

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK: PART AR1

THE PEOPLE OF THE STATE OF NEW YORK

-against-

THOMAS LOPEZ-PIERRE,

Defendant.

SUPPORTING DEPOSITION
C.P.L. § 100.20

Docket No.

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

I, Joseph Holland, of an address known to the District Attorney's Office, County of New York, State of New York, being duly sworn, depose and say:

that I have read the Accusatory Instrument filed in the above-entitled action and attached hereto and that the facts therein stated to be on information furnished by me are true upon my personal knowledge.

False statements made herein are punishable as a class A misdemeanor pursuant to section 210.45 of the penal law.

Signature (Deponent)

Date

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK -against-	MISDEMEANOR ADA DIACOSAVVAS 212-335-8986
1. Thomas Lopez-Pierre (M 42)	ECAB # 1195809
	Defendant.

Investigator Keith Christensen, shield 152 of the District Attorney's Office Investigations Bureau, states as follows:

At the times and places described below in the County and State of New York, the defendant committed the offenses of:

1. PL120.50(3) Stalking in the 3rd Degree-DNA-Eligible MISD
(2 counts)
2. PL240.30(1)(a) Aggravated Harassment in the Second Degree
(6 counts)

the defendant with intent to harass, annoy and alarm a specific person, intentionally engaged in a course of conduct directed at such person which was likely to cause such person to reasonably fear physical injury and serious physical injury, the commission of a sex offense against, and the kidnapping, unlawful imprisonment and death of such person and such person's immediate family; and the defendant, with intent to harass, annoy, threaten and alarm another person, communicated with a person, anonymously and otherwise, by telephone, by telegraph, and by mail, and by transmitting and delivering any other form of written communication, in a manner likely to cause annoyance and alarm.

The offenses were committed under the following circumstances:

I am informed by Joseph Holland that informant is the manager and an owner of Uptown Grand, a restaurant located at 2110 Adam Clayton Powell, Jr. Blvd. in New York County (the "Restaurant"). I am further informed by Mr. Holland that Lucy Holland-Harden, who is Mr. Holland's sister, and Robert Harden, who is Mr. Holland's brother-in-law, are also among the owners of the Restaurant. I am further informed by Mr. Holland that in May 2010, the defendant, through his business, Lopez-Pierre Realty, LLC, loaned the Restaurant \$50,000.00.

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK
-against-
1. Thomas Lopez-Pierre (M 42)
ECAB #
1195809
Defendant.

MISDEMEANOR
ADA DIACOSAVVAS
212-335-8986

[REDACTED]

I am further informed by Mr. Holland that on or about December 10, 2010, Mr. Holland was a recipient of an email from "liveuptownharlem@aol.com," an email address that Mr. Holland knows and recognizes to belong to the defendant. I am further informed by Mr. Holland that the body of the email was addressed to a third party, referred to the \$50,000.00 loan transaction, and stated in relevant part: "Your concern for Joe's safety is well placed. My fear is that Joe has over the years upset so many people in so many ways (in terms of how badly he treats people he does business with). ... I fear that one day when he is leaving the venue walking to his car, when he arrives for church or leaves his home that someone might be waiting to put a cap in his ass. ... If Joe suffers harm to his body at anytime in the very near future (It will NOT be at my hand), I will NOT be the scapegoat. ... PS, For Joe this issue with Lopez-Pierre Realty, LLC could be his death! His family would be loss without him. I pray he has life insurance (I do). I fear that the stress of dealing with the knowledge that people are all in his business, reading about it and knowing that Thomas is crazy will give him a heart attack. ... I would cry if Joe died for any reason." I am further informed by Mr. Holland that this email from the defendant has caused Mr. Holland to suffer annoyance and alarm.

I am further informed by Mr. Holland that on or about December 12, 2010, Mr. Holland was a recipient of another email from "liveuptownharlem@aol.com," which was signed: "All the best, Thomas Lopez-Pierre, Managing Member, Lopez-Pierre Realty, LLC." I am further informed by Mr. Holland that the body of this email stated in relevant part: "Yesterday, my two little girls were baptized (my wife is very Catholic). The priest asked me do I reject the Devil and all his works of sin (of course I said yes). I could NOT get the scene in the movie the 'Godfather' out of my mind were Al Pacino has all of his opponents killed in one move. I just loved that movie!"

