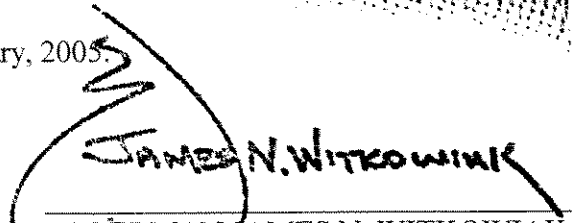


be taken as true. If the Committee determines that the allegations are sufficient, the law requires that the license shall be revoked or suspended.

Dated as of the 2nd day of February, 2005.


ALDERMAN JAMES N. WITKOWIAK
CHAIRMAN
UTILITIES AND LICENSES COMMITTEE


RONALD D. LEONHARDT
CITY CLERK

Summons, copies of the Complaints and of Section 100-54 of the Milwaukee Code of Ordinances served as follows:

On: _____ At: _____
Date: _____ Time: _____
Served by: _____

STATE OF WISCONSIN)
)
MILWAUKEE COUNTY)

COMES NOW _____, being first duly sworn and upon her/his oath, who deposes and says that she/he is _____, and that she/he did, on the ____ day of February, 2005, serve a true and correct copy of this Summons, the attached Complaints and Section 100-54 of the Milwaukee Code of Ordinances and police report upon Isdore O. Mbadiwe at _____.

Subscribed and sworn to before me
this _____ day of February, 2005.

Notary Public, State of Wisconsin
My Commission: _____
89620

CITY OF MILWAUKEE
COMMON COUNCIL
UTILITIES AND LICENSES COMMITTEE

CITY OF MILWAUKEE

05 FEB -3 PM 4: 01

RONALD D. LEONHARDT
CITY CLERK

JOHN M. HOGAN

v.

ISDORE O. MBADIWE

**COMPLAINT SEEKING REVOCATION OF PUBLIC PASSENGER
VEHICLE DRIVER'S LICENSE OF ISDORE MBADIWE**

Comes now John M. Hogan ("Complainant"), being first duly sworn and upon his oath who deposes and states as follows:

1. Your Complainant is a Sergeant with the Milwaukee Police Department, License Investigation Unit, and is a resident of the City of Milwaukee, Wisconsin.
2. In your Complainant's capacity as Sergeant of the License Investigation Unit in and for the City of Milwaukee, your Complainant has received information to the effect that Mr. Isdore Mbadiwe holds public passenger vehicle driver's license number DRR1644500 granted by the Common Council of the City of Milwaukee effective October 1, 2004.
3. Upon information, known to be reliable in the past, your Complainant was informed that on February 20, 2004, members of the Vice Control Division, working with a confidential informant, arranged to buy several pounds of marijuana from a subject. The investigation culminated in the arrest of Mr. Isdore Mbadiwe and two other suspects. Upon further information, known by your Complainant to be reliable, the investigation revealed that Isdore Mbadiwe delivered the marijuana to the scene of the transaction in a taxi he was operating

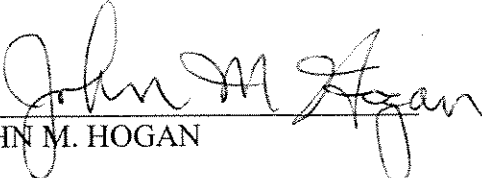
and conveyed it in another vehicle where the suspects were waiting. Upon further information known by your Complainant to be reliable, while in the second vehicle, Mbadiwe was told by one of the other suspects that more marijuana was needed and, upon information known by your Complainant to be reliable, Mbadiwe called an individual who remained in the taxi instructing this individual to get more marijuana.

4. Upon information known to be reliable by your Complainant, the vehicle that Mbadiwe and the other suspects were in was stopped and 899.75 grams of marijuana that Mbadiwe delivered was recovered. The taxi that Mbadiwe drove to the scene was driven away by someone else and not stopped or identified. Upon further information known to be reliable by your Complainant, Mbadiwe when interviewed regarding his involvement in the incident, admitted using his taxi to pick up marijuana and deliver it to the scene, and admitted acting as a deliveryman of marijuana.
5. Your Complainant knows that on February 26, 2004, Isdore Mbadiwe was charged with possession with intent to deliver controlled substances-marijuana – 200 to 1,000 grams, party to a crime. On October 30, 2004, Mbadiwe entered a no contest plea to that charge and was found guilty of the charges as issued. On information known by your Complainant to be reliable, on December 3, 2004, Mr. Mbadiwe was sentenced to two years of imprisonment which was stayed, in return for 8 months of confinement in the House of Correction in Milwaukee County, which was stayed until January 5, 2005, two years of probation, and a six-month suspension of his driving privileges, both of which were imposed.

6. Annexed hereto and incorporated herein by reference as Exhibit 1 is a true and correct copy of the judgment of conviction.


PRAYER FOR RELIEF

Wherefore, your Complainant prays that public passenger vehicle driver's license number DRR1644500 held by Isdore Mbadiwe be revoked pursuant to the provisions of Chapter 100-54 of the Milwaukee Code of Ordinances because Isdore Mbadiwe has been found guilty of a felony, the circumstances of which substantially relate to the circumstances of his licensed activity.



JOHN M. HOGAN

Subscribed and sworn to before me
this 21st day of January, 2005.



