

STATE OF WISCONSIN: CITY OF MILWAUKEE

CITY OF MILWAUKEE

BEFORE THE COMMON COUNCIL OF THE CITY OF MILWAUKEE

05 SEP -6 PM 5:42

RONALD D. LEONHARDT
CITY CLERK

IN RE: Revocation of the Class B Tavern and
Tavern Dance Licenses Issued to ALLYN J.
WASLEY, agent for WOLFGANG'S PUB,
LLC, a Wisconsin limited liability company at
the Licensed Premises at 3164 South 13th
Street in the 14th Aldermanic District of the
City of Milwaukee

File No. _____

VERIFIED COMPLAINT
[Revocation Sought]

TO: Honorable Ronald Leonhardt
City Clerk
City of Milwaukee
Room 205 - City Hall
200 East Wells Street
Milwaukee, WI 53202

THE HONORABLE, THE UTILITIES AND LICENSES
COMMITTEE OF THE COMMON COUNCIL
Room 205 - City Hall
200 East Wells Street
Milwaukee, Wisconsin 53202

The complainant, T. ANTHONY ZIELINSKI, individually and in his capacity of Alderman
in the 14th Aldermanic District (collectively "Complainant"), alleges of the above-named respondent
as follows:

Introduction and Parties

1. The Complainant is an adult resident of the 14th Aldermanic District in the City of
Milwaukee and resides at 2463 South Superior Street in the City. Complainant is also the duly
elected and acting Alderman for such district and maintains an office for conducting constituent

business in his position of Alderman in Room 205 - City Hall, 200 East Wells Street, Milwaukee, Wisconsin.

2. That Respondent Allan J. Wasley (“Wasley”), is an adult resident of Waukesha County and resides at 1408 American Avenue, Waukesha, Wisconsin 53188. Wasley is currently the agent for the purposes of the Class B Tavern License and the Tavern Dance License (the “Licenses”) issued for the licensed premises at 3164 South 13th Street, in the City of Milwaukee (the “Licensed Premises”).

3. That Respondent Wolfgang’s Pub, LLC¹ (“Wolfgang’s”), is, upon information and belief, a Wisconsin limited liability company (State ID No. W046378) of which Wasley is the licensed corporate agent and has its home office and principal place of business at 1408 American Avenue, in the City of Waukesha, as of May 12, 2005.

4. That, upon information and belief, Wolfgang’s is the owner or lessee of the Licensed Premises where it operates a tavern and dance hall.

Jurisdiction

5. This Verified Complaint is filed in accordance with § 90-12-4, *Milwaukee Code of Ordinances* (“MCO”) and the revocation proceedings are authorized by § 90-12, MCO and §§ 125.12 (2) (ag) to (c), Wis. Stats.

Underlying Facts Justifying Revocation

6. That on Tuesday, February 8, 2005 at 1:45 p.m., the Utilities and Licenses Committee of the Common Council of the City of Milwaukee (the “Committee”) conducted a public hearing in

¹A copy of the corporate record from the Wisconsin Department of Financial Institutions regarding this Respondent dated September 2, 2005 is attached to this Verified Complaint as Exhibit A.

the matter of the Class B Tavern License and Dance License applications of Respondent Wasley as agent for Respondent Wolfgang's, and despite a substantial police objection to the Licensed Premises and a report of criminal record dated January 5, 2005 of Respondent Wasley², was granted the requested Licenses.

7. Since that time, serious illegal and inappropriate conduct contrary to § 90-12-1-(a.) thru (i.), *MCO*, has continued to occur at the Licensed Premises so as to become a serious public nuisance and a substantial safety hazard to the surrounding neighborhood in general, and the immediate neighbors of the Licensed Premises in particular. As such, the Licensed Premises is no longer fit for utilization as a Class B Tavern or Tavern Dance Hall. By reason of the continuing criminal conduct as set forth hereinafter, the Licenses should promptly be revoked and the Licensed Premises be permanently closed by the appropriate authority.

8. The various acts precipitated by the Respondents in the operation of their business and which required regular police activity and intervention as follows:

a. Regular congregation during evening and late hours of customers and gang members in the immediate vicinity of the Licensed Premises accompanied by public drinking, loud noises, loud music, foul and profane language, public insults to neighbors in the vicinity, public urination and loitering.

b. Littering the streets and sidewalks in the immediate vicinity of the Licensed Premises and on the surrounding and largely residential properties consisting of papers, food

²The report of the Milwaukee Police Department License Investigation Unit No. 10416 and dated January 5, 2005, showing the criminal record as of that date of the Respondent Wasley is attached hereto as Exhibit B.

wrappers, beer cans, broken beer and liquor bottles, boxes and general trash during all hours that the Licensed Premises was open for business.

c. Reckless driving, traffic obstruction, racing, illegal parking, spinning tires, blowing car horns and car stereos at maximum volumes with the car windows open, particularly in the later hours and especially at closing time.