I am further informed by Mr. Holland that on or about January 17, 2011, Mr. Holland was a recipient of an email (the "January 17 Email") from "info@lopezpierre.com," an email address that Mr. Holland knows and recognizes to belong to the defendant. I am further informed by Mr. Holland that the "From" line in the header identified the sender as "Thomas Lopez-Pierre," and that the body of the email

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK -against-	MISDEMEANOR ADA DIACOSAVVAS 212-335-8986
1. Thomas Lopez-Pierre (M 42)	ECAB # 1195809
	Defendant.



was signed: "Sincerely, Thomas Lopez-Pierre, Managing Member, Lopez-Pierre Realty, LLC, lopezpierrerealty.com, info@lopezpierrerealty.com." I am further informed by Mr. Holland that the body of the email was addressed to Mr. Holland and stated in relevant part: "I tell you the reason I have NEVER ever tried to fuck people over in the hood when doing business because - unlike Wall Street where they take you to court - I would be scared to death for my safety and that of my family. My fear would be that one day while I was leaving my home with my family; a former Dominican police officer would walk up and shoot me in the back of my head or worst injury one of my children - as you know I have three young kids like you (this dude could then be back on the beach having a drink in the Dominican Republic in just a few hours). Joseph H. Holland, Esq. you are a thief!!! I think it would be best if you return the \$50,000 as per our written investment agreement.....trust me." I am further informed by Mr. Holland that this email from the defendant has caused Mr. Holland to suffer annoyance and alarm.

I am further informed by Mr. Holland that on or about January 20, 2011, Mr. Holland was a recipient of another email from "info@lopezpierrerealty.com." I am further informed by Mr. Holland that the "From" line in the header identified the sender as "Thomas Lopez-Pierre," and that the body of the email was signed: "Sincerely, Thomas Lopez-Pierre, Managing Member, Lopez-Pierre Realty, LLC, lopezpierrerealty.com." I am further informed by Mr. Holland that the body of the email was addressed to me and stated in relevant part: "Yesterday, I spoke with an Assistant District Attorney in the office of Cyrus R. Vance, Jr., Manhattan District Attorney who called to tell me that you contacted their office and that they are seriously considering arresting me on your behalf. ... My family and I plan to surrender 100% of our ownership of Lopez-Pierre Realty, LLC to a business associate of mine who operates out of Washington Heights. Unlike his three brothers who all spent time in prison, he is a respected 28 year old businessman who earned a degree in business management at City College/CUNY. He and his family have been helping local small businesses for many years access investment capital. I am sure you, Lucy and Robert will enjoy working with him and his family. His organization has lots of experience (and man power) in dealing with people like you who try to cheat their investors. When the deal has been finalized in the next few weeks his lawyer will

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK		MISDEMEANOR
-against-		ADA DIACOSAVVAS
1. Thomas Lopez-Pierre (M 42)	ECAB # 1195809	212-335-8986
	Defendant.	

contact you. As soon as he gets back from the Dominican Republic (he just hates cold weather), I will encourage him or one of his brothers to stop by and introduce themselves to you, Lucy and Robert. ... As the founding partners with the majority control of Gospel Uptown, LLC (d/b/a Uptown Grand), the new owners of Lopez-Pierre Realty, LLC will make No distinction between Lucy Holland-Harden, Robert Harden and you; all three of you will be held personally liable for any failure to return the \$50,000 to Lopez-Pierre Realty, LLC. In the end, I think it would be best if you return the \$50,000 to Lopez-Pierre Realty, LLC as per our written investment agreement." I am further informed by Mr. Holland that a copy of the January 17 Email was attached to this email. I am further informed by Mr. Holland that the defendant's email of January 20 with the January 17 Email attached has caused Mr. Holland to suffer annoyance and alarm.

