

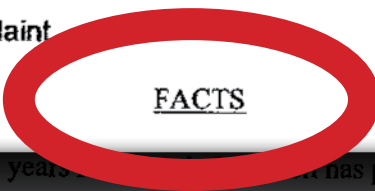
On Feb. 3, 2010, attorney E Scott Frison Jr files an amended complaint stating as a **FACT** that his client, **Leroy Thorpe, made an MPD 911 Call** on Oct. 19, 2009.

**IN THE SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA
Civil Division**

LEROY JOSEPH THORPE, JR. :
 :
 :
 Plaintiff, :
 :
 v. :
 :
 : Case No. 00007215-09
 : Judge Odessa Vincent
 MARTIN MOULTON :
 : Next Event: 02/19/2010
 : Scheduling Conference
 Defendant. :

AMENDED COMPLAINT

NOW COMES Mr. Leroy J. Thorpe, by way of counsel, E. Scott Frison, Jr., and does file an Amended Complaint



FACTS

1. For the past four (4) years, Mr. Moulton has physically stalked, cyber stalked, harassed, threatened, assaulted, battered, trespassed to property, and otherwise targeted Mr. Leroy Thorpe as the object for humiliation and intimidation. On more than one occasion Mr. Moulton acted in a manner that placed Mr. Thorpe in fear a harmful touching for himself and his family. On more than one occasion Mr. Moulton committed assault and battery against Mr. Thorpe.

2. Mr. Thorpe is a community leader, who was once an ANC. Ex. 1. Mr. Moulton is a competing community activist who has taken politics to the level of stalking, and false light invasion of privacy.

3. As early as July 2007, Mr. Thorpe asked Mr. Moulton to cease calling his phone, harassing and sending him emails under penalty of a civil action. Ex. 2. The East Central Civic Association, which Mr. Thorpe heads, found it necessary to bar Mr. Moulton from its public meetings. Ex. 3. Mr. Moulton has a history of stalking Mr. Thorpe, which has heretofore

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13. Mr. Thorpe now threatened by the immediate presence of Mr. Moulton, directly outside his home, in the heat of the moment called 911 seeking police assistance. A review of the transcript reveals that Mr. Thorpe explained the ongoing conflict between he and Mr. Moulton, provided the 911 attendant the caption and case number that was before the court and in artfully explained that he had [requested] a TRO and that Judge Tignor had instructed Mr. Moulton to stay away from him. All these facts are true.

14. In fact at the time of the October 19, 2009 plea for help, the case remained before the court. See Docket at Ex. 15. Instead of rendering assistance, DC Police charged Mr. Thorpe with making a false report despite evidence that there existed a dispute before the court where a Temporary Restraining Order had been requested, initially DENIED, but the case was pending, and a date for a hearing on the merits had been identified. See Ex. 16 & 17. The elements of the charge Mr. Moulton presses the government to prosecute have not and cannot be met. Ex. 18.

15. Mr. Moulton now has invaded Mr. Thorpe's privacy holding him up to raise right, by creating a website using Mr. Thorpe's name and picture without his permission. Ex. 19. Most egregious is the fact that Mr. Moulton publishes the unauthorized personal information of Mr. Thorpe stating that Mr. Thorpe is "a criminal" that he was "charged with rape and convicted" and other statements that are factually false. Mr. Moulton acted for the purpose of harming Mr. Thorpe in his name and standing in the community and has accomplished that objective. Evidence being his ability to persuade the District of Columbia Government to ignore the clear law violations of Mr. Moulton and to prosecute Mr. Thorpe for seeking the protection of the police. Mr. Moulton's actions have irreparably harmed Mr. Thorpe.

Count I – Defamation

16. Incorporating paragraphs 1-15 as if stated herein, the plaintiff alleges that

1 that Mr. Thorpe knew that he did not have a order against
2 Mr. Martin Molten. He was in court the day of October
3 6th, 2009 when Judge Tignor said, your request is denied,
4 and he received a copy of the order saying that his
5 request was denied. Thank you, Your Honor.

6 THE COURT: All right, Mr. Fireison, what do you
7 have to say?

8 MR. FIREISON: Your Honor, I would start at the
9 beginning. The tape opens by saying, I'm supposed to have
10 a stay-away order against Mr. Martin Molten, and then
11 whomever's on the tape goes on to state that the
12 circumstances of our case. Mr. Shelton testified that if
13 a call is made from a certain residence then the computer
14 puts in the information concerning that residence.
15 Hypothetically, if I went to Mr. Leroy Thorpe's house or
16 if Mr. Barrett who was about to testify were at Mr.
17 Thorpe's house and observed Mr. Molten in the area, and
18 made a call to the police department saying, you know, Mr.
19 Molten is out here and there's supposed to be a stay-away
20 order then we would be here having this same discussion.

21 There is no evidence, at least I don't see any
22 evidence, that links the voice that's on that tape or
23 clearly identifies the voices on that tape, as Mr. Leroy
24 Thorpe that's here before us, and just an aside I did a
25 Google of just the name Leroy Thorpe today. Thirty-five

1 names popped up in the system in the local area here of
2 Leroy Thorpe's, but let's just say that, although the
3 caller didn't identify himself that it, you know, as the
4 counselor has indicated that the call did come from that
5 certain number, we still would face the burden of saying
6 that this individual made that call. Nobody has come in
7 here and testify that the voice on that tape belongs to
8 this defendant.

9 Now, again if that is going to be introduced
10 into evidence I would think that the Government would have
11 the burden of proof then to at least show by some
12 admission on the tape or by some voice analysis that this
13 voice is linked with this person. They have failed to do
14 that, Your Honor. Also, now at the end of the day the
15 question is whether -- if this defendant made that call
16 whether that defendant at the time knew that what he was
17 saying -- he knowingly made a false representation.
18 Again, the wording of the tape starts, supposed to have a
19 stay away order. Clearly at the time that Mr. -- this Mr.
20 Thorpe appeared before Judge Tignor and explained his case
21 Judge Tignor's response was, at this point in time you
22 have not proved your case. It was not dismissed with
23 prejudice, it was dismissed without prejudice.

24 At that time Mr. Thorpe was representing himself
25 again. He is a layperson. When he spoke with the Court,