d. Allowing patrons to congregate in the parking lot and on the street and sidewalk in front of the Licensed Premises which involved various loud noises, drinking, playing of music at high volume, fighting, throwing objects, wrestling and scuffling, and other generally disorderly conduct.

e. That on May 14, 2005, in the late evening of that day and the early morning of the next day, at least 8 customers who arrived at the Licensed Premises and were drinking, began an argument with another patron, Harlem L. Sewell (the "Victim"). As a result of the argument, the 8 individuals began to beat up the Victim and dragged him into the parking lot where the beating continued. The beating then continued and spilled over into the street. The Victim was seriously injured and denied starting the fight. *See Exhibit C.* In addition, the fight drew out other customers into the parking lot and into the street and attracted even further patrons who were coming to the Licensed Premises, resulting in a substantial disturbance to the neighborhood. At that date and time, the Respondent Wasley was not present at the Licensed Premises.

f. That on or about August 20, 2005, at the Licensed Premises, the person in charge of the Licensed Premises at that time permitted at least one individual in the early evening to loiter on the Licensed Premises and to obtain alcohol while that person, in fact, was under the age

of 21 years. Civil Citation No. 59026494 was issued. At that date and time, the Respondent Wasley was not present at the Licensed Premises. *See* Exhibit D.

g. That on or about August 20, 2005, at approximately 1:00 a.m., an unknown assailant in possession of a 9mm semi-automatic handgun who was then a customer on the Licensed Premises, fought with and ultimately shot to death Daniel (nmn) Vela ("Victim #1"), age 32 years, in the men's room of the Licensed Premises and escaped in possession of the weapon. At that date and time, the Respondent Wasley was not present at the Licensed Premises. *See* Exhibit E.

h. That on or about August 20, 2005, at approximately 1:00 a.m., an unknown assailant in possession of a 9mm semi-automatic handgun who was then a customer on the Licensed Premises, fought with and fired a ultimately shot to death Roberto Vela, Jr. ("Victim #2"), age 31 years, in the men's room of the Licensed Premises and escaped in possession of the weapon. At that date and time, the Respondent Wasley was not present at the Licensed Premises. *See* Exhibit E.

i. That on or about August 20, 2005, at approximately 1:00 a.m., an unknown assailant in possession of a 9mm semi-automatic handgun who was then a customer on the Licensed Premises, fought with and fired a shot at death Armando (nmn) Pena (Victim #3), age 19 years, and pursued him through the Licensed Premises and out on to the street in front of the Licensed Premises where he was shot and critically injured. Emergency services promptly removed the Victim Pena to Froedtert Memorial Hospital where he was pronounced dead at 9:02 a.m. on August 20, 2005. The assailant escaped in possession of the weapon. At that date and time, the Respondent Wasley was not present at the Licensed Premises. *See* Exhibit E.

j. That on or about Saturday, August 20, 2005, at approximately 10:30 p.m., three female dancers were observed at the Licensed Premises performing nude dancing without the

proper cabaret license in violation of § 90-22-1-a. to d., *MCO*. Civil Citation No. 5902650-3 was issued to the Respondent Wasley by the Milwaukee Police Department. At that date and time, the Respondent Wasley was not present at the Licensed Premises. *See Exhibit F.*

k. That on or about Saturday, August 20, 2005 at 10:30 p.m. the Respondent Wasley allowed and permitted certain underage persons to loiter and consume alcohol beverages at the Licensed Premises in violation of § 90-10, *MCO*. Citation No. 5902649-4 was issued to the Respondent Wasley by the Milwaukee Police Department. At that date and time, the Respondent Wasley was not present at the Licensed Premises. *See Exhibit F.*

l. That on or about Saturday, August 20, 2005 at approximately 10:30 p.m. the Respondent Wasley allowed and permitted one Veronica C. Gonzalez, a person under the age of 21 years, to loiter and to consume alcohol beverages on the Licensed Premises. Citation No. 5903975-0 was issued to Veronica C. Gonzales by the Milwaukee Police Department. At that date and time, the Respondent Wasley was not present at the Licensed Premises. *See Exhibit F.*

m. That on or about Saturday, August 20, 2005 at approximately 10:30 p.m. the Respondent Wasley allowed and permitted one Jonathan E. Lindquist, a person under the age of 21 years, to loiter and to consume alcohol beverages on the Licensed Premises, for which Citation No. 5903972-4 was issued by the Milwaukee Police Department to the minor Jonathan E. Lindquist. At that date and time, the Respondent Wasley was not present at the Licensed Premises. *See Exhibit F.*

n. That on or about Saturday, August 20, 2005 at approximately 10:30 p.m. the Respondent Wasley allowed and permitted one Dominique L. Williams, a person under the age of 21 years, to loiter and to consume alcohol beverages on the Licensed Premises. Citation No.

