



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE,)	
)	
Plaintiff,)	
)	
v.)	C. A. No.
)	
1051 SOUTH MARKET STREET,)	NON-ARBITRATION
WILMINGTON, DE 19801; and)	CASE
NAB MOTEL, INC. d/b/a FAIRVIEW)	
INN,)	CRIMINAL NUISANCE
)	ABATEMENT ACTION
Defendants.)	

VERIFIED COMPLAINT

The State of Delaware, by and through the Delaware Department of Justice and the undersigned Deputy Attorney General, brings this action against 1051 South Market Street, Wilmington, Delaware 19801 (the “Property”), and the above-identified defendants, pursuant to the *Criminal Nuisance Abatement Act*, 10 *Del. C. Ch. 71*, to abate the criminal nuisance occurring on and around the Property.

The criminal activity occurring on and around the Property consists of robbery, assault, possession of firearm, prostitution, illegal drug activity, and arrests of guests for such activity.

JURISDICTION AND VENUE

1. Jurisdiction for this action is provided under 10 *Del. C. § 7106*.

2. Venue is proper in this County under 10 *Del. C.* § 7106(a) because the Property is located within New Castle County.

THE PARTIES AND PROPERTY

3. 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.* § 7105(a).

4. The Property is located at 1051 South Market Street, Wilmington Delaware 19801. The Property includes the lot, the parcel of land, and any building(s) erected thereon. The New Castle County Property Tax Parcel Number for the Property is 1000100074. The Property is currently the site of an operating motel, known as Fairview Inn.

5. The owner of record of the Property is NAB Motel, Inc., a Delaware General Corporation.

6. The registered agent for NAB Motel, Inc. is Bharat Patel (“Patel”).

7. Patel resides at 200 Nathan Court, Newark, Delaware 19711, where service may be effected upon Defendant NAB Motel, Inc.

8. Defendant NAB Motel, Inc. runs and operates the Fairview Inn on the premises of the Property.

9. Upon information and belief, Defendant NAB Motel, Inc. obtained the Property on or about December 1, 1985 in consideration for nine hundred thousand dollars.

FACTUAL BACKGROUND

10. The Property is located on U.S. 13 just south of the city limits of Wilmington. It is adjacent to an auto salvage plant and the defunct adult entertainment center formerly known as the “Gold Club.” It is across the street from another adult entertainment center known as “Hak’s”; the “Karibbean Delight 2” restaurant; and some industrial buildings.

11. In the past, the Property has previously been used to house Delaware Department of Health and Social Services, Division of Social Services (“DSS”) voucher recipients.

12. In 2016, the vouchers for the Property were cancelled after DSS discovered that its voucher recipients were being forced to live in squalor.

13. The Property is near a forested swamp, and DSS discovered that a number of rodents entered the rooms.

14. DSS voucher recipients were given rodent traps by Fairview management and expected to learn how to use them to address the rodent problem for themselves.

I. Criminal Nuisance Activity

15. The Property has been the site of ongoing drug overdoses, illegal drug sales, assaults, prostitution, robberies, possession of firearms, and criminal investigations and arrests related to the criminal activity.

16. The Property is generally known in the surrounding community as a location where crime occurs.

17. Over the past two years, the Delaware State Police arrested several guests of the Property for engaging in drug sales and other drug-related crimes.

A. Illegal Drug Events:

18. On or about January 4, 2017, police officers from the Delaware State Police (hereafter referred to as “police officers” or “DSP”) reported to the Property in reference to a drug overdose in Room 109. Officers discovered an individual who overdosed on heroin. They also located 57 bags of heroin, with a total weight of .855 grams in Room 109. The brother of the overdose victim informed police officers that his brother had left prison the day before. The overdose victim died in the hospital on January 10, 2017.

19. On or about March 5, 2017, police officers reported to the Property in reference to a drug overdose in Room 123. Officers discovered a woman suffering from a heroin overdose who was subsequently revived and regained consciousness. Eighteen bags of heroin were located in the room. The room also contained what

appeared to police officers to be precursor items for the manufacture of methamphetamines.