Notary Public, State of Wisconsin
My Commission Expires: in perpetuity

89214

STATE OF WISCONSIN

CIRCUIT COURT BRANCH 24

MILWAUKEE COUNTY

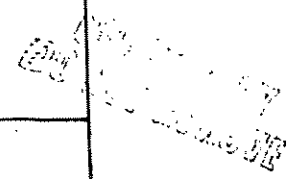
For Official Use Only

State of Wisconsin vs. Isdore Mbadiwe **Judgment of Conviction**

Sentence Imposed & Stayed,
Probation Ordered

Date of Birth: 07-04-1973

Case No.: 2004CF001022



The defendant was found guilty of the following crime(s):

Ct.	Description	Violation	Plea	Severity	Date(s) Committed	Trial To	Date(s) Convicted
2	Possess w/ Intent-THC(> 200-1000g) [939.05 Party to a Crime]	961.41(1M)(H)2	No Contest	Felony H	02-20-2004		09-30-2004

IT IS ADJUDGED that the defendant is guilty as convicted and sentenced as follows:

Ct.	Sent. Date	Sentence	Length	Concurrent with/Consecutive to/Comments	Agency
2	12-03-2004	Probation, sent imposed	3 YR	Probation may be transferred to State of West Virginia after the condition time has been served, and if that state will accept him.	Department of Corrections
2	12-03-2004	License suspended	6 MO		
2		Sentence(s) Stayed Extended Supervision	2 YR	Concurrent with/Consecutive to/Comments Defendant is eligible for the Challenge Incarceration program or the Earned Release program.	Sent. Credit
2		State prison	2 YR		2 days

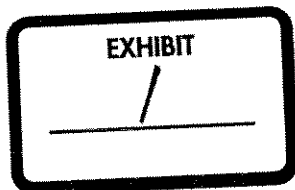
Conditions of Sentence or Probation

Obligations: (Total amounts only)

Fine	Court Costs	Attorney Fees	Restitution	Other	Mandatory Victim/Wit. Surcharge	5% Rest. Surcharge	DNA Anal. Surcharge
475.00	20.00			7.00	70.00		250.00

Conditions:

Ct.	Condition	Length	Agency/Program	Begin Date	Begin Time	Comments
2	House of Correction	8 MO				STAYED until 1/3/05. Huber for work and treatment.
2	Fine					Fine of \$250.00 plus all costs and surcharges. Bail to be applied.
2	Other					Complete an anger management course. Provide DNA sample, pay for same.
2	Alcohol assessment					AODA and any treatment deemed necessary. Absolute sobriety. Random urine screens.



IT IS ADJUDGED that 0 days sentence credit are due pursuant to § 973.155, Wisconsin Statutes

STATE OF WISCONSIN

CIRCUIT COURT BRANCH 24

MILWAUKEE COUNTY

For Official Use Only

State of Wisconsin vs. Isdore Mbadiwe	Judgment of Conviction
Date of Birth: 07-04-1973	Sentence Imposed & Stayed, Probation Ordered
	Case No.: 2004CF001022

IT IS ORDERED that the Sheriff execute this sentence.

BY THE COURT:

Charles F. Kahn-24, Judge
Karine O'Byrne, District Attorney
Martin E Kohler, Defense Attorney

J. Baudett

Court Official

December 13, 2004

Date

John Baudett



Jim Doyle
Governor

Matthew J. Frank
Secretary



Mailing Address
Jennifer Hlinak #31903
4200 N. Holton, Suite 210
Milwaukee, WI 53212
Telephone (414) 229-0638
Fax (414) 229-0636

State of Wisconsin Department of Corrections

01/20/2005

Ronald Leonhardt
City Clerk
Common Council
200 E. Wells Room 205
Milwaukee, WI 53202

Dear Mr. Leonhardt:

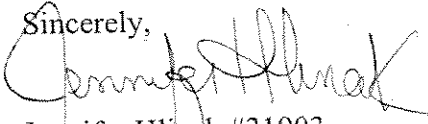
This letter from the Department of Corrections is to request a review of the Public Passenger Vehicle License issued to Isdore Mbadiwe. He is currently on Probation in Milwaukee for Possession with Intent to Deliver THC (>200-1000g) 961.41(1M)(H) 2. (we have enclosed a copy of his Judgment of Conviction along with the Criminal Complaint in this case) This crime was committed while driving taxi for American United Cab Company. The Department of Corrections has serious concerns about his continued employment as a Taxicab Driver due to this crime and recent allegations of Sexual Assault of a Minor, again while driving his taxicab.

While no formal charges were brought by the District Attorney's office in this most recent case, our investigation revealed that the victim did admit to having sexual contact with Mr. Mbadiwe. She did pick him out of a photo array and while she reported that the contact was not a forcible act, she is under the age of 18 and therefore legally not able to consent to sexual contact.


The Department of Corrections strongly supports revocation of Mr. Mbadiwe's PPVL and as a temporary measure have issued a Probation Rule prohibiting his driving privileges as a taxi cab driver. The Department of Corrections is asking that you review and revoke his PPVL for the safety of the public and to assist Mr. Mbadiwe's successful completion of probation.

Please feel free to contact me with any questions or concerns at the above number.