I am further informed by Mr. Holland that on or about January 21, 2011, Mr. Holland was a recipient of another email from "LiveUptownHarlem@aol.com." I am further informed by Mr. Holland that this email was addressed to Mr. Holland's sister, Lucy Holland-Harden, and stated in relevant part: "I love you like an older sister. It pains me to see how this is going to end. I like Robert and I was proud to stand by his side at the club during those many moments of late night violence. I was scared that something would happened to Robert and that you would be left alone in your frail condition without your husband (for the rest of your life). Robert was fearless in standing up to those hood rats when they tried to cause damage to our club during our late night events. I just knew that at any moment Robert was going to punch one of those hood rats in the face. My fear was that one of those hood rats would pull out a gun and shoot your husband dead. I was so proud to stand by Robert ready to help protect Robert from those hood rats. But in this moment at this time, I will Not be able to stand by Robert (or you for that matter). You and Robert, Not Joe are responsible for returning the \$50,000 to Lopez-Pierre Realty, LLC. The soon to be owners of Lopez-Pierre Realty, LLC will seek to hold you and Robert to the terms of the May 1, 2010 property liens signed by both you guys. When Robert gets contacted, please think first, do Not over react, stay clam."

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

1. Thomas Lopez-Pierre (M 42)

ECAB #
1195809

Defendant.

MISDEMEANOR
ADA DIACOSAVVAS
212-335-8986

I am further informed by Mr. Holland that on or about January 26, 2011, Mr. Holland was a recipient of another email from "info@lopezpierrerealty.com." I am informed by Mr. Holland that this email was addressed to a third party and stated in relevant part: "I am so happy that no one wants to hurt me by hurting my family - over money."

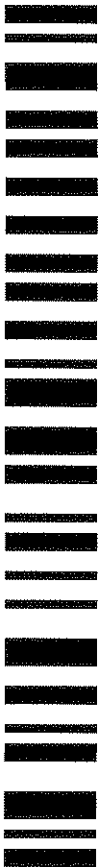
I am further informed by Mr. Holland that on or about January 27, 2011, Mr. Holland was a recipient of another email from "LiveUptownHarlem@aol.com." I am further informed by Mr. Holland that the body of the email was signed: "thomas."

I am further informed by Mr. Holland that this email was addressed to Mr. Holland's sister, Lucy Holland-Harden, and stated in relevant part: "I just got off the phone with Det. Michael of the 28th Precinct in Harlem (123rd street/8th Avenue). I feared that Det. Michael was calling to tell me that your husband, Robert had been killed. The idea of you having to spend the rest of your life alone without your husband, Robert due to Joe's poor judgment horrified me (you would be right to blame him). I know that you must worry when your husband, Robert leaves so early in the morning to go to work (it still being dark outside). I was dismayed to get this call but I have to tell you that I was so happy that nothing bad had happened to Robert (or you for that matter). I would never raise my hand to do Robert or you any physical harm (in fact I would never put my hand on Joe)."

I am further informed by Mr. Holland that on or about February 12, 2011, Mr. Holland was a recipient of another email (the "February 12 Email") from "info@lopezpierrerealty.com." I am further informed by Mr. Holland that the "From" line in the header identified the sender as "Thomas Lopez-Pierre," and that the body of the email was signed: "Sincerely, Thomas Lopez-Pierre, Managing Member, Lopez-Pierre Realty, LLC." I am further informed by Mr. Holland that the body of the email was addressed to Mr. Holland and stated in relevant part: "I am amazed that so many people who you have defrauded money from know where your children go to school and where you live - Thank God for my family that I have not defrauded money from anyone - I would not be able to sleep at night. I will admit that the Holland family has balls - remember the last time you tried to defraud money from an investor - he sent someone

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK -against- 1. Thomas Lopez-Pierre (M 42) ECAB # 1195809 Defendant.	MISDEMEANOR ADA DIACOSAVVAS 212-335-8986
---	--



who shot out one of the windows of your 4th floor family condo on Lenox Avenue at West 129th Street in Harlem. I was so happy to hear that no one was killed. While my associates and I are unhappy with you, I want you to know that I would never be involved in any plan to kill you or Robert for failure to return the \$50,000 that you have defrauded from Lopez-Pierre Realty, LLC (as per the May 2010 Investment Agreement). I will say this that I fear that some lone wolf will act on their own to kill you because you think that your Harvard Law degree and political connections with the Manhattan DA will protect you and your family on the streets of Harlem. At our next partners meeting, I am going to demand that we get key man insurance for you in order to protect our investment - in case you are killed. In fact, I am willing to pay for it." I am further informed by Mr. Holland that a copy of the January 17 Email was attached to this email. I am further informed by Mr. Holland that the February 12 Email from the defendant has caused Mr. Holland to suffer annoyance and alarm.