5903974-6 was issued to Dominique L. Williams by the Milwaukee Police Department. At that date and time, the Respondent Wasley was not present at the Licensed Premises. *See Exhibit F.*

o. That on or about Saturday, August 20, 2005 at approximately 10:30 p.m. the Respondent Wasley allowed and permitted one Christine A. Schroedl, a person under the age of 21 years, to loiter and to consume alcohol beverages on the Licensed Premises. Citation No. 5903971-3 was issued to Christine A. Schroedl by the Milwaukee Police Department. At that date and time, the Respondent Wasley was not present at the Licensed Premises. *See Exhibit F.*

p. That the Respondent Wasley permitted and allowed a minor, one Christine A. Schroedl, to perform nude at the Licensed Premises in violation of § 90-22-2-a. to d., *MCO*. Citation No. 5903973-5 was issued by the Milwaukee Police Department to Christine A. Schroedl, a minor. At that date and time, the Respondent Wasley was not present at the Licensed Premises. *See Exhibit F.*

q. That on or about Saturday, August 20, 2005, at 10:30 p.m. the Respondent Wasley allowed and permitted a minor, one Veronica C. Gonzales, to perform nude at the Licensed Premises in violation of § 90-22-2-a. to d., *MCO*. Citation No. 5903976-1 was issued by the Milwaukee Police Department to Veronica C. Gonzalez, a minor. At that date and time, the Respondent Wasley was not present at the Licensed Premises. *See Exhibit F.*

r. That on or about Saturday, August 20, 2005, at 10:30 p.m. the Respondent Wasley allowed and permitted the rear door to be locked with a deadbolt during hours of operations of the Licensed Premises, which interfered with safe egress from the Licensed Premises in violation of § 90-27-1-d., *MCO*. Citation 5903978-3 was issued to the Respondent Wasley. At that date and time, the Respondent Wasley was not present at the Licensed Premises. *See Exhibit F.*

s. That on or about Saturday, August 20, 2005, at 10:30 p.m. the Respondent Wasley allowed limited accessibility to the Licensed Premises by causing and allowing the entrance door near the front of the Licensed Premises to be locked on the inside in violation of § 90-27-1, *MCO*. Citation No. 5903979-4 was issued to the Respondent Wasley. At that date and time, the Respondent Wasley was not present at the Licensed Premises. *See* Exhibit F.

t. That on or about Saturday, August 20, 2005 at 10:30 p.m. the Respondent Wasley allowed and permitted four (4) additional under age youths to loiter and consume alcohol at the Licenses Premises in violation of § 90-19, *MCO*. Citation No. 5903980-5 was issued by the Milwaukee Police Department to the Respondent Wasley. At that date and time, the Respondent Wasley was not present at the Licensed Premises. *See* Exhibit F.

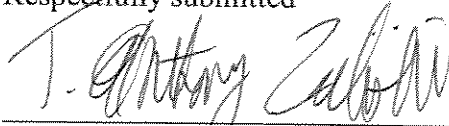
9. That all of the above and foregoing conduct and conditions at the Licensed Premises renders it unfit to serve as Licensed Premises and inappropriate for the Respondent Wasley to operate Wolfgang's Pub as a Class B Tavern or a Tavern Dance Hall. Repeated violations of Chapter 90, *MCO*, reveal a pattern of conduct that constitutes a public nuisance and a substantial safety hazard to patrons at the Licensed Premises and people living in the neighborhood around the Licensed Premises. *See* Exhibit F.

10. That additional substantial evidence in addition to the foregoing and evidence supporting the foregoing allegations, are contained in the files of the Committee and in the Office of the City License Clerk, which the Committee is requested to consider. *See* §§ 909.015(7) and 910.05, Wis. Stats. (*Wis. Rules of Evidence*).

WHEREFORE, Complainant requests that upon the filing of this Verified Complaint, a Summons to the Respondents be issued by the City Clerk demanding that Respondents appear before

the Committee in accordance with § 90-12-5(a.), *MCO*, and show cause why the Licenses should not be revoked, that such Summons and a copy of this Verified Complaint be promptly served upon the Respondents, that the Committee convene and take testimony and based thereon, make specific Findings of Fact and Conclusions of Law, to be submitted to the Common Council and thereafter the Licenses of the Respondents be revoked and the Licensed Premises closed permanently.

Respectfully submitted



T. Anthony Zielinski, individually
and as Alderman for the 14th Aldermanic
District in the City of Milwaukee

Informational copies to:

Grant F. Langley, Jr., City Attorney - Room 800, City Hall

Attn: Bruce Schrimpf, Asst. City Attorney and Special License Counsel

Alderman Willie Hines, Jr., President, Milwaukee Common Council - Room 205, City Hall

Chief Nanette Hegerty, City of Milwaukee Chief of Police - Police Administration Building

VERIFICATION

T. Anthony Zielinski, being first duly sworn, on oath, deposes and says that he is the Complainant in the above matter, acting individually and in his capacity as Alderman for the City of Milwaukee in the 14th Aldermanic District, and that he has read the above and foregoing Verified Complaint and that such matters therein stated are true and correct except as to those matters stated upon alleged information and belief, and as to those matters, he believes them to be true.


Dated at Milwaukee, Wisconsin this 6 day of September, 2005.