20. On or about April 21, 2017, police officers on routine patrol observed a known prostitute and a separate individual known to routinely possess illegal drugs walking in the parking lot of the Property. A review of state criminal records indicated that the woman had an active warrant from the Wilmington Police Department. A search of the woman revealed that she had 1.9 grams of crack cocaine on her person.

21. On or about June 8, 2017, police officers were on active patrol of the parking lot of the Property. They observed a vehicle making erratic driving maneuvers in the parking lot of the Property. Closer investigation revealed that marijuana smoke was emanating from the windows of the vehicle. Neither of the vehicle occupants had a room at the Property. A search of the vehicle uncovered drug paraphernalia and other suspicious items, including 500 baggies commonly used for packaging heroin; eight prescription bottles belonging to one of the vehicle occupants and containing drugs used to treat him for a recent gunshot wound; razor blades; rubber bands; \$400 in currency; two digital scales; and four electronic keys to various motel rooms at differing locations: the Superlodge, Best Western, the Property's room 137, and an unknown location.

22. On or about June 9, 2017, police officers were on active patrol of the parking lot of the Property. They contacted three females who were located in the parking lot. The three females admitted they were loitering for purposes of purchasing narcotics. Drug paraphernalia was located on one of the females along with .31 grams of heroin.

23. On or about June 10, 2017, police officers received information from two individuals stating that they had purchased heroin in Room 180 of the Property. The individuals described purchasing heroin from a subject who matched the description of an individual the police later observed entering the room. Subsequent investigation revealed that the room contained \$600 in currency; one digital scale; 7 oxycodone pills; 21.68 grams of marijuana; and two bags containing 7.16 grams of crack cocaine.

24. On or about June 15, 2017, police officers responded to a woman who claimed she purchased crack cocaine in Room 178 of the Property. They responded to the room as a woman was knocking on its door. Questioning of this woman indicated she was there to purchase crack cocaine and heroin. Subsequent investigation revealed 10.95 grams of marijuana; 1.37 grams of cocaine; a large amount of currency; a number of items whose wrapping and presentation indicated to the arresting DSP officers that they were shoplifted from nearby businesses; clear plastic sandwich baggies; and a broken digital scale.

25. On or about June 21, 2017, police officers responded to the Property and observed an individual engaging in furtive movements in his vehicle. An approach toward the vehicle revealed that the vehicle contained an empty vodka bottle. Police officers also detected the smell of marijuana. An unconscious female was located in the vehicle, lying at an unnatural position. The individual operating the vehicle appeared to be under the influence of alcohol. Subsequent investigation revealed 77 gel capsule pills containing a total of 1.155 grams of heroin. The suspect confessed that he sells heroin.

26. On or about July 7, 2017, police officers responded to a drug overdose at the Property. The individual in question overdosed on methadone. When the individual was revived, he stated that he *purchased* the methadone in Room 139 of the Property. The room was registered to an individual with a history of engaging in prostitution. A search of the room did not reveal any illegal drugs.

27. On or about July 9, 2017, police officers reported to the Property to address a drug overdose in Room 140. Thankfully, the overdose victim regained consciousness after being administered Narcan. Drug paraphernalia was located in the room, such as empty baggies, needles, and rubber bands. One of the officers was stuck with a used hypodermic needle while packaging the evidence.

28. On or about July 18, 2017, police officers conducted a search at the Property in Room 118 after a confidential informant purchased .3 grams of crack

cocaine from a suspect. Police officers apprehended a fugitive from Newport Alderman's Court who was in possession of 2 grams of marijuana.

29. On or about July 18, 2017, police officers conducted a search at the Property in Room 143 after a confidential informant purchased 3.6 grams of marijuana from a suspect in Room 143. Inside Room 143, officers located and arrested the suspect. They also found 38 grams of marijuana.

30. On or about July 18, 2017, police officers conducted a search at the Property in Room 147 after a confidential informant purchased .9 grams of crack cocaine from a suspect in Room 147. Inside Room 147, officers located and arrested the suspect.

31. On or about July 18, 2017, police officers responded to the Property and discovered that the motel's desk clerk was in possession of a hypodermic needle. The desk clerk admitted to personal usage of heroin one to two times per week.