Sincerely,


Jennifer Hlinak #31903
Probation and Parole Agent
Department Of Corrections

witnessed on 1-24-05
my notary expires on 4-23-06


1-24-05

STATE OF WISCONSIN

CIRCUIT COURT BRANCH 24

MILWAUKEE COUNTY

For Official Use Only

State of Wisconsin vs. Isdore Mbadiwe **Judgment of Conviction**

Sentence Imposed & Stayed,
Probation Ordered

Date of Birth: 07-04-1973

Case No.: 2004CF001022

016
JAN 11 2005
MILWAUKEE COUNTY
CLERK OF COURT

The defendant was found guilty of the following crime(s):

Ct.	Description	Violation	Plea	Severity	Date(s) Committed	Trial To	Date(s) Convicted
2	Possess w/ Intent-THC(> 200-1000g) [939.05 Party to a Crime]	961.41(1M)(H)2	No Contest	Felony H	02-20-2004		09-30-2004

IT IS ADJUDGED that the defendant is guilty as convicted and sentenced as follows:

Ct.	Sent. Date	Sentence	Length	Concurrent with/Consecutive to/Comments	Agency
2	12-03-2004	Probation, sent imposed	3 YR	Probation may be transferred to State of West Virginia after the condition time has been served, and if that state will accept him.	Department of Corrections
2	12-03-2004	License suspended	6 MO		
2		Sentence(s) Stayed Extended Supervision	2 YR	Concurrent with/Consecutive to/Comments Defendant is eligible for the Challenge Incarceration program or the Earned Release program.	Sent. Credit
2		State prison	2 YR		2 days

Conditions of Sentence or Probation

Obligations: (Total amounts only)

Fine	Court Costs	Attorney Fees	Restitution	Other	Mandatory Victim/Wit. Surcharge	5% Rest. Surcharge	DNA Anal. Surcharge
475.00	20.00			7.00	70.00		250.00

Conditions:

Ct.	Condition	Length	Agency/Program	Begin Date	Begin Time	Comments
2	House of Correction	8 MO				STAYED until 1/3/05. Huber for work and treatment.

Ct.	Condition	Agency/Program	Comments
2	Fine		Fine of \$250.00 plus all costs and surcharges. Bail to be applied.
2	Other		Complete an anger management course. Provide DNA sample, pay for same.
2	Alcohol assessment		AODA and any treatment deemed necessary. Absolute sobriety. Random urine screens.

IT IS ADJUDGED that 0 days sentence credit are due pursuant to § 973.155, Wisconsin Statutes

STATE OF WISCONSIN

CIRCUIT COURT BRANCH 24

MILWAUKEE COUNTY

For Official Use Only

State of Wisconsin vs. Isdore Mbadiwe	Judgment of Conviction
	Sentence Imposed & Stayed, Probation Ordered
Date of Birth: 07-04-1973	Case No.: 2004CF001022

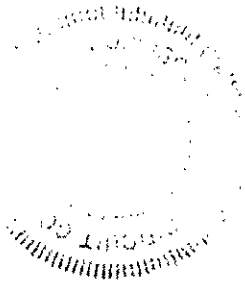
IT IS ORDERED that the Sheriff execute this sentence.

BY THE COURT:

Charles F. Kahn-24, Judge
Karine O'Byrne, District Attorney
Martin E Kohler, Defense Attorney

J. Bennett
Court Official

December 13, 2004 *J. Bennett*
Date



STATE OF WISCONSIN **CIRCUIT COURT**
CRIMINAL DIVISION **MILWAUKEE COUNTY**

STATE OF WISCONSIN

DRUG UNIT

CRIMINAL COMPLAINT

Hamil, Melberton O
5523 N 35th St
Milwaukee, Wisconsin
53209
(D.O.B. : July 18, 1980)

Complaining Witness:

Police Officer Lisa Ordoñez

Mbadiwe, Isdore NMI
6409 N 84th St
Milwaukee, Wisconsin
53224
(D.O.B. : July 4, 1973)

DA Case Number: 04XF1291
Circuit Court Case Number:

04CF001022

Evans, Huntley NMI
7222 W Custer Avenue
Milwaukee, Wisconsin
53218
(D.O.B. : December 15,
1977)

Defendant(s)

THE ABOVE NAMED COMPLAINING WITNESS BEING DULY SWORN SAYS THAT THE ABOVE NAMED DEFENDANT(S) IN THE COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

COUNT 01: POSSESSION WITH INTENT TO DELIVER CONTROLLED SUBSTANCE - TETRAHYDROCANNABINOLS (MARIJUANA) (MORE THAN 200 GRAMS BUT NOT MORE THAN 1000 GRAMS), PARTY TO A CRIME (As to Defendant Melberton Hamil)
On February 20, 2004, at 4050 N 38th St, City of Milwaukee, as party to a crime, did knowingly possess with intent to deliver more than 200 grams but not more than 1000 grams of tetrahydrocannabinols (marijuana), a controlled substance, contrary to Wisconsin Statutes sections 961.01(14), 961.14(4)(t) and 961.41(1m)(h)2. and 939.05.

COUNT 02: POSSESSION WITH INTENT TO DELIVER CONTROLLED SUBSTANCE - TETRAHYDROCANNABINOLS (MARIJUANA) (MORE THAN 200 GRAMS BUT NOT MORE THAN 1000 GRAMS), PARTY TO A CRIME (As to Defendant Isdore Mbadiwe)
On February 20, 2004, at 4050 N 38th St, City of Milwaukee, as party to a crime, did knowingly possess with intent to deliver more than 200 grams but not more than 1000 grams of tetrahydrocannabinols (marijuana), a controlled substance, contrary to Wisconsin Statutes sections 961.01(14), 961.14(4)(t) and 961.41(1m)(h)2. and 939.05.

