


May 5, 2010

Dear Mr. Langley,

I, James M Mlaker, formally request to appeal your decision to deny my property damage claim (\$1,787.00 – C.I. File No: 10-S-57) resulting from the careless actions of the Milwaukee Police Department’s investigation of an overnight gas station burglary which ultimately led to the forced entry of my home. A warrantless search of my home was conducted where absolutely no evidence of the said crime was recovered. Upon entering my home, the police should have realized the occupants were not in any imminent danger (as they so claim), as no weapons were ever sighted prior to entry and no weapons were ever recovered during the search of my home. The warrantless search of my home lasted for more than one half hour before my son was even informed of the intent of the search and at no time did he give explicit permission for the Milwaukee Police Department to conduct a search of my home. No evidence of any crime was found inside my home and it was ultimately determined the “true” suspect (totally unrelated to my son, his friends and my residence) was an Hispanic gentleman in his fifties. There is an investigation currently being conducted by the Milwaukee Police Department Internal Affairs Division concerning this affair and with discrepancies between the official police reports and witness statements (including those of my neighbors).

Apparently, Mr. Langley approves of the Milwaukee Police Department’s careless violation of my (along with my son and his friends) fourth amendment rights. Is there a City of Milwaukee ordinance which trumps the Bill of Rights? All I am requesting is full reimbursement for the damages sustained to my front door. If a damage settlement cannot be accomplished in a reasonable and fair manner, I will pursue a civil rights lawsuit against the Milwaukee Police Department (which could ultimately cost the City of Milwaukee far more than the reasonable damage claim of \$1,787.00) for their blatant violation and abuse of my constitutionally guaranteed fourth amendment rights.

Thank you.

  
James M Mlaker

CITY OF MILWAUKEE  
2010 MAY 10 PM 12:04  
RONALD D. LEONHARDT  
CITY CLERK

CITY OF MILWAUKEE  
RECEIVED

James Mlaker  
2025 W Alvina Ave  
Milwaukee, WI 53221

2010 FEB 23 PM 3:02

February 19, 2010

2010 FEB 23 PM 1:36  
RONALD D. SCOTT  
CITY CLERK

CITY OF MILWAUKEE

OFFICE OF JAMES MLAKER (a resident of 2025 W Alvina Ave, Milwaukee, WI) am seeking  
to file a claim with the City of Milwaukee for the repair and replacement of the front  
entry door and frame of my home which was damaged by an errant invasion and forced  
entry of my home conducted by the Milwaukee Police Department on the morning of  
December, 27, 2009. I have received two local contractor estimates (\$1787.00 and  
\$1,495.00) for the necessary repair and replacement of the damaged front entry door and  
frame.

The following is a description of the event which caused the damages for which I  
am filing a claim with the City of Milwaukee:

I was on vacation in Florida with my wife, Jacqueline, and my 17 year-old son,  
Evan, from December 23, 2009 until January 2, 2010. My 20 year-old son, Derek, was  
staying in our far Southside Milwaukee home during the time we were on vacation. On  
the morning of December 27, 2009 I received a phone call from my son, Derek, in  
Milwaukee informing me that officers from the Milwaukee Police Department used a  
battering ram to break down the front door of our home (2025 W Alvina Ave,  
Milwaukee, WI) and entered our house with guns drawn at Derek and his friends (he had  
two friends over staying the night with him). The police were investigating an overnight  
burglary of a nearby gas station (across the alley from my home – 2012 W College Ave,  
Milwaukee, WI.) which was reported to the police when it opened at approximately 6:30  
AM. The first responding officers spotted footprints in the snow that led to my house.  
(Apparently during the night one of Derek's friends went to the gas station to purchase a  
soda, but the gas station was closed for the night at the time.) The police then followed  
the footprints to my home and proceeded to knock on the front door. My son informed he  
heard them outside shouting, "Open the fucking door, it's the police". Derek and his two  
friends were sleeping at the time when the police were initially knocking and when he  
heard them use the term, "open the fucking door", he thought it was one of his friends  
playing a joke on him. He didn't think the police would respond using the term  
"fucking", as that would be a term one of his friend would more likely use to joke around  
with him. When Derek finally did go to the front door to check there was no one there.  
Derek told me that approximately 15 to 20 minutes later, the police came back with a full  
tactical unit and shouted, "Mr. and Mrs. Smith, we're coming in". My last name is  
Mlaker, I own the home and I have lived at this address for the past 17 ½ years. The  
police obviously never checked their data base to determine the current residents of the  
home and used the generic name "Smith" to identify us, nor did they phone my residence  
to check on the status of the occupants or to inform them to voluntarily open the door  
before they would initialize a forced entry into the home. The police then proceeded to  
use a battering ram to force entry into my home (which caused extensive damage to the  
new front door, the door frame and caused cracks in the front facing wall of our home).  
The police entered our home through the battered in front door with guns drawn at Derek  
and his friends and proceeded to search throughout our whole house for cash and  
cigarettes stolen from the gas station (all of this without a search warrant). Approximately  
20 minutes later a Milwaukee Police Detective arrived on the scene and started to  
question my son, Derek, and his friends. The detective informed them about the burglary