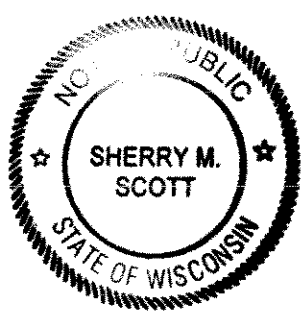


T. Anthony Zielinski, individually and
and as Alderman for the 14th Aldermanic
District in the City of Milwaukee

STATE OF WISCONSIN)
)ss.
MILWAUKEE COUNTY)

Subscribed and sworn to before me at Milwaukee, Wisconsin this 6th day of September, 2005.


Notary Public, State of Wisconsin
My Commission [Expires 11/6/05] [Is Permanent].



LIST OF EXHIBITS

- A Corporate record from the Wisconsin Department of Financial Institutions regarding Wolfgang's Pub, LLC dated September 2, 2005.
- B. Milwaukee Police Department License Investigation Unit No. 10146 dated January 5, 2005 regarding Respondent Allyn J. Wasley.
- C. Milwaukee Police Department Report of Incidents Involving Licensed Persons or Premises in violation of § 940.19, Wis. Stats., regarding incident on 5/14/05.
- D. Milwaukee Police Department Report of Incidents Involving Licensed Persons or Premises in violation of § 90-19, presence of underage, on 8/20/05.
- E. Major Incident Report for Victims #1, #2 and #3 dated 8/20/05.
- F. Milwaukee Police Department Report of Incidents Involving Licensed Persons or Premises as follows:

<u>Name of Person Cited</u>	<u>Citation No.</u>	<u>Violation</u>	<u>Description</u>	<u>Date of Occurrence</u>
Allyn J. Wasley	5903978-3	90-27-1-d	Safe egress	8/20/05
Allyn J. Wasley	5903980-5	90-19	Presence of underage	8/20/05
Allyn J. Wasley	5903979-4	90-27-1	Licensed premise accessible	8/20/05
Allyn J. Wasley	5902650-5	90-22-1a-d	Certain conduct on Class "B" Premises prohibited	8/20/05
Veronica Gonzalez	5903975-0	90-19	Presence of underage	8/20/05
Veronica Gonzalez	5903976-1	90-22-2-a-d	Certain performance	8/20/05
Christine Schroedl	5903971-3	90-19	Presence of underage	8/20/05
Christine Schroedl	5903973-5	90-22-2-a-d	Certain performance	8/20/05
Dominique Williams	5903974-6	90-19	Presence of underage	8/20/05
Dominique Williams	5903977-2	90-22-a-d	Certain performance	8/20/05
Jonathan Lindquist	59-3972-4	90-19	Presence of underage	8/20/05

DFI Wisconsin Department of Financial Institutions
 Strengthening Wisconsin's Financial Future

Corporate Records

Result of lookup for W046378. (0.50 seconds)

WOLFGANG'S PUB LLC

Vital Statistics

Entity ID W046378
 Registered Effective Date 4/12/2004
 Period of Existence PER
 Status Organized
 Status Date 4/12/2004
 Entity Type Domestic Limited Liability Company
 Annual Report Requirements Limited Liability Companies are required to file an Annual Report under s. 183.0120, WI Statutes.

Addresses

Registered Agent Office ALLYN WASLEY
 1408 AMERICAN AVENUE
 WAUKESHA, WI 53188
 Principal Office 1408 AMERICAN AVE
 WAUKESHA, WI 53188 UNITED STATES OF AMERICA

Historical Information

Annual Reports

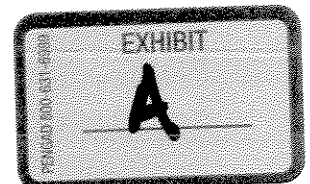
Year	Reel	Image
2005	000	0000

Certificates of Newly-elected Officers/Directors None

Old Names None

Chronology

Effective Date	Transaction	Filed Date	Description
4/12/2004	Organized	4/14/2004	eForm
5/12/2005	Change Registered Agent/Office	5/12/2005	FM516-E-Form



MILWAUKEE POLICE DEPARTMENT
LICENSE INVESTIGATION UNIT

CRIMINAL RECORD/ORDINANCE VIOLATION/INCIDENTS
SYNOPSIS

DATE: 01/05/2005
LICENSE TYPE BTAVN

No. 10416

NEW : X
RENEWAL:

Application Date: 12/22/2004
Expiration Date:

License Location: 3164 S 13th St.

Aldermanic District:

Business Name: Wolfgang Pub

Licensee/Applicant: WASLEY, Allyn J.
(Last Name, First Name, MI)

Date of Birth: 06/08/1972

Male: x

Female:

Home Address: 1408 N American Av.
City: Waukesha
Home Phone: 262-513-8798

State: WI. Zip Code: 53188

This report is written by Police Officer Alvaro OLACIREGUI, assigned to the License Investigation Unit, Days.