COUNT 03: POSSESSION OF CONTROLLED SUBSTANCE - TETRAHYDROCANNABINOLS (MARIJUANA) (As to Defendant Huntley Evans)

Hamil, Melberton O D.O.B. July 18, 1980
Mbadiwe, Isdore Nmi D.O.B. July 4, 1973
Evans, Huntley Nmi D.O.B. December 15, 1977

Page

- 2 -

On February 20, 2004, at 4050 N 38th St, City of Milwaukee, did knowingly possess tetrahydrocannabinols (marijuana), a controlled substance, contrary to Wisconsin Statutes sections 961.01(14), 961.14(4)(t) and 961.41(3g)(e).

AS TO COUNT 01:

Upon conviction of this charge, a Class H felony, the maximum possible penalty is a fine of not more than \$10,000 or imprisoned for not more than 6 years or both.

Upon conviction of this offense, the court shall suspend the defendant's operating privilege for not less than 6 months nor more than 5 years pursuant to section 961.50(1), Stats. If the court suspends the defendant's operating privileges the court shall impose a reinstatement assessment fee of \$50.00. If the defendant's driving privileges are already revoked or suspended, any revocation imposed must be served consecutively.

AS TO COUNT 02:

Upon conviction of this charge, a Class H felony, the maximum possible penalty is a fine of not more than \$10,000 or imprisoned for not more than 6 years or both.

Upon conviction of this offense, the court shall suspend the defendant's operating privilege for not less than 6 months nor more than 5 years pursuant to section 961.50(1), Stats. If the court suspends the defendant's operating privileges the court shall impose a reinstatement assessment fee of \$50.00. If the defendant's driving privileges are already revoked or suspended, any revocation imposed must be served consecutively.

AS TO COUNT 03:

Upon conviction of this offense, a misdemeanor, defendant may be fined not more than \$1,000 or imprisoned for not more than 6 months or both.

Upon conviction of this offense, the court shall suspend the defendant's operating privilege for not less than 6 months nor more than 5 years pursuant to section 961.50(1), Stats. If the court suspends the defendant's operating privileges the court shall impose a reinstatement assessment fee of \$50.00. If the defendant's driving privileges are already revoked or suspended, any revocation imposed must be served consecutively.

Complainant states she is a City of Milwaukee Police Officer and bases this complaint upon her reading of official City of Milwaukee Police reports prepared by Milwaukee Police Officers which she has used in the past and found to be truthful and reliable.

On Friday, February 20, 2004 Milwaukee Police Officers working with a Confidential Informant arranged to buy several pounds of marijuana from a subject the Confidential Informant knew as "Booker". The Confidential Informant advised law enforcement officers that Booker was Jamaican and spoke with a Jamaican accent and had the cell phone

Hamil, Melberton O D.O.B. July 18, 1980
Mbadiwe, Isdore Nmi D.O.B. July 4, 1973
Evans, Huntley Nmi D.O.B. December 15, 1977

Page

- 3 -

number 810-8138. The Confidential Informant called Booker by cell phone at 3:19 p.m. to arrange to buy two pounds of hydroponic marijuana for \$4,000.00. The Confidential Informant spoke to Booker again by phone later on and was informed by Booker that he could not get hydroponic marijuana but could sell nine pounds of regular marijuana for \$4,000.00 to the Confidential Informant. The CI further spoke with Booker and was informed that Booker had to meet his supplier first and would get back with the Confidential Informant when he met with his supplier. At approximately 8:02 p.m. the Confidential Informant spoke with Booker again by cell phone. Booker told the Confidential Informant that he had the marijuana and was ready to meet. A meet location was arranged at the Capitol Subs Shop on Sherman and Capitol Drive in the City of Milwaukee. Police Officers arrived at that location and observed a green Chevy Tahoe parked on the south side of Capitol Drive just east of the sandwich sub shop and also observed a maroon taxi cab parked in the sandwich sub shop parking lot. Inside the sub shop officers could view two subjects standing. One of the subjects was wearing a blue jacket with orange trim and holding a cell phone. The Confidential Informant's phone then rang and on the Confidential Informant's phone was the individual known as Booker who wanted to know how long it was going to take him to get to the Capitol Sub Shop. When the CI told him he would be right there and hung up the phone the individual wearing the blue jacket with the orange trim immediately hung up his telephone. Officers then asked the Confidential Informant to call Booker back on his cell phone and change the meet location to 34th Street and Capitol Drive. The Confidential Informant then called Booker back on his cell phone and law enforcement officers observed the subject wearing the blue jacket with orange trim answer his phone. The Confidential Informant changed the meet location to 34th Street and Capitol Drive and hung up the phone and immediately the individual wearing the blue jacket with orange trim hung up his phone and began walking to the green Tahoe with the other subject who was standing next to him. Officer observed the subject wearing the blue jacket with orange trim get in the front passenger seat and the other subject got in the driver's seat. The Chevy Tahoe truck drove eastbound on Capitol Drive and was the subject of a traffic stop on N. 38th Street. The front passenger who was wearing the blue jacket with orange trim was identified as Huntley Evans. The Confidential Informant later identified the defendant Huntley Evans as Booker through a photo array. The driver of the vehicle was identified as Melberton Hamil and a rear seat passenger was identified as Mbadiwe Isdore.

