

**IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA**

**ROBERT L. NEAL**, as Administrator  
of the Estate of Bonnie O'Neal, deceased

Plaintiff,

vs.

Civil Action No.: 07-C-498  
(Judge: STUCKY)

**BRADFORD L. O'NEAL**,  
**STANTON H. O'NEAL**, and  
**RICHARD G. O'NEAL**, a protected person by  
his Conservator, the Sheriff of Kanawha County,  
West Virginia and his Guardian The West  
Virginia Department of Health and Human  
Resources, Adult Protective Services

Defendants.

RECEIVED  
CIRCUIT COURT  
KANAWHA COUNTY  
WEST VIRGINIA  
APR 26 2005  
STUCKY

**COMPLAINT**

COMES NOW Robert L. Neal, as Administrator of the Estate of Bonnie O'Neal, deceased, and for his complaint against the Defendants states and alleges as follows:

**I. BACKGROUND**

1. Plaintiff's decedent, Bonnie O'Neal, at all times material to this action was a citizen and resident of Kanawha County, West Virginia. Bonnie O'Neal died on March 21, 2005. At the time of Ms. O'Neal's death, she was unmarried.

2. Robert L. Neal was duly qualified and appointed as the Administrator of the Estate of Bonnie O'Neal by the County Commission of Kanawha County, West Virginia on April 26, 2005.

3. Bonnie O'Neal died intestate and accordingly, her estate is to be distributed pursuant to the laws of intestate succession in the State of West Virginia.

4. Bonnie O'Neal was not married at the time of her death. The heirs and beneficiaries of Ms. O'Neal's estate are Stanton H. O'Neal, Bradford L. O'Neal and Richard G. O'Neal. All of these individuals are the sons of Bonnie O'Neal.

5. It was determined that Bonnie O'Neal died as a result of the wrongful act of her son, Richard G. O'Neal. Pursuant to a complaint filed in the Magistrate Court of Kanawha County, West Virginia, Richard G. O'Neal was charged with the crime of first degree murder in connection with the death of his mother, Bonnie O'Neal.

6. Prior to Bonnie O'Neal's death, she had been appointed as the committee for Richard G. O'Neal by the County Commission of Kanawha County, West Virginia on August 30, 1990. This appointment was necessitated by a mental illness that Richard G. O'Neal suffered.

7. In connection with charge of first degree murder filed against Richard G. O'Neal in connection with the death of his mother, a hearing was held on September 1, 2006, in the Circuit Court of Kanawha County, West Virginia in Criminal Case of *The State of West Virginia v. Richard G. O'Neal*. That case was assigned case number 05-F-365. At that hearing Defendant, Richard G. O'Neal, was allowed to enter a plea of not guilty by reason of mental illness of the crime of murder in the second degree of his mother, Bonnie O'Neal.

8. In connection with that plea, the Circuit Court of Kanawha County, West Virginia ordered that Defendant Richard G. O'Neal be committed to a state mental health facility for a period of up to 40 years or until further order of the Court. It is believed that at

the present time that Richard G. O'Neal is a patient at the William R. Sharpe Hospital near Weston of Lewis County, West Virginia.

9. In connection with Richard G. O'Neal's status as a protected person, it is necessary that he have a guardian and conservator to manage his affairs.

10. Pursuant to an order of the Circuit Court of Kanawha County, West Virginia entered on February 8, 2007, in the proceeding captioned "In Re: Richard G. O'Neal, a protected person." case number 06-G-108 it was determined that the Sheriff of Kanawha County, West Virginia or his authorized representative be appointed as conservator for Richard G. O'Neal and that the West Virginia Department of Health and Human Resources, Adult Protective Services be appointed as guardian for Richard G. O'Neal.

#### **II. DECLARATORY JUDGEMENT ACTION**

11. Plaintiff restates and realleges each of the allegations contained in paragraphs 1 through 10 of the Complaint as if set forth herein.