of the gas station and the footprints leading to our home. He then asked my son, Derek, "If I search your home, am I going to find anything". My son replied, "You are not going to find anything because we didn't rob the gas station." He asked my son if he had a party in the home and Derek informed him that he did not have a party, but just had a few friends over the previous evening. All during this questioning, my son reported that many different police personnel were entering and exiting our home. Not one of the police officers ever bothered to ask my son for specific permission to enter my home at any time. After an hour of searching throughout my home without finding any evidence whatsoever, the police realized they made a mistake and called in a superior officer. When the superior officer, Milwaukee Police Trimble, arrived at our home, Derek overheard him informing the other police officers they were in the wrong home and the suspect they were looking for was an Hispanic gentleman in his 50's (my son and his friends are 20 year old Caucasians). This information was based on the gas station's video footage of the burglary, which the first responding officers apparently never bothered to check or so it may seem. My son also informed me a police photographer arrived on the scene right after the Sergeant and went throughout our home taking pictures.

Upon the conclusion of this errant forced entry and warrant-less search, Sergeant Trimble provided my son with a yellow *Milwaukee Police Department Damage Notice* for reimbursement for the damages the Milwaukee Police Department caused to the front door of my home (the door and frame are both severely cracked and need to be replaced, as well as a few cracks which occurred in the front facing wall where the door is located).

The door and frame which was damaged by the Milwaukee Police Department was fairly new, as it was purchased and installed in June, 2008. I am seeking to have the door and frame replaced as both are severely cracked and my home is currently vulnerable to being burglarized as the security of my home is compromised due to the damages the front entry door and frame incurred. I received two estimates from local contractors for the replacement of the front door and frame which is comparable to the original (which is now damaged) front door and frame. I received an estimate for materials and labor from Wetzels Home Improvement (5746 N 82<sup>nd</sup> Ct, Milwaukee, WI 53218) for the amount of **\$1,787.00** and another estimate from Sheldon Gasek Construction (Wauwatosa, WI) for the amount of **\$1,495.00**. I am seeking to have the door replaced as soon as possible because the damaged door poses a compromised security to my home which directly affects the safety of my family and our valued possessions.

Thank you,



James Mlaker  
2025 W Alvina Ave  
Milwaukee, WI 53221  
Home: 414-761-2529  
Cell: 414-736-0344  
Email: jamesmlaker@yahoo.com

PD-43 03/01

**MILWAUKEE POLICE DEPARTMENT  
DAMAGE NOTICE**

(SUPERVISOR TO LEAVE IN PROMINENT PLACE AT SCENE)

The Milwaukee Police Department received a call for

service on: 12-27 2009 at: 7:15 ⓐ a.m./p.m.  
(DATE) (TIME)

at: 2025 W. ALVINA  
(ADDRESS)

- (to:  confirm welfare of occupant(s)  
 make an arrest  
 execute a search warrant  
 recover evidence of crime  
 other (describe) \_\_\_\_\_

The following damage to premises or vehicle occurred:

FRONT DOOR & FRAME FROM  
FORCED ENTRY

Supervisor's Name: Sgt. Trimbis  
(PRINT)

63 LATE 015139  
(DIST / WORK LOC.) (SHIFT) (PAYROLL #)

**SEE NOTICE ON REVERSE SIDE**

# CONTRACTORS INVOICE

Sheldon Gasek Construction  
Wausau, WI Email: gasek7@aol.com  
414.232.7634 Fax: 414.774.8663  
sheldongasek@servicemagicpro.com

WORK PERFORMED AT:

2025 W ALCUNA  
MILWAUKEE, WI 53221  
761-2529

TO: JAMES MCKER

DATE: YOUR WORK ORDER NO.: OUR BID NO.:

### DESCRIPTION OF WORK PERFORMED

INSTALL NEW 36" EXTERIOR DOOR  
WILL NEED TO REMOVE STORM DOOR  
& RE-INSTALL & INSULATE & RE-INSTALL  
CASING. INSTALL DEADBOLT & LOCKSETS.

PRICE INCLUDES LABOR & MATERIAL  
\$1495.00

All Material is guaranteed to be as specified, and the above work was performed in accordance with the drawings and specifications provided for the above work and was completed in a substantial workmanlike manner for the agreed sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_).

This is a  Partial  Full invoice due and payable by: \_\_\_\_\_ Month \_\_\_\_\_ Day \_\_\_\_\_ Year

In accordance with our  Agreement  Proposal No. \_\_\_\_\_ Dated \_\_\_\_\_ Month \_\_\_\_\_ Day \_\_\_\_\_ Year

NC3822

## CONTRACTORS INVOICE



# WINDOW PROPOSAL

5746 N. 82nd Ct. · Milwaukee, WI 53218  
Office: 414.578.1000 · Fax: 414.578.1005  
info@wetzelshi.com · www.wetzelshi.com

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

### Additional Work to be Performed:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Cost of Additional Work: \$ 1,780.00

**GRAND TOTAL:** \$ \_\_\_\_\_

★ 3 year Labor Warranty ★ Manufacturers Material Warranty ★

1/3 down  
Balance due upon Completion

Customer Signature: \_\_\_\_\_

Contractor Approval: \_\_\_\_\_

*Price is good for 10 days, unless otherwise specified*

Roofing · Siding · Fascia · Soffit · Gutters · Windows  
Free Estimates