Detective Derrick Harris recovered a clump of loose suspected marijuana from the driver's side door handle of the vehicle. Detective Harris further recovered four cell phones from the back seat of the truck which were later placed on inventory. A custodial search of Melberton Hamil by Police Officer Todd Bowen revealed \$580 in his right front pants pocket. Police Officer William Schroeder recovered a clear plastic baggie containing suspected marijuana from Evans front left jacket pocket at the Prison Processing Center and conveyed it to the Vice Control Division. The rear cargo area of the vehicle directly behind Mbadiwe, Police Officer Brian Brosseau observed a clear ziplock plastic bag,

Hamil, Melberton O D.O.B. July 18, 1980
Mbadiwe, Isdore Nmi D.O.B. July 4, 1973
Evans, Huntley Nmi D.O.B. December 15, 1977

Page

- 4 -

which contained a greenish brown plant like substance, believed to be marijuana. The marijuana was confiscated and all the occupants were arrested and transported to the Vice Control Division.

Police Officer Michael Washington who is trained in the application of the Duquenois-Levine Field Test and knows that test is used to determine the presence of tetrahydrocannabinols (THC), the active ingredient in marijuana subjected a sample of the marijuana recovered from defendant Evans jacket to said test and received a positive result for the presence of tetrahydrocannabinols (THC) with a weight of 12.76 grams without container. The gallon size ziplock bags observed in the rear of the vehicle were subjected to the Duquenois-Levine Field Test and determined to be positive for the presence of tetrahydrocannabinols (THC) with a total weight of 899.75 grams without container.

Defendant Melberton Hamil was advised of his constitutional rights by Detective Anna King who heard the defendant acknowledge understanding his rights and waiving same and agreed to speak to Detective King. The defendant states he was driving his mothers' Chevy truck and he states a friend of his whom he calls "Booker" called him and asked him for a ride. The defendant identified Huntley Evans as Booker. Defendant Hamil stated he picked up Huntley and they were driving around when Huntley got a phone call on his cell phone from someone looking to buy marijuana. He states Huntley asked Hamil for a ride to the area of 36th and Capitol Drive. Hamil states he drove to this location and Huntley was in the front passenger seat. Hamil states the person calling Huntley was looking for hydro two pounds. After Huntley hung up with the unknown buyer, Huntley made another phone call to his supplier. He states Huntley told his supplier that he needed hydro but from the conversation Hamil heard the supplier didn't have hydro. Mr. Hamil states Huntley and his supplier then agreed to ten pounds of regular marijuana. When Hamil was parked at N. 36th and Capitol a red taxi pulled up and an unknown subject got into the back seat of Hamil's vehicle. While all three individuals were in Hamil's vehicle he states the rear passenger had a strong accent and said he was from Nigeria. Hamil identified the rear passenger as Mbadiwe, Isdore by photograph. Hamil states Mbadiwe showed two pounds of regular marijuana to Huntley and Hamil and that Huntley said it would not pass for hydro and he needed eight more pounds for his buyer. Mbadiwe stated "Let's go and get it around the corner." Hamil states that they drove around the corner and a taxi followed him. Hamil states the rest of the marijuana was not in the taxi at this point. Hamil states that Mbadiwe then called one of the subjects in the taxi from his cell phone and told them to get the additional eight pounds and meet them at Chicago Sub on Sherman. Hamil states that he was driving directly to Chicago Sub because that is where everyone was meeting for the transaction. Hamil states that when he got to Chicago Sub he was going to drop off both Huntley and Mbadiwe to finish their business and he was going to leave. Hamil states that when the police were behind him Mbadiwe pulled the two pounds of marijuana out of his coat and put them in the back of his truck when Mbadiwe was doing

Hamil, Melberton O D.O.B. July 18, 1980
Mbadiwe, Isdore Nmi D.O.B. July 4, 1973
Evans, Huntley Nmi D.O.B. December 15, 1977

Page

- 5 -

this Huntley told Mbadiwe "You can't do him like that" referring to putting the marijuana in Hamil's car so he would be arrested for it. Hamil states while Huntley was talking to the buyer and Mbadiwe, Huntley's phone went dead so Hamil states that he let Huntley use his cell phone to call the buyer and that is why his phone number is on his phone. Hamil states he does smoke marijuana one to two times a week and on weekends and he has known Huntley for six years and is aware that he sells marijuana sometimes as the middleman. Hamil knows that Huntley was buying marijuana and that he was driving him to pick it up. Hamil states that he knows what he did was wrong and he is sorry for his foolish actions.

Detective Anna King advised Isdore Mbadiwe of his constitutional rights, which he acknowledged understating and waiving. Mr. Mbadiwe states he is from Nigeria and has lived in the United States since 1997 as a permanent resident on visa. He states that on Friday, February 20, 2004 at about 8:00 p.m. he received a phone call from Booker. Mr. Mbadiwe identified Booker as the same person who was arrested with him today in the front passenger's seat. Mr. Mbadiwe has known Booker also identified as Huntley Evans for one year from the Caribbean Club. Mr. Mbadiwe states that Huntley was looking for two pounds of weed (marijuana). Mbadiwe said he would try and help Huntley get it. He called his supplier Mbadiwe he went to pick up his supplier who was with another individual all three of them then went to the area of Chicago Sub where Mbadiwe parked his taxi. Got out of his taxi and went to meet Booker who was in a truck. Mr. Mbadiwe states that he had two pounds of marijuana to take to Booker and that he brought the two pounds into the truck and sat in the rear seat of the truck. Mbadiwe states he only called and carried it to the car and he is a middleman. Mbadiwe states he is not a drug dealer. He states he understands what he did was wrong and he is sorry for his poor decision he was only doing Huntley a favor and he wasn't sure what he was going to get for carrying the two pounds of marijuana in the car.