The Milwaukee Police Department's investigation regarding this application revealed the following:

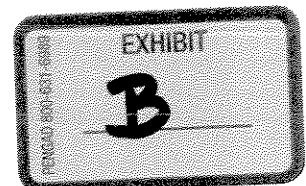
1. On 03/17/1997 the applicant was arrested in Waukesha County for 1. Criminal Damage To Property (Misd) 2. Criminal trespass to Dwelling (Misd) 3. Disorderly Conduct (Misd). No further information available.

Charge : 1. Criminal damage to Property
2. Criminal Trespass to Dwelling
3. Disorderly Conduct

Finding : 1. Guilty, County Court
2. Dismissed
3. Guilty, County Court

Sentence : 1. 15 months of probation (Concurrent)
3. 30 days in Jail, 15 months of probation (Concurrent), Restitution.

Date : 12/18/1997
Case : 97CM000640



Reg: WASLEY, Allyn J.

2. On 09/15/1998 the applicant was arrested in WAUKESHA County for 1. Battery (Domestic Abuse) (Misd) 2. Probation Violation (Misd). No further information available.

Charge : 1. Battery (Domestic Abuse)
2. Probation Violation

Finding : 1. No prosecution
2. Tuned over to probation Authorities

Sentence :

Date : 09/15/1998

Case :

3. On 10/21/1993 the applicant was convicted of OWI in Waukesha County and had his license License suspended for A period of 6 months.
4. On 10/01/2004 the applicant was convicted of OWI in Waukesha County and had his drivers License revoked for 7 months.

MILWAUKEE POLICE DEPARTMENT

REPORT OF INCIDENTS INVOLVING LICENSED PERSONS OR PREMISES

FOR ADMIN. USE ONLY

TO COMMANDER Raymond R. Sucik

3164 S. 13 th St.	Wolfgang's Pub, LLC	Two
Address of Licensed Premises	Business Name	District

Violation / Incident Substantial Battery Date 05-14-05

COPY

Licensee or Manager on premises at time of violation/incident? Yes No Licensee Cited? Yes No

Licensee cooperative? Yes No (If no, explain on reverse side.)

BTAVN 672-2611 Licensee Notified by Officer Carmelo PATTI

Type of License	Business Phone		
WASLEY, Allyn J.	672-2611	1408 American Av. Waukesha WI 53188	06-08-72 262-513-8797
Licensee or Agent's Name	Business Phone	Home Address	Date of Birth Phone

Co-Licensee or Relative	Home Address	Date of Birth	Phone
PROCHASKA, Brenda L.	7575 S. Manitowoc Av. Oak Creek WI 53154	03-10-64	Class D # U0036037 Unknown
Bartender	Home Address	Date of Birth	Phone Class D #

Bartender	Home Address	Date of Birth	Phone
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VIOLATION/INCIDENT - DESCRIBE FACTS AND CIRCUMSTANCES ON REVERSE SIDE

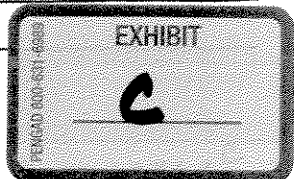
Name of Person cited & D.O.B.	Citation Number	Violation & Ord. / Statute #	Rev./Ct. Date
		Substantial Battery 940.19(2)	

Two District/Bureau	P.O. [Signature] Investigating Officer	05-17-05 Date	Eduardo Mejia Capt. Commanding Officer
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DISPOSITION - For Administration Bureau L.I.U. Use Only

Citation Number	Case Number	Disposition	Judge	Date

FORWARD TO COMMANDER OF ADMINISTRATION BUREAU



This report is written by P.O. David WAGONER assigned to District 2, late shift. On Saturday, 05-14-05, at 2:07am, myself along with squad 28 (P.O. Carmelo PATTI), were dispatched to 1326 W. Euclid Av. to investigate a fight complaint. Once on scene it was determined that the actual location of the fight was going to be in the parking lot of 3164 S. 13th St. An investigation revealed that the altercation between the victim, Harlem L. SEWELL (B/M, 03-13-72, 1551 S. 6th St. Apt #A, Unknown Phone), and approximately eight to nine other individuals began with an argument inside Wolfgang's Pub (3164 S. 13th St.) and escalated into a fight in the parking lot just South of that location. The fight then spread into the street on the 3100 block of S. 13th St. and on the South-West corner of W. Euclid Av. and S. 13th St. A detailed report regarding the incident (incident #05-134-0051) was filed by squad 112 (Det. John KARLOVICK and Det. Brian HARDRATH).

ADMINISTRATIVE SERVICES DIVISION	
Rec'd:	5-19-05
Re:	LIK
By:	Capt. <i>[Signature]</i>

COPY
FOR ADMIN. USE ONLY

PA-33 Rev. 4/00

MILWAUKEE POLICE DEPARTMENT

REPORT OF INCIDENTS INVOLVING LICENSED PERSONS OR PREMISES

TO DEPUTY INSPECTOR Anna RUZINSKI

3164 S. 13th Street

Wolfgang's Pub

2

Address of Licensed Premises

Business Name

District

Violation / Incident 052320045

Date 08/20/05

Licensee or Manager on premises at time of violation/incident? Yes No Licensee Cited? Yes No

Licensee cooperative? Yes No (If no, explain on reverse side.)