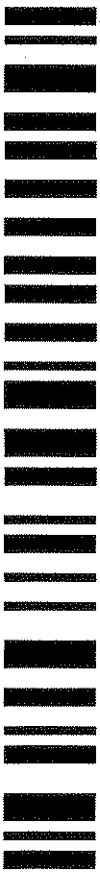
I am further informed by Mr. Holland that also on or about February 12, 2011, Mr. Holland was a recipient of another email from "liveuptownharlem@aol.com," and that the body of the email was signed: "thomas." I am further informed by Mr. Holland that the body of this email was addressed to Mr. Holland and stated in relevant part: "please find the next installment of my monthly email about you." I am further informed by Mr. Holland that copies of the February 12 Email, discussed in the preceding paragraph, and the January 17 Email were attached to this email. I am further informed by Mr. Holland that this second email of February 12 with these two emails attached caused Mr. Holland to suffer annoyance and alarm.

I am further informed by Mr. Holland that on or about February 14, 2011, Mr. Holland was a recipient of another email from "liveuptownharlem@aol.com," and that the body of the email was signed: "Thomas Lopez-Pierre." I am further informed by Mr. Holland that the body of this email was addressed to me and stated in relevant part: "I woke up about 30 minutes ago from a dream that I swear to God was real. In my dream I shot you once in your face - right between the eyes at your church, Bethel Gospel Assembly. I killed you while you were walking back to your seat after giving a powerful sermon that

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK
-against-
1. Thomas Lopez-Pierre (M 42) ECAB #
1195809
Defendant.

MISDEMEANOR
ADA DIACOSAVVAS
212-335-8986



Sunday morning that had the whole church - including me on our feet. Before I shot you I called you a bully. The funny thing is that if you ever had the chance to read the old psyche files written about me during the time (14 to 21 years of age) that I spent living in four different group homes - you would have learn so much about me. My years growing up in group homes required me to defend myself from bullies like you. In my dream, I remembered the time that I poisoned this bully because he took something from me - he almost died. And I remembered another time that I hired this girl to have sex with another bully several times a week because she had a STD which when he caught the disease he suffered for days. ... After completing my letters to my family, I pulled out the gun that I shot you with a few hours earlier - checked to see that a bullet was in the chamber. The dream ends with me - placing the gun in my mouth and pulling the trigger. Thomas Lopez-Pierre PS, I hate you more than I love my family - I hate you more than I love myself - I hate you more than I love life. You are a bully." I am further informed by Mr. Holland that this email from the defendant has caused Mr. Holland to suffer annoyance and alarm.

I am further informed by Mr. Holland that Mr. Holland received each of the emails discussed above while at the Restaurant.

I am further informed by Mr. Holland that the above-described course of emails from the defendant has caused Mr. Holland to be in fear of physical injury, serious physical injury, and death and that they also have caused Mr. Holland to be in fear of physical injury to his sister, Lucy Holland-Harden.

I am informed by Robert Harden that: (i) Mr. Harden was a recipient of each of the above-described emails including those dated January 20, 2011, January 21, 2011, January 27, 2011 and both emails dated February 12, 2011; (ii) that Mr. Harden received these emails while at 380 Lenox Avenue in New York County; (iii) that the above-described course of emails has caused Mr. Harden to be in fear of physical injury, serious physical injury, and death; and that (iv) the above described course of emails has caused Mr. Harden to be in fear of physical injury to Mr. Harden's wife, Lucy Holland-Harden.

KC

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

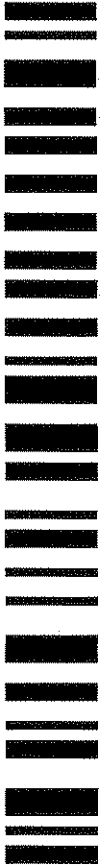
-against-

1. Thomas Lopez-Pierre (M 42)

ECAB #
1195809

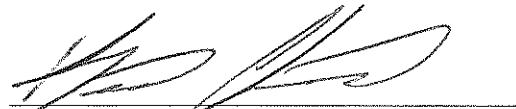
Defendant.

MISDEMEANOR
ADA DIACOSAVVAS
212-335-8986



K.C.

False statements made herein are punishable as a class A misdemeanor pursuant to section 210.45 of the penal law.


Deponent

2-15-11 1600
Date and Time