The defendant Huntley Evans was advised of his constitutional rights by Detective Mary Schmitz who heard the defendant acknowledge his understanding and waiving of his rights and he stated he didn't know the guy in the backseat of the truck he was stopped in. The defendant Mr. Evans states that he knows that he had some marijuana for his personal use in his inside left jacket pocket. He states he got the weed from guys walking around 79th and Bender. He states he has been smoking marijuana all of his life every chance he gets he states it is his religion he is Rastifarian. He states he did have a bag of marijuana in his jacket and his jacket was royal blue with orange trim. He states that he was with these guys in the truck to smoke his weed.

A review of Milwaukee County Clerk of Court records of criminal defendants reflects that the defendant Huntley Evans has a pending case 2002CM004430 for retail theft and resisting or obstructing an officer, a condition of his release on that case is that he commits no further criminal conduct. The defendant Huntley Evans failed to comply with the terms

Hamil, Melberton O D.O.B. July 18, 1980
Mbadwe, Isdore Nmi D.O.B. July 4, 1973
Evans, Huntley Nmi D.O.B. December 15, 1977

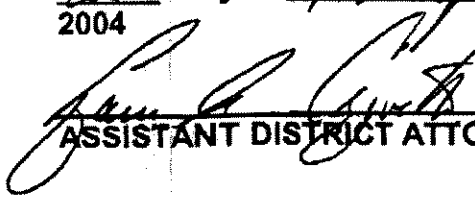
Page - 6 -

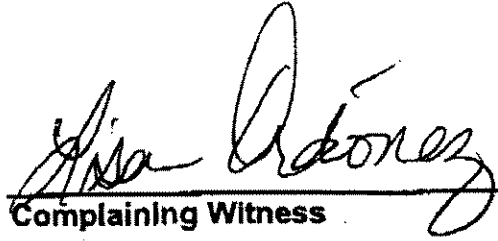
of his release under Chapter 969 of the Wisconsin Statutes and as such committed the misdemeanor offense of bail jumping. A certified record of the defendant's bond has been ordered.

****End of Complaint****

Subscribed and sworn to before me
and approved for filing on this

26 day of February,
2004


ASSISTANT DISTRICT ATTORNEY


Complainant Witness

Karine O'Byrne\TJK

-- FELONY COMPLAINT --

J:\REVIEW\04XF\01000 - 01499\04XF1291\2004-02-25 COMP COMPLAINT
-HAMIL,MELBERTON^MBADINE,ISDOR^EVANS,HUNTLEY~~04XF1291.DOC
TYPIST: TJK

From: James BOHL
To: Linda Elmer
Date: 2/21/2005 4:16:38 PM
Subject: Re: Minutes from today's TITF meeting - if they help you!

Linda,

Thanks for the offer. I can take care of this on my own. jb

>>> Linda Elmer 2/21/2005 3:56:34 PM >>>

Do you want me to draft the legal opinion request for you?

Bye -

Linda

From: Linda Elmer
To: James BOHL
Date: 2/21/2005 2:26:31 PM
Subject: Another possible TITF recommendation..

on Sunday I saw a Yellow Cab with 2 shades of yellow - apparently it had had a door replaced. I think it would be nice to have a cab that has the same hue throughout.
Bye -

Linda

From: Linda Elmer
To: Debra Fowler
Date: 2/21/2005 10:26:27 AM
Subject: Title-only for intro. tomorrow - please refer it to CED!

Thanks —

Linda

SUBCHAPTER 3
DRIVER'S LICENSE

100-54. Driver's License. 1. REQUIRED. Every person driving a public passenger vehicle, excepting motor buses operated by a transportation company, within this city must be licensed as such. No permittee may allow their vehicle to be operated by anyone who has not met the qualifications of this section and paid the required license fee as provided in s. 81-44.7. Any person driving a vehicle used for the transportation of elderly or handicapped persons, regardless of whether the vehicle of such organization is licensed or otherwise regulated by the state of Wisconsin as a human service vehicle for the transportation of elderly or handicapped persons, shall be required to possess a driver's license as set forth in this section.

2. QUALIFICATIONS AND APPLICATION. Each applicant for a driver's license shall pay a fee as provided in s. 81-44.7 and shall:

- a. Be at least 18 years of age.
- b. Possess a valid state of Wisconsin motor vehicle driver's license, excluding occupational permits. An applicant desiring to operate a motorcycle or motorcycle with a sidecar for tours within the city shall possess a valid state of Wisconsin motorcycle driver license for the operation of "Class M" vehicles under ch. 343, Wis. Stats., and shall be licensed as a public passenger vehicle driver by the city of Milwaukee.
- c. Have successfully completed a defensive driving course approved by the police department within 3 years prior to the date of application. The defensive driving course requirement is waived for a nonmotorized vehicle driver.
 - d-1. Drivers of a handicapped-elderly vehicle shall have successfully completed a training program in passenger assistance techniques in programs approved by the commissioner of health.
 - d-2. Drivers of handicapped-elderly vehicles shall have successfully completed a program approved by the chief of police with respect to the requirements of par. e or complied with testing provisions in par. e.
- e. Be able to read, write and speak the English language to the extent necessary to operate a public service vehicle licensed by the city. In order to satisfy this requirement,

applicants must pass a test regarding knowledge of city streets, major buildings, facilities and city regulations regarding public passenger vehicles. Alternate tests shall be available for those applicants who possess limited ability to read the English language.

f. Be of sound physique, with good eyesight, and not subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might render a person unfit for the safe operation of a public passenger vehicle.

g. Be clean in dress and person.

h. Fill out upon a form approved by the chief of police a statement giving the applicant's full name, residence, age, color, height, weight, color of eyes and hair, place of birth, whether married or single, whether there have been any convictions for felonies or misdemeanors, whether the applicant has previously been licensed as a public passenger vehicle driver, and whether the license to drive any kind of vehicle has ever been revoked and for what cause. The application shall be sworn to or affirmed by and signed by the applicant.

i. Submit with the application form a separate document bearing all 10 fingerprints of each applicant, or if the applicant has less than 10 fingers, the record shall so indicate, together with any other information required of the chief of police.