Class "B"

672-2611

Licensee Notified by Officer P.O. Evelyn LAZO

Type of License

Business Phone

Allyn J. WASLEY

1408 American Av. Waukesha, WI

06/08/72

262-513-8797

Licensee or Agent's Name

Home Address

Date of Birth

Phone

Co-Licensee or Relative

Home Address

Date of Birth

Phone

Class D # U-0036982

Stephanie B. WACKER

7836 W. Whitaker Av. Greenfield, WI

03/30/83

414-453-3530

Bartender

Home Address

Date of Birth

Phone

Class D #

Bartender

Home Address

Date of Birth

Phone

VIOLATION/INCIDENT - DESCRIBE FACTS AND CIRCUMSTANCES ON REVERSE SIDE

Name of Person cited & D.O.B.	Citation Number	Violation & Ord. / Statute #	Rev./Ct.	Date
Allyn J. WASLEY 06/08/72	59026494	90-19 Presence of Underage		10/11/05

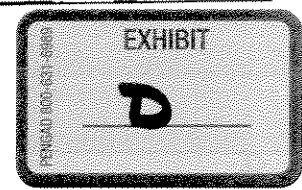
22 P.O. Evelyn LAZO 08/21/05 Captain Eduardo NEGRON

District/Bureau Investigating Officer Date Commanding Officer

DISPOSITION - For Administration Bureau L.I.U. Use Only

Citation Number	Case Number	Disposition	Judge	Date

FORWARD TO COMMANDER OF ADMINISTRATION BUREAU



CONFIDENTIAL

COPY

M4350/M4351/M4352
HOMICIDE #85, #86 & #87 FOR 2005

MAJOR INCIDENT REPORT

FOR LAW ENFORCEMENT PURPOSES ONLY -- CONFIDENTIAL

O.R. NUMBER: 05 232 0065
05 232 0045
05 232 0067

NON-DISCLOSURE FORM FILED WITH M.E. - YES NO
BY WHOM DET. THOMAS CASPER

OFFENSE: HOMICIDE

DAY: SATURDAY DATE: 8-20-05 TIME: 1:08 AM

LOCATION: 3164 S. 13th Street DISTRICT: 2

VICTIM #1 VELA, Daniel (nmn) R/S: W/M AGE: 32 DOB: 8-3-73

ADDRESS: 2302 W. Becher St. ID # 311435

HAS RECORD: Yes No ON PAROLE No PROBATION No

INJURIES: One non-exiting gunshot wound to left side of forehead

CONVEYED BY: PATTON TRANSFER CONVEYED TO: M.E.'S OFFICE

CONDITION: DECEASED

PRONOUNCED DEAD BY: Medical Investigator Janice BEAMON AT 2:55 AM
8-20-05

WEAPON USED 9mm semi-automatic handgun Recovered Yes No

INVENTORY # _____

VICTIM I.D.'d BY: (Ex-wife) VELA, Esmeralda (nmn) AT 4:08 AM
8-20-05

NEXT-OF-KIN NOTIFIED: VELA, Esmeralda (nmn), W/F, dob 11-7-72
of 527 N. 34th St., (933-4342)
(Name) (Address) (Phone #)

VICTIM I.D.'D THRU FINGERPRINTS: Yes No

VICTIM #2 VELA, Roberto Jr. R/S: W/M AGE: 31 DOB: 11-26-73

142
CONVICT

P.W
311435

NO PIN

NO PIN

EXHIBIT
E

CONFIDENTIAL

COPY

PAGE 2

ADDRESS: 1928 S. Muskego Ave. ID # None

HAS RECORD: [] Yes [X] No ON PAROLE [No] PROBATION [No]

INJURIES: One non-exiting gunshot wound to lower left abdomen, one non-exiting gunshot wound to right neck

CONVEYED BY: PATTON TRANSFER CONVEYED TO: M.E.'S OFFICE

CONDITION: DECEASED

PRONOUNCED DEAD BY: Medical Investigator Janice BEAMON AT 2:54 AM
8-20-05

WEAPON USED 9mm semi-automatic handgun Recovered [] [X]

INVENTORY # _____

VICTIM I.D.'d BY: (Sister) GONZALEZ, Griselda AT 4:42 AM
8-20-05

NEXT-OF-KIN NOTIFIED: (Sister) GONZALEZ, Griselda (nmn), W/F,
Dob 1-31-79, of 1928 S. Muskego Ave., phone
Number 672-9950, (cell number 736-8808)
(Name) (Address) (Phone #)

no pin

VICTIM I.D.'D THRU FINGERPRINTS: Yes [] No [X]

