

IN THE CIRCUIT COURT OF THE  
TWENTIETH JUDICIAL CIRCUIT  
IN AND FOR LEE COUNTY,  
FLORIDA

CASE NO. \_\_\_\_\_

JANE DOE,

Plaintiff,

vs.

JOHAN A. SANTANA,

Defendant.  
\_\_\_\_\_ /

### **COMPLAINT**

The Plaintiff, JANE DOE, by and through her undersigned counsel, hereby sues  
JOHAN A. SANTANA and states:

### **JURISDICTION**

1. This is an action for legal and equitable relief and for damages in excess of \$15,000.00, exclusive of any claim for costs, interest or attorneys fees. Jurisdiction in this Court is therefore proper pursuant to Florida Statutes section 26.012.

### **VENUE**

2. Venue is proper in this Court pursuant to Florida Statutes sections 47.011 in that the causes of action herein accrued in Lee County, Florida.

### **PARTIES**

3. Plaintiff JANE DOE is an individual residing in Florida and is otherwise *sui juris*. "JANE DOE" is an assumed name for purpose of all papers filed in this action. The actual identity of JANE DOE is withheld here pursuant to Florida Statutes section

794.024 and such other laws intended to protect the privacy and identity of sexual assault victims. The identity of JANE DOE will be verified to JOHAN A. SANTANA or his counsel by the undersigned upon demand and will likewise be disclosed to this Court as required by law and its Orders. The identity of JANE DOE is well known to and discernable by JOHAN A. SANTANA based on the specificity of the allegations plead herein.

4. Defendant JOHAN A. SANTANA is an individual residing in Lee County, Florida, and is otherwise *sui juris*.

#### **GENERAL ALLEGATIONS COMMON TO ALL COUNTS**

5. This is an action arising from multiple intentional torts by JOHAN A. SANTANA against JANE DOE which he committed on or about October 27, 2009, culminating in JOHAN A. SANTANA raping JANE DOE under acquaintance/date rape circumstances, as more fully described herein.

6. JOHAN A. SANTANA did willfully, wantonly, intentionally, grossly and maliciously commit illegal acts against JANE DOE including assault, battery, wrongful imprisonment, lewd and lascivious exhibition, lewd and lascivious battery, and sexual battery.

7. The illegal and cruel acts perpetrated by JOHAN A. SANTANA against JANE DOE, include without limitation:

7.1 Luring JANE DOE by use of false pretenses to a remote, outdoor area in order to commit premeditated crimes against her as more fully described herein;

7.2 Making verbal statements of a threatening and intimidating nature against JANE DOE, while having the apparent present ability to inflict harm of the

threatened nature, which had the intent and effect of placing JANE DOE in fear of her physical safety;

7.3 Forcibly grabbing and restraining JANE DOE to prevent her from escaping when she attempted to do so;

7.4 Forcibly removing JANE DOE's clothing to expose and access the private and sexual areas of her body over her express the objection, pleading and begging for him to stop;

7.5 Continuing and repeatedly forcibly removing JANE DOE's clothing when she attempted to resist and re-dress herself, and while she expressly objected to JOHAN A. SANTANA's actions and begged and pleaded with JOHAN A. SANTANA to stop his illegal actions;

7.6 Committing oral sexual battery against JANE DOE when she was partially disrobed over her express objection, and pleading and begging for him to stop;

7.7 Exposing his penis in the presence of JANE DOE over her express objection, pleading and begging for him to stop;

7.8. Forcing contact of his penis against various parts of JANE DOE's body over her express objection, pleading and begging for him to stop;

7.9. Forcing penetration of JANE DOE's vagina with his penis over her express objection, pleading and begging for him to stop; and

7.10. Impregnating JANE DOE.

8. As the direct and proximate result of JOHAN A. SANTANA's intentional and illegal conduct, JANE DOE has been damaged in the past and will continue to sustain damage in the future. This damage includes, without necessary limitation:

- 8.1. Suffering physical pain ;
- 8.2. Suffering severe mental and crippling emotional pain and distress,  
with psychological and psychiatric damage, mental anguish, and humiliation;
- 8.3. Suffering social interaction disorders;
- 8.4. Suffering diminished self-esteem and self-trust;
- 8.5. Suffering from recurring and persistent fears, phobias, and  
flashbacks;
- 8.6. Suffering from acute stress disorder;
- 8.7. Suffering from post-traumatic stress disorder;
- 8.8. Suffering anxiety and panic disorders, including in relation to and  
in relationships with other people;
- 8.9. Suffering from multiple mental disorders with dissociative and  
detachment symptoms;
- 8.10. Suffering from severe depression; and
- 8.11. Suffering from psychosomatic disorders.

