At 2:50pm, he sells an additional .4 grams of crack at the Hole, these two

times going back to the old MO of him walking drugs out from the vicinity of the Property to the church to meet the buyer.

29. On September 3, 2015, at 1:25pm, Taquen sells .5 grams of crack at the Hole. At 7:48pm later that day he sells a quarter of an ounce of crack at the Hole.

30. On September 5, 2015, at 5:35pm Taquen is heard instructing Gary Williams to sell .5 grams of heroin for him to a buyer at the Hole. At 7:43 the same day, Taquen has Williams sell .4 grams of crack from him at the Hole, and at 10:11pm, Taquen has Williams sell 1 gram of crack for him at the Hole.

31. On September 7, 2015, Taquen is back selling for himself and sells 1 gram of crack and 2 bundles of heroin at the Hole, this time coming out to the church.

32. On September 8, 2015, Taquen has a co-conspirator sells .3 grams of crack at the Hole.

33. On September 9, 2015 a search warrant is executed at the Property. Defendant Annette Stevens admits that Taquen and Frank Lovett use the Property for illegal drug activity. A digital scale of the kind used to weigh heroin and crack is found in the Property, as well as empty gun case.

34. On September 11, 2015, Frank Lovett is arrested and charged with Racketeering for conspiring with Taquen and Gary Williams to distribute large amounts of narcotics in southern Kent County, including at the Hole. These charges are ultimately nolle prossed. Frank is currently wanted on other charges.



35. On November 5, 2015, Taquen is arrested and charged with multiple counts of drug dealing and related charges stemming from the drug dealing alleged herein. He is in pretrial detention awaiting trial.

36. The events described in ¶¶ 15-35 constitute a “criminal nuisance” as defined by 10 Del. C. § 7103(5). Upon information and belief, the Hole and specifically the Property continue to be the site of ongoing criminal nuisance activity. For instance, on April 14, 2016, victim Arnold Hockensmith drove an acquaintance known as Leonard to the Hole to purchase drugs, where they were forcibly robbed by four individuals.

37. As a result of the pervasive and ongoing criminal activity at the Property, on May 19, 2016, the State sent certified letters to the record property owner, James Lovett Sr., and the listed “care\of” agent Latisha Lovett, as well as the residents of the Property, Taquen Owens, Frank Lovett, Terrance Lovett and Heather Murphy. The certified letters were signed for by Latisha Lovett and the return receipt was received on May 24, 2016. Therein, the owner and tenants were provided notice of the State’s intent to file a Complaint for Permanent Abatement of the criminal nuisance occurring on the Property pursuant to the Criminal Nuisance Abatement Act, 10 *Del. C.* ch. 71.

38. On July 12, 2016, State officials met with Latisha Lovett who stated that the owner of record, James Lovett, was deceased. She further stated that because

he died intestate and without a spouse, the Title to the Property passed to his adult children (the “Equitable Owners”). Therefore, by certified letters dated August 5, 2016, the State sent the Equitable Owners notice of the criminal nuisance and its intention to file under the Act to abate such.

39. The Defendants permitted the above described activity constituting a criminal nuisance to occur at the Property.

40. The above described activity has adversely impacted the area surrounding the Property in the following ways:

a. Increased fear of Unity Lane residents and others to walk through the area,

b. An increase in the number of police calls to the Property that are related to nuisances associated with drug activity, firearms and other public nuisances;

c. Arrests of persons on or near the property for criminal conduct relating to nuisances associated with drug activity, illegal firearms, and other public nuisances;

d. Search warrants served or executed at the property relating to nuisances associated with drug activity, illegal firearms, and other public nuisances; and

e. A substantial number of complaints made to law-enforcement and other government officials regarding nuisances associated with drug activity, illegal firearms, and other public nuisances.

## **LEGAL CLAIMS**

### **Count 1** **Maintaining A Nuisance** **All Defendants**

41. The State of Delaware incorporates the allegations in ¶¶ 1-40 by reference.

42. Illegal drug events as defined by 10 *Del. C.* § 7103(7), have occurred at the Property with great frequency.

43. Pursuant to 10 *Del. C.* § 7103(5)(a), the Property constitutes a criminal nuisance as defined by the statute.

44. The criminal nuisance activity at the Property has adversely affected the surrounding area within the meaning of 10 *Del. C.* § 7103(1).