VICTIM #3 PENA, Armando (nmn) R/S: W/M AGE: 19 DOB: 6-28-86

pin 366378

ADDRESS: 2112 W. Orchard St. ID # 366378

HAS RECORD: [X] Yes [] No ON PAROLE [] PROBATION []

INJURIES: One non-exiting gunshot wound to center of forehead

CONVEYED BY: MFD Med Squad 15 CONVEYED TO: Froedtert Hospital

CONDITION: Deceased

PRONOUNCED DEAD BY: Dr. Brian FISCHER AT 9:02 AM on 8-20-05

Yes No

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WEAPON USED 9mm semi-automatic handgun Recovered [] [X]
INVENTORY # _____

VICTIM I.D.'d BY: (Mother) PENA, Sylvia AT 5:00 AM
8-20-05

NEXT-OF-KIN NOTIFIED: (Mother) PENA, Sylvia (nmn), W/F, dob 8-7-62
Of 2112 W. Orchard St., (807-0795)
(Name) (Address) (Phone #)

7-8-62
PIN
355819

VICTIM I.D.'D THRU FINGERPRINTS: Yes [] No [X]

KEY WITNESS: FLORES, Jesse Jr. R/S: W/M AGE: 31 DOB: 9-10-73
ADDRESS: 2037 S. 5th Place, (cell phone number 403-9888)

PIN
338817
+
241055

BODY DISCOVERED BY: Keywitness

ADDRESS: _____

SUSP. #1: _____ R/S: W/M AGE: Late 20's/early 30's

DESCRIPTION: 6'2"-6'4", 180-190 lbs., medium build, blondish-brown collar length hair, clean shaven, wearing a white polo shirt, blue jeans, tattoo of a spiderweb on the left hand adjacent the thumb and index finger; in possession of a black 9mm semi-automatic handgun with gray grips

ADDRESS: _____ ARRESTED: Yes [] No [X] I.D. # _____

HAS RECORD: [] Yes [] No ON PAROLE [] PROBATION []

WHEN ARRESTED: _____ WHERE ARRESTED: _____

PRISONER'S LOCATION: PAB [] CJF []

SUSPECT AUTO: _____
(Color) (Make) (Model) (License #) (VIN #)
Seeking Located Seized System
[] [] [] []

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DIAGRAM COMPLETED: Yes [] No [xx]

AUTOPSY COMPLETED: Yes [] No [xx] RESULTS:

INVESTIGATOR JANICE BEAMON

M.E. ON SCENE-----}

DOCTOR RUSS ALEXANDER

CHIEF'S OFFICE NOTIFIED: Assistant Chief WHITEN TIME: 5:50 AM
By Lt. of Dets. Jeffrey WISCH 8-20-05

D.A.'S OFFICE NOTIFIED: _____ TIME: _____

UNIFORM OFFICERS

FIRST ON SCENE:

- DIST. #2 LIEUTENANT DANIEL MEISTER
- SQUAD 902C - SGT. CHAD RADEN (UNIFORM SCENE SUPERVISION)
- SQUAD 2R - SGT. ROBERTO COLON (UNIFORM SCENE SUPERVISION)
- SQUAD 23 - P.O. MICHAEL SLOMCZEWSKI (WITNESS INTERVIEWS)
- P.O. SCOTT ADKINS (SECURED REAR DOOR OF TAVERN)
- SQUAD 25-P.O. STEVEN SVENSSON (SECURED INSIDE OF CRIME SCENE)
- P.O. MICHAEL DUKAT (VICTIM #3 AT FROEDTERT HOSPITAL)
- SQUAD 24 - P.O. JENNIFER PHILLIPS (SECURED FRONT DOOR OF TAVERN)
- SQUAD 922C - P.O. HEATHER COSS & P.O. ALEJANDRO ARCE (WITNESS INTERVIEWS)
- SQUAD 912C - P.O. COREY HARRIS & P.O. TOMMIE WILSON (TRAFFIC CONTROL)
- SQUAD 27 - P.O. JOHN SCHOTT (TRAFFIC CONTROL)
- SQUAD 28 - P.O. MATTHEW CURLER (TRAFFIC CONTROL)
- SQUAD 92 - P.O. MANNIE TORRES (TRAFFIC CONTROL)
- SQUAD 282R - P.O. DAVID WAGONER (TRAFFIC CONTROL)
- SQUAD 572 - P.O. JAMES COLLINS & P.O. DANIEL URBAN (CANVASS/WITNESS INTERVIEWS)

ARRESTING: _____

PLANTING SCENE: _____

INVESTIGATING DETECTIVES:

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- SQUAD 138 - LT. OF DETS. KENNETH R. GRAMS
(C.I.B. SCENE SUPERVISION)
- SQUAD 124 - DET. SHANNON JONES (CRIME SCENE INVESTIGATION)
- SQUAD 125 - DET. THOMAS CASPER (WITNESS INTERVIEWS)
- SQUAD 117 - DET. HAROLD YOUNG & DET. ELIZABETH STEWART
(WITNESS INTERVIEWS)
- SQUAD 116A - DET. JAMES HENSLEY (WITNESS INTERVIEWS)

DETECTIVE TO D.A.'S OFC. _____

SUSPECTS - IN CUSTODY: _____

SEEKING WARRANT(S): _____

NARRATIVE:

This report is being dictated by Squad 138, Lieutenant of Detectives Kenneth R. GRAMS, and is based upon crime scene investigation and witness interviews.