12. As previously stated, Robert L. Neal is the duly qualified and appointed Administrator of the Estate of Bonnie O'Neal, deceased. As such he has a duty to make a distribution of the assets of Ms. O'Neal's estate to the heirs and beneficiaries of her estate.

13. As previously stated herein, the heirs of Bonnie O'Neal are her three sons, Stanton H. O'Neal, Bradford L. O'Neal and Richard G. O'Neal.

14. Pursuant to the laws of intestate succession in the State of West Virginia, each of Ms. O'Neal's three sons would be entitled to a one-third share of her estate. West Virginia Code § 42-1-3a.

15. However, given the fact that Richard G. O'Neal, one of Ms. O'Neal's sons, has been implicated in the death of Bonnie O'Neal and that Richard G. O'Neal confessed to law enforcement officials that he was responsible for his mother's death, it would be inequitable for Richard G. O'Neal to receive a share of the estate of Bonnie O'Neal.

16. Pursuant to principals of equity, including but not limited to doctrines of unclean hands and estoppel, it would be unfair and unjust for Richard G. O'Neal to profit or to inherit from his mother's estate given the fact that he is responsible for her death.

17. Alternatively, West Virginia Code § 42-4-2, known as the "slayers statute," which provides that no person who has been convicted of the felonious killing of another person shall profit or inherit from that person by virtue of their wrongful act. This prevents those responsible for killing another person from profiting from their wrongful act.

18. While the slayers statute applies ostensibly when there is an actual felony conviction in connection with the wrongful act, the public policy of West Virginia prohibits Richard G. O'Neal from profiting from of his wrongful act.

19. WHEREFORE, the Plaintiff, Robert L. Neal, as Administrator of the Estate of Bonnie O'Neal, deceased seeks a declaration pursuant to West Virginia Code §§ 55-13-1, -16 from this Honorable Court directing his actions as the administrator of Ms. O'Neal's estate as to how the assets, both real and personal, of Ms. O'Neal's probate and non-probate estate should be distributed among her heirs. Plaintiff also asks for such other relief as this Honorable Court deems appropriate.

### III. ACTION FOR WRONGFUL DEATH

20. Plaintiff restates and realleges each of the allegations contained in paragraphs 1 through 19 of the Complaint as if set forth herein.

21. As alleged herein, the Plaintiff's decedent was survived by three sons, Stanton H. O'Neal, Bradford L. O'Neal and Richard G. O'Neal. However, pursuant to the provisions of West Virginia Code § 42-4-2, public policy and principals of equity, Defendant Richard G. O'Neal is precluded from inheriting from his mother's estate as a result of his role in his mother's death.

22. As a result of the death of Bonnie O'Neal, her surviving beneficiaries who were not implicated in her death have suffered damages as a result of the actions of Richard G. O'Neal as follows:

A) Sorrow, mental anguish and solace including loss of society, companionship, comfort, guidance, kindly offices and advice of their mother;

B) Compensation for the reasonably unexpected loss of (i) income of the decedent and (ii) care and assistance provided by the decedent; and

C) Reasonable funeral expenses

23. The actions of Defendant, Richard G. O'Neal, may have been intentional and malicious and evidence a depraved and criminal indifference to the Plaintiff's decedent, and to the rights of society in general, such that punitive and exemplary damages are warranted.


WHEREFORE, Plaintiff Robert L. Neal, as the Administrator of the Estate of Bonnie O'Neal deceased, respectfully prays for an Order of this Honorable Court in his favor and against the Defendant Richard G. O'Neal for compensatory damages in such sum as would

fully and fairly compensate the heirs of Bonnie O'Neal for the loss of their decedent, for punitive damages in the maximum sum that the law allows, attorney's fees, and for such other and further relief as this Court may deem appropriate.

Respectfully Submitted.

**ROBERT L. NEAL**, as Administrator  
of the Estate of Bonnie O'Neal, deceased

By Counsel

  
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