32. On or about July 27, 2017, police officers responded to the Property to address a drug overdose at or near Room 180. The overdose victim was revived and stated she had used 6 bags of heroin.

33. On or about July 31, 2017, police officers responded to the Property to address a report of a drug overdose in Room 106. Medical responders had revived

the victim and the victim reported he purchased heroin from the parking lot of the Property earlier in the day.

34. On or about September 21, 2017, police officers responded to Room 150 of the Property, in reference to a subject who apparently overdosed. Upon arrival, paramedics were already working on the victim who was unresponsive on the bed. Paramedics revived the individual with Narcan. Police officers searched the room but were unable to locate any empty bags or paraphernalia. A second individual in the room admitted to flushing empty heroin bags and syringes prior to police arrival.

35. On or about June 11, 2018, while on patrol of the Property, a police officer observed a suspicious vehicle located on the Property. Upon further investigation, an occupant of the vehicle was staying in a hotel room at the Property. Search of the vehicle yielded drug paraphernalia related to heroin and crack cocaine use.

36. On or about November 10, 2018, while on routine patrol of the Property, a police officer observed two suspects complete a drug transaction in a vehicle located on the Property.

37. On or about January 16, 2019, police officers executed a search warrant of Room #170 of the property which elicited illegal drugs. The room was the residence of a suspect who was wanted on numerous felony charges. Two

other suspects who were observed in the room were also wanted on numerous felony charges.

38. On or about February 10, 2019, police officers responded to Room 147 of the Property regarding a report that there were trespassers in Room 147. Upon arrival, two suspects were arrested for outstanding warrants on multiple felony charges as well as new trespassing charges.

B. Other Criminal Activity:

39. On or about July 8, 2017, police officers conducted a property check in the parking lot of the Property. They recovered a stolen vehicle after apprehending four individuals located inside of it.

40. On or about July 18, 2017, police officers arrested multiple individuals at or near the Property for outstanding arrest warrants. These included Gerald Nash (warrant for a theft of a firearm charge); Nakia Neal (warrants for failing to appear in the Court of Common Pleas and an Assault 3rd degree charge); Lefton Harmon (warrant for driving without a license); Levonne Kellam (warrant for a Violation of Probation); Freddie Paoletti (warrants for contempt and failure to appear for trial); Stephanie Taylor (warrants for shoplifting and failure to pay); Edward Atkins (warrants for failure to appear); Frederick Everett (multiple

warrants for contempt, failure to appear, and failure to pay); and Ashlee Doris (a warrant for failure to pay).

41. On or about September 23, 2017, police officers responded to the Property for a drug complaint. Upon arrival, they observed two individuals arguing in the middle of S. Market Street. After discussion with the parties, the police officers learned that an assault had occurred in front of rooms 109 and 111. Continued investigation revealed a third suspect had assaulted a victim with a large piece of metal, causing a skull fracture and brain bleed requiring surgery.

42. On or about January 10, 2018, while conducting an administrative search of a suspect's residence at Room 132 of the Property, police discovered a loaded firearm along with ammunition.

43. On or about January 21, 2019, a suspect who was staying at the Property in Room 162 agreed to engage in a sexual act with an under cover police officer in exchange for money.

44. On or about April 1, 2019, police officers responded to the Property for a robbery. Upon arrival, police initiated a robbery investigation. Three suspects were subsequently arrested.

II. Adverse Impact to the Community

45. The above described criminal nuisance activity has had, and continues to have, the following adverse impact to the community:

a. Diminished real property values related to nuisances associated with drug activity, prostitution, and other public nuisances and criminal activity in or near the Property;

b. Increased fear of residents to walk through or in public areas, including sidewalks, streets, and parks, due to the presence of nuisances associated with drug activity, prostitution, and other public nuisance and criminal activity;

c. An increase in the number of police calls to the Property that are related to nuisances associated with drug activity, prostitution, and other public nuisance and criminal activity— from January 4, 2017 through February 10, 2019, there have been over 434 calls for service to the Property;¹

d. Investigative purchases of controlled substances or drug paraphernalia, or investigative actions relating to prostitution by undercover law-enforcement officers at or near the Property;

e. Arrests of persons on or near the Property for criminal conduct relating to nuisances associated with drug activity, prostitution, and other public nuisances and criminal activity; and

¹ A “call for service” means that law enforcement or other emergency vehicles responded to an incident at the Property.

f. Search warrants served or executed at the Property relating to nuisances associated with drug activity, prostitution, and other public nuisance and criminal activity.