3. PHOTOGRAPH OF APPLICANT. Each applicant for a driver's license shall file with the application 2 recent suitable photographs, of a size which may be easily attached to the license, one of which shall be attached to the license when issued. The other photograph shall be filed with the application with the city clerk.

4. ISSUANCE. a. Applications shall be referred to the chief of police who shall cause an investigation to be made and report his or her findings to the city clerk. If the police chief files no objection to an application, the city clerk shall issue the license. If the police chief files an objection to an application, the license shall be forwarded to the licensing committee for its recommendation as to whether or not each license should be issued.

b. If there is a possibility of denial, no hearing shall be heard unless the city clerk's office has provided written notice to the applicant. The notice shall be served upon the applicant so that the applicant has at least 3 days' notice of the hearing. The notice shall contain:

100-54-5 Public Passenger Vehicle Registration

b-1. The date, time and place of the hearing.

b-2. A statement to the effect that the possibility of denial of the license application exists and the reasons for possible denial.

b-3. A statement that an opportunity will be given to the applicant to respond to and challenge any reason for denial and to present witnesses under oath and to confront and cross-examine opposing witnesses under oath.

b-4. A statement that the applicant may be represented by an attorney of the applicant's choice at the applicant's expense, if the applicant so wishes.

c. If there is a possibility of denial, at the hearing the committee chair shall open the meeting by stating that a notice was sent and read the notice into the record unless the applicant admits notice. The chair shall advise the applicant that the applicant has an option to proceed with a due process hearing, represented by counsel, with all testimony both direct and cross-examination under oath, or that the applicant may simply make a statement to the committee.

d. A due process hearing shall be conducted in the following manner:

d-1. All witnesses will be sworn in.

d-2. The chair shall ask those opposed to the granting of the license to proceed first.

d-3. The applicant shall be permitted an opportunity to cross-examine.

d-4. After the conclusion of the opponent's testimony, the applicant shall be permitted to present the applicant's own witnesses, subject to cross-examination.

d-5. Committee members may ask questions of witnesses.

d-6. Both proponents and opponents shall be permitted a brief summary statement.

e. The recommendations of the committee regarding the applicant must be based on evidence presented at the hearing. Probative evidence concerning whether or not the license should be granted may be presented on the following subjects:

e-1. Whether or not the applicant meets the municipal requirements.

e-2. Whether or not the applicant has been charged with or convicted of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the permitted activity.

e-3. Any other factors which reasonably relate to the public health, safety and welfare.

f. The committee may make a recommendation immediately following the hearing or at a later date. Written notice of the committee's decision will be provided if the decision is made at a later date or if the applicant was not present or represented. The committee shall forward its recommendation in writing to the common council for vote at the next meeting at which such matter will be considered.

5. RENEWAL. a. Procedure for Renewal. Applications for renewal shall be made to the city clerk. The clerk shall refer the application to the chief of police for review. If the chief of police indicates that the applicant still meets the licensing qualifications, the city clerk shall issue the license unless a written objection has been filed with the city clerk at least 45 days prior to the date on which the license expires. This objection may be filed by any interested person. If a written objection is filed, or if a determination is made that the applicant no longer meets the licensing qualifications, the application shall be forwarded to the licensing committee for its recommendation to the common council.

b. Procedure for Non-Renewal.

b-1. If there is a possibility that the committee will not renew a license, a motion should be entertained to hold the application in committee and instruct the city clerk to forward proper notice to the applicant, unless such proper notice has already been sent, in which case the hearing shall proceed.

b-2. Prior to the date set for the hearing, the city clerk's office shall forward notice to the applicant which shall contain:

b-2-a. The date, time and place of the hearing.

b-2-b. A statement of the common council's intention not to renew the license in the event any objections to renewal are found to be true.

b-2-c. A statement of the reasons for non-renewal.

b-2-d. A statement that an opportunity will be given to respond to and challenge such reasons for non-renewal and to present witnesses under oath and to confront and cross-examine opposing witnesses under oath.

b-2-e. A statement that the applicant may be represented by an attorney of the applicant's choice at the applicant's expense, if the applicant so wishes.

c. Hearings. All hearings held and committee recommendations prepared pursuant to this subsection shall be conducted as set forth in sub. 7.

d. Disqualification. Whenever any license is denied renewal, it shall be entered on the record by the city clerk and no public passenger vehicle license shall be granted to the same person for a period of 12 months following the date of non-renewal.

e. Surrender. When any license is surrendered in lieu of a pending non-renewal proceeding, no public passenger vehicle driver's license shall be granted to the same person for a period of 12 months following the date of its surrender.