9. As a result of her injuries caused by the illegal actions of JOHAN A. SANTANA, JANE DOE has in the past incurred, and will continue to incur in the future, extensive mental health and related treatment expenses. This treatment has been required continuously since on or about October 27, 2009, and will continue throughout the rest of JANE DOE'S life.

#### **COUNT I – SEXUAL BATTERY**

10. Plaintiff realleges and reavers the general allegations common to all counts as if fully set forth herein.

11. On or about October 27, 2009, JOHAN A. SANTANA did intentionally, without privilege and over the objection of JANE DOE, commit against her forcible sexual battery, lewd and lascivious exhibition, lewd and lascivious battery and he impregnated her.

12. As a direct and proximate result of the illegal acts of JOHAN A. SANTANA, JANE DOE was damaged, including without limitation by sustaining physical, psychological, and psychiatric harm and injury; mental anguish; pain and suffering; aggravation of prior injury and/or medical conditions; lost income in the past and future; future loss of earning capacity; loss of capacity for the enjoyment of life; and medical expenses. These damages have been sustained in the past, are continuing, and will continue in the future.

**WHEREFORE**, JANE DOE demands judgment against JOHAN A. SANTANA for relief including monetary and all other damages cognizable at law, costs of this action, interest, and upon amendment as indicated below, for punitive damages, as well as such other and further legal and equitable relief as the Court deems just under the circumstances.

#### **COUNT II – ASSAULT**

13. Plaintiff realleges and reavers the general allegations common to all counts as if fully set forth herein.

14. On or about October 27, 2009, JOHAN A. SANTANA did intentionally and unlawfully make threats to JANE DOE of inflicting or causing her to suffer imminent bodily injury if she resisted his illegal actions against her body.

15. At that time, JOHAN A. SANTANA had the apparent present ability to effectuate the threats of bodily injury against JANE DOE.

16. At that time, JOHAN A. SANTANA's actions created a reasonable fear in JANE DOE of imminent physical harm.

17. JOHAN A. SANTANA committed intentional and unlawful assault on JANE DOE in order to facilitate perpetrating additional crimes against her, including sexual battery.

18. As a direct and proximate result of the illegal acts of JOHAN A. SANTANA, JANE DOE was damaged, including without limitation by sustaining physical, psychological, and psychiatric harm and injury; mental anguish; pain and suffering; aggravation of prior injury and/or medical conditions; lost income in the past and future; future loss of earning capacity; loss of capacity for the enjoyment of life; and medical expenses. These damages have been sustained in the past, are continuing, and will continue in the future.

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### **COUNT III – FALSE IMPRISONMENT**

19. Plaintiff realleges and reavers the general allegations common to all counts as if fully set forth herein.

20. On or about October 27, 2009, JOHAN A. SANTANA did unlawfully and intentionally restrain JANE DOE in order to confine her against her express desires by use of physical force.

21. At that time, JOHAN A. SANTANA did unlawfully and intentionally restrain JANE DOE against her express desires by use of psychological force through verbal threats and intimidation with the intent and the affect of inducing reasonable fear in her of force and the infliction of greater harm to her if she attempted to escape or resist his efforts to restrain her.

22. At all times, JANE DOE was conscious of the physical and psychological restraints being used against her in order to confine her against her will.

23. As a direct and proximate result of the illegal acts of JOHAN A. SANTANA, JANE DOE was damaged, including without limitation by sustaining physical, psychological, and psychiatric harm and injury; mental anguish; pain and suffering; aggravation of prior injury and/or medical conditions; lost income in the past and future; future loss of earning capacity; loss of capacity for the enjoyment of life; and medical expenses. These damages have been sustained in the past, are continuing, and will continue in the future.

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**STATEMENT OF INTENT REGARDING PUNITIVE DAMAGES**

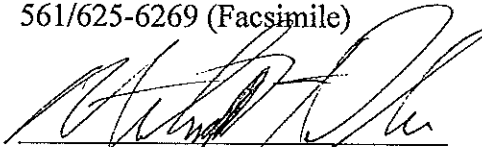
In order to facilitate discovery in this action, JANE DOE states her intent pursuant to Florida Statutes section 768.72 to move to amend this Complaint to assert a claim for punitive damages upon presentation of record evidence showing a reasonable basis for a finding that the wrongful and intentional course of conduct of JOHAN A. SANTANA as more particularly described herein, was willful, wanton, gross, and malicious, and therefore that in order to punish the Defendant and deter him as well as others not parties to this action from undertaking, engaging in, and/or continuing such wrongful, intentional, and malicious conduct in the future, JANE DOE is entitled to an award of punitive damages.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury on all issues so triable.

Respectfully submitted this 9 day of August, 2010.

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& GASPARI  
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