III. Criminal Nuisance

46. The Property is, and continues to be, a criminal nuisance, and the activity described herein constitutes criminal nuisance activity. The Property is the site at which illegal drug events and other crimes have occurred within the past year, including possession, use, and/or sale of marijuana and heroin.

47. Defendants have either actively engaged in the criminal activity described herein or they are permitting, facilitating and/or promoting the activity constituting a criminal nuisance to occur at or near the Property.

48. On or about April 24, 2019, the Delaware Department of Justice sent certified letters to all Defendants, giving them notice that the constant criminal activity occurring on the Property represents a threat to the public health, safety, and welfare of the surrounding community, and providing notice that the State of Delaware intends to file a criminal nuisance abatement action in Superior Court to abate the criminal nuisance activity.

CAUSES OF ACTION

Count 1 (All Defendants) Maintaining A Nuisance

49. The State of Delaware incorporates the allegations in ¶¶ 1-48 by reference.

50. Pursuant to 10 *Del. C.* § 7103(5)(a), the Property constitutes a criminal nuisance because illegal drug events, as defined by 10 *Del. C.* § 7103(7), have occurred at the Property within the period of one year prior to the commencement of the civil action under this chapter.

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

52. Defendants have maintained, and are continuing to maintain, a criminal nuisance 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 criminal nuisance.

Count 2
(All Defendants)
Maintaining A Nuisance

53. The State of Delaware incorporates the allegations in ¶¶ 1-52 by reference.

54. Pursuant to 10 *Del. C.* § 7103(5)(b), the Property constitutes a criminal nuisance because illegal possession of firearms and ammunition, as defined by 10 *Del. C.* § 7103(6), has occurred at the Property.

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

56. Defendants have maintained, and are continuing to maintain, a criminal nuisance 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 criminal nuisance.

Count 3
(All Defendants)
Maintaining A Nuisance

57. The State of Delaware incorporates the allegations in ¶¶ 1-56 by reference.

58. Pursuant to 10 *Del. C.* § 7103(5)(c), the Property constitutes a criminal nuisance because prostitution is promoted, facilitated, or permitted in violation of §§ 1342-1344 and 1351-1356 of Title 11.

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

60. Defendants have maintained, and are continuing to maintain, a criminal nuisance 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 criminal nuisance.

Count 4
(All Defendants)
Maintaining A Nuisance

61. The State of Delaware incorporates the allegations in ¶¶ 1-60 by reference.

62. Pursuant to 10 *Del. C.* § 7103(5)(e), the Property constitutes a criminal nuisance because an act that would constitute a violent felony, as defined by §4201(c) of Title 11, has occurred at the Property within the period of one year prior to the commencement of the civil action under this chapter.

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

64. Defendants have maintained, and are continuing to maintain, a criminal nuisance 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 criminal nuisance.

Count 5
(All Defendants)
Maintaining A Nuisance

65. The State of Delaware incorporates the allegations in ¶¶ 1-64 by reference.

66. Pursuant to 10 *Del. C.* § 7103(5)(f), the Property constitutes a criminal nuisance because it presents a material annoyance, inconvenience, discomfort, or

tangible injury to neighboring properties or persons, and which the court considers objectionable under the circumstances, or any other public nuisance defined by state or municipal codes or Delaware law.

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

68. Defendants have maintained, and are continuing to maintain, a criminal nuisance 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 criminal nuisance.

PRAYER FOR RELIEF

WHEREFORE, the State of Delaware respectfully requests that this Court grant the following relief against the Defendants:

a) A declaration that the Property is a criminal nuisance under 10 *Del. C.* Ch. 71;

b) 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) Civil penalties pursuant to 10 *Del. C.* § 7126;
- d) All attorneys' fees and costs; and
- e) Any additional remedies the Court deems to be fair and just.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Lynn A. Kelly
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