On Saturday, 8-20-05, at 1:08 AM, Squad 2R, Sergeant COLON, Squad 902C, Sergeant RADAN, and Squad 23, P.O.'s ADKINS and SLOMCZEWSKI, were dispatched to a shooting at Wolfgang's Pub, 3164 S. 13th St. Upon arrival, a preliminary investigation revealed that there was a triple shooting consisting of two deceased white male subjects in the men's bathroom area at this location, and a third white male subject who had sustained a gunshot wound to the head, and had been lying on the city sidewalk directly in front of Wolfgang's Pub at 3164 S. 13th St. Preliminary investigation revealed that victim #1, Daniel VELA, was located within the men's bathroom and was PNB upon the arrival of the officers, and had sustained one non-exiting gunshot wound to the left forehead area. Victim #2, Roberto VELA, also was located within the men's bathroom area, was PNB upon the arrival of the officers, and had sustained two gunshot wounds consisting of one non-exiting gunshot wound to the lower left abdomen, and one non-exiting gunshot wound to the right neck area. Victim #3, Armando PENA, had sustained one non-exiting gunshot wound to the center of his forehead area, and was breathing upon the arrival of officers; however, no statement was provided. Armando was treated by Med Squad 15,

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manned by Battalion Chief Jack CHRISTENSON, and was conveyed to Froedtert Hospital, but died from his injuries at 9:02 AM.

Crime scene investigation conducted by Detective Shannon JONES revealed that the shooting transpired within Wolfgang's Pub, that there was a front entry doorway leading out onto S. 13th St., along with a rear exit doorway leading into the alleyway. The interior of the tavern consisted of a bar located at the front portion of the tavern and a single pool table located at the rear of the establishment. There were a men's bathroom and a women's bathroom located adjacent the north center wall area. There were no functioning recording systems at this location. Scene investigation revealed that there were four spent 9mm Luger casings recovered within the men's bathroom area, along with three bullets. Scene investigation directly in front of the establishment where victim #3 had been shot and fallen to the concrete pavement revealed a large pooling of blood, and within the blood was one ring. Also on the sidewalk was a broken Corona beer bottle. Directly in front of the establishment was a light blue Chevy Caprice stationwagon, bearing Wisconsin registration 187DPN, which listed to a tavern patron, Eugene HANSON. The right front passenger window on this vehicle had been shattered, and it was unknown if this was caused by a bullet striking the window, or the victim hitting the window glass. This auto was conveyed to the PAB for processing, Tow #1229529. Additionally, one spent 9mm Luger casing was located in the roadway directly in front of this vehicle, and one bullet was located adjacent the southwest corner of the tavern.

Witness interviews revealed that there had been a party occurring within the tavern prior to this incident, during which time victims #1 and #2, who were cousins, were attending the party with victim #3. Also within the establishment was the suspect, and prior to the shooting, the suspect and victim #2, Roberto VELA, were engaged in a verbal and minor physical altercation near the front portion of the bar. Witnesses indicated that it

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appeared that the suspect and the victim ceased their disagreement, during which time the victim Roberto purchased a drink for the suspect. Both the victim Roberto and the suspect then left the front portion of the bar and walked towards the rear pool area where victim #1, Daniel VELA, and victim #3, Armando PENA, were located. Moments later, witnesses heard 4 to 5 gunshots occurring from the rear portion of the bar, and then observed the suspect fleeing towards the front exit doorway, following victim #3, Armando PENA. Once outside of the establishment, witnesses heard an additional one or two gunshots, and the suspect was then observed fleeing on foot in an eastbound direction through the southside parking lot towards W. Euclid.

The keywitness who had initially observed the brief verbal and physical altercation between Roberto and the suspect proceeded to the men's bathroom area and observed both victims, Roberto and Daniel, shot in the bathroom. Daniel was observed to be lying in a prone position, and appeared to be PNB. The victim Roberto was initially observed on his knees, positioned behind the bathroom door and the east bathroom wall. The keywitness dragged Roberto out into the common hallway and proceeded to perform CPR on victim #1, Daniel, and then provided CPR to victim #2, Roberto. Patrons advised the keywitness that his cousin, Armando PENA, was shot outside the tavern, at which time the keywitness proceeded to that location and provided CPR to PENA until the arrival of the Milwaukee Fire Department personnel.

Follow-up investigation is currently being conducted at the C.I.B. with keywitnesses in attempting to identify the suspect, along with identifying two male subjects and a female subject who may have fled the scene with the suspect.

Report submitted by Lieutenant of Detectives Kenneth R. GRAMS.

KRG/dr 8-20-05