6. REVOCATION OF LICENSES.

a. Any license issued under this section may be revoked for cause by the common council after notice to the licensee and a hearing.

b. Revocation proceedings may be instituted by the licensing committee upon its own motion, or upon sworn written charges made and filed with the city clerk by the chief of police or upon a sworn written complaint filed with the city clerk by any city resident.

c. Whenever either sworn written charges or a sworn written complaint are filed with the city clerk setting forth specific charges against a licensee involving conduct which would violate ordinances that are grounds for revocation of a license, the city clerk shall issue a summons, as authorized by Wisconsin statutes, demanding that the licensee appear before the licensing committee, not less than 3 days nor more than 10 days from the date of issuance, to show cause why the license should not be revoked. A police officer shall serve the summons upon a licensee in accordance with Wisconsin statutes, and shall also serve a copy of the complaint with a copy of this subsection upon the licensee.

d. Upon receipt of evidence that the summons has been served, the licensing committee shall convene at the date and time designated in the summons for the purpose of

taking evidence and making findings of fact and conclusions of law and a recommendation to the common council in connection with the proposed revocation.

e. If the licensee appears before the committee at the time designated in the summons and denies the charges contained in the complaint, an evidentiary hearing in connection with the revocation shall be conducted by the committee at that time. If the licensee does not appear, or appears but does not deny the charges contained in the complaint, the complaint shall be taken as true and the committee shall hear the arguments of the complainants and the licensee in connection with the revocation.

f. All hearings held and committee recommendations prepared pursuant to this subsection shall be conducted as set forth in sub 7.

7. HEARING PROCEDURE.

a. Authority of Licensing Committee. The licensing committee shall conduct hearings with respect to the non-renewal or revocation of a license pursuant to this subsection. The chair of the committee shall be the presiding officer.

b. Committee Hearing Procedure.

b-1. The chair shall direct that oaths be administered and subpoenas issued upon request of either side.

b-2. The chair shall ensure that an orderly hearing is conducted in accordance with the requirements of this subsection.

b-3. The chair shall rule on objections to the admissibility of evidence. Any ruling of the chair shall be final unless appealed to the committee, and the committee shall reverse such ruling only upon the vote of a majority of its members.

b-4. At all stages of the proceedings before the committee or before the common council, the licensee shall be entitled to appear both in person and by an attorney.

c. Record. A stenographic record shall be made of all proceedings before the committee and before the common council when written exceptions have been filed. Any interested party may at any stage of the proceedings order a copy of the transcript of the record or portions thereof at his or her own expense.

100-54-7-d Public Passenger Vehicle Regulations

d. Grounds for Non-Renewal or Revocation. The recommendation of the committee regarding the licensee must be based on evidence presented at the hearing. Probative evidence concerning non-renewal or revocation may include evidence of:

d-1. Failure of the licensee to meet the municipal qualifications.

d-2. Pending charges against or the conviction of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the circumstances of the particular licensed activity, by the licensee.

d-3. Any other factor or factors which reasonably relate to the public health, safety and welfare.

e. Committee Report. The committee may make a recommendation immediately following the hearing or at a later date. The committee may recommend that the license be renewed, not renewed or revoked. All non-renewals and revocations shall be effective upon service of notice of the non-renewal or revocation upon the licensee or person in charge of the premises at the time of service.

f. Council Action.

f-1. Within 10 working days after it reaches a decision, the committee shall prepare and serve a report and recommendation on the licensee. The report and recommendations shall include specific findings of fact and conclusions of law made by the committee. The report shall be distributed to each member of the common council.

f-2. If the committee recommends that the license not be renewed or be revoked, then within 7 days of the receipt of the report and recommendation of the committee, the licensee may file written exceptions to the report and recommendations of the committee.

f-3. Any exceptions filed by the licensee to the report and recommendations of the committee shall be provided to each member of the common council at least 24 hours before any vote on the question is scheduled before the full common council.

f-4. At a meeting of the common council following the receipt of the report and recommendations of the committee, the common council shall consider the report and recommendation. Not less than 5 days prior to

the hearing before the common council, the city clerk shall notify the licensee and complainant by certified mail and also notify the city attorney that the common council will convene. Each member of the common council shall be asked to affirm that he or she has read the report and recommendation of the committee. When written exceptions are filed to a committee report and recommendation that the license be revoked or not renewed, each member of the common council shall be asked to affirm that he or she has read the exceptions. If members of the council have not read the recommendation and report of the committee and any exceptions that have been filed thereto, the chair shall allocate time for the members to do so. Oral argument in support of the report and recommendation presented by the city attorney, oral argument on behalf of the licensee in opposition to the report and recommendation and oral argument by the complainant objecting to the report and recommendation shall be permitted only at the discretion of the chair. If argument is permitted by the chair, argument shall be limited to 5 minutes and the arguments shall be limited to the subject matter of the report and recommendation and the written exceptions. Licensees shall appear only in person or by counsel. Complainants shall appear only in person or by counsel. Any person making an appearance before the council pursuant to this subsection and who requires the services of an interpreter shall obtain one at his or her own expense.

f-5. The common council shall determine by a majority vote of those in attendance and voting whether to adopt the recommendation of the committee. The vote shall be a roll call vote. If the common council finds the complaint to be true, or if there is no objection to a report recommending non-renewal or revocation with the committee's report and recommendation, the city clerk shall give notice of each non-renewal or revocation to the person whose license is not renewed or revoked. If the common council finds the complaint to be untrue, the proceedings shall be dismissed without cost to the accused. If the common council finds the complaint to be malicious and without probable cause, the cost shall be paid by the complainant upon invoice from the city.

8. REQUEST TO SURRENDER A LICENSE. If a licensee wishes to surrender his or her license after receiving a notice for a hearing on non-renewal or revocation, the licensee must request, in writing, permission from the licensing committee to do so prior to the commencement of the hearing. The committee may approve the request, or deny the request and proceed with the hearing.