45. Defendants Annette Stevens, Charles Lovett, David Lovett, Sylvester Lovett, Lucy Lovett and Joanne Lovett own the Property and all other Defendants occupy or have occupied the Property while the nuisance was occurring.

46. Defendants maintained a criminal nuisance at the Property in violation of 10 *Del. C.* § 7104 by occupying establishing, promoting, permitting, facilitating, or conducting a criminal nuisance, or aiding and abetting the conduct of a criminal nuisance.

**Count 2**  
**Maintaining A Nuisance**  
**All Defendants**

47. The State of Delaware incorporates the allegations in ¶¶ 1-40 by reference.

48. Pursuant to 10 *Del. C.* § 7103(5)(f), the Property constitutes a criminal nuisance as defined by the statute by virtue of the objectionable material annoyance, inconvenience, or discomfort the ongoing pattern of criminal activity associated with the Property has caused neighboring properties or persons.

49. The criminal nuisance activity at the Property has adversely affected the surrounding area within the meaning of 10 *Del. C.* § 7103(1).

50. Defendants Annette Stevens, Charles Lovett, David Lovett, Sylvester Lovett, Lucy Lovett and Joanne Lovett own the Property and all other Defendants occupy or have occupied the Property while the nuisance was occurring.

51. Defendants maintained a criminal nuisance at the Property in violation of 10 *Del. C.* § 7104 by occupying establishing, promoting, permitting, facilitating, or conducting a criminal nuisance, or aiding and abetting the conduct of a criminal nuisance.

**Count 3**  
**Criminal Nuisance**  
**118 Unity Lane Greenwood DE 19950**

52. The State re-alleges and incorporates ¶¶ 1-40 by reference.

53. The Property, located at 118 Unity Lane Greenwood De 19950, is the site of the criminal nuisances complained of in this action.

54. The Property is a blight to the surrounding community. Its existence as a criminal nuisance has caused, and will continue to cause, economic damage to

the surrounding businesses, a decline in property value to surrounding residences, and a severe negative impact to the quality of life in the surrounding community. The nature of the criminal nuisance at the Property—significant amounts of drug use, drug dealing, prostitution, illegal guns and violent criminal activity—constitutes a clear threat to the public health, safety, and welfare.

55. The existence of this criminal nuisance at the Property is precisely the type of social problem which the General Assembly intended to address through the enactment of the Criminal Nuisance Act. The purpose of the Act is:

- (1) To authorize temporary and permanent abatement relief and other remedies to abate any criminal nuisance as defined herein;
- (2) To eliminate locations that otherwise attract criminals, violence and the threat of violence associated with either illegal drug trade or any of the other nuisances defined herein;
- (3) To abate drug nuisances and illegal drug activity as well as the other nuisances defined herein that otherwise reduce property values, injure legitimate businesses and commerce and erode the quality of life for law-abiding persons working or residing in or near these locations;
- (4) To ensure that the civil actions and remedies authorized by this chapter be heard by the courts on a priority basis to expeditiously identify and abate all nuisances, particularly those involving illegal drug trade or activity; and
- (5) To encourage owners, landlords, operators and managers of buildings, places or premises (hereinafter referred to as "premise") to take the affirmative steps necessary to prevent violations on their properties involving any of the above nuisances, particularly those involving illegal drug trade or activity.

10 *Del. C.* § 7102 (a).

**PRAYER FOR RELIEF**

**WHEREFORE**, the State of Delaware respectfully requests this Court to grant the following relief against the defendants:

- a) Declare that the Property is a nuisance under 10 *Del. C.* ch. 71;
- b) Grant Temporary and permanent abatement relief which perpetually prohibits the Defendants and any other people from further maintaining a nuisance at the Property or elsewhere in Delaware;
- c) Enter an order prohibiting Defendants from having contact with the Property or the surrounding area;
- d) Award Civil penalties as provided for by the Act;
- e) Any additional remedies the Court finds fair and just; and
- f) All attorneys' fees and costs.

Respectfully submitted,

**STATE OF DELAWARE  
DEPARTMENT OF JUSTICE**



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