

Jell P Barnes
27 N. 2nd St
Milwaukee, WI 53212
414-484-9821
minwinbarnes@gmail.com

City of Milwaukee Clerk
c/o City Treasurer
City Hall
200 E. Wells Street
Room 103
Milwaukee, WI 53202

City of Milwaukee Officer Lucas Polzin
c/o Chief Alphonso Morales
749 W State St
Milwaukee, WI 53233

City of Milwaukee Property Manager
841 N Broadway
Room 104
Milwaukee WI 53233

NOTICE TO FILE A CLAIM FOR INJURY \$165,000

September 29th, 2019

Dear Sirs/Madams;

This complaint is against the above listed people, departments and agencies associated with or employers of said people, departments and agencies. The incident occurred on July 7th, 2019 around 4:45 pm at 2727 N 2nd St in the city and county of Milwaukee, WI.

On July 7th around 4:45 pm, my wife and I were returning home, we as we pulled onto the lot adjacent to our house, we noticed 2 MPD officers and 1 MADACC agent, standing at our backdoor. I immediately assessed the scene and exited my vehicle. The officers were positioned to enter the dwelling, and the MADACC agent had placed a dog harness around my 7 year old dog. As I began to approach the officers and the agent, my wife and I began asking what was the reason they were there and that we had a dog and a cat inside of the home, that we were in fact not only the residents but the owners of the home. As my wife exited the vehicle she stated, "What is the problem, we live here" and immediately handed one of the officers (later identified as Officer Lucas Polzin) her state issued driver's license bearing our address 2727 N 2nd street..

CITY OF MILWAUKEE
2019 OCT -7 A 11:54
CITY CLERK'S OFFICE

RECEIVED
OFFICE OF CITY ATTORNEY

OCT 8 - 2019

3:55 AM/PM

As the officer took my wife's license, I heard her ask, "What is the reason for you being here?", the officer then stated that they were responding to a call of the front door being opened. We both stated that we were aware of the front door being opened and I responded that it's our house and there isn't any reason for them being here and we appreciated them coming, but everything was fine, because we had just left about an hour earlier. At this time, I requested MADACC to release my dog, which he did against officer Polzin's hesitations. My dog came and sat beside me when I called her and I placed her in my vehicle. Officer Polzin then began to question the validity of our claim to our property. He (Polzin), stated that the house belonged to the city of Milwaukee according to the CCAP information he had obtained.

I explained to the officer, in the presence of the MADACC agent that although we were in court for our home, until all court proceedings were done "it's our home until it isn't". I observed the authoritarian posture the officer was taking and decided to attempt a conversation with the other officer (later identified as officer Cooke), who was walking towards his squad car parked across the alley from my house.

The officer requested my identification which I complied with. I began to question him as to why we were being subjected to such treatment even though we had presented identification which matched the address in question. He had no reasonable response or explanation for the furtherance of inquiry into our personal affairs with the city of Milwaukee property issues.

At this point, I observed Polzin entering my dwelling without permission, in violation of the 4th amendment right to privacy as well as an illegal search of the property and ultimately the illegal seizure of said property without legal cause and proper legal procedures.

As the officer entered our home, my wife and I began to follow, we were instructed by both officers to remain outside while officer Polzin walked through the house, after a few moments inside, the officer, Polzin, requested my wife's presence in the house and began questioning her on the bathroom and asking what we were doing there. It was at that time that the officer inside (Polzin), began to inform my wife that we needed to get the cat and what we were trying to take because the city/they (specifically *he*) was going to have the house boarded up.

Hearing the directives from the officer to my wife, I then walked to officer Polzin and stated that if he didn't believe what we were telling him, to allow 24 hours for them as officers to do an investigation, because what they were doing at this point and time was illegally evicting us from our home on top of everything else that we are dealing with. I again pleaded with the officer (Cooke) to allow 24 hours to investigate our claim.

Again, Polzin, states that we needed to find our cat and we could walk inside to search but didn't feel that we needed to enter the home other than to look for the cat, which his partner had done. When I went inside my wife stated that the cat was probably scared and wouldn't come out because of the commotion.

The officers then stated that the cat wasn't there, and that we could leave and that the property would be boarded up, we asked if they were serious, and then we were told that we could leave after our names had been checked.

As the officers, forced us to leave the residence, and then stated that we didn't have any right to be there, I reluctantly told my wife to come out of the house, and we left.

Upon our return the next day, we noticed the back door had been boarded yet the front door was not.(The alleged purpose of the call.) On this day when we went to locate our cat and the mail, we received a summons for eviction from the city of Milwaukee, regarding said property. Enclosed is a dated copy of this letter.

This is my true and accurate statement of the events on this day.

It is my personal belief that officer Polzin took offense at being asked to leave my residence, and therefore exceeded his authority by intentionally inflicting emotional, psychological and physical distress even after I explained my whole situation. I further believe that even prior to our encounter with officer Polzin he had determined my wife and I to be **subjects** as opposed to citizens that he is paid to serve. He stated as much in his report of the incidents when he described my wife and myself, as "subjects in the vehicle".

I further believe that Officer Polzin ran a name check on me and was informed of my felonious history, so to justify his position he issued my wife and myself 2 tickets each for (1) trespassing and (2) abandonment of an animal. The fact that Officer Polzin sent these tickets to an address that had nothing to do with him or where he was called to. I told him that 2727 N 2nd was my address so why he would send the tickets to 5166 N 64th st demonstrates he had no intention of me ever receiving those tickets, which I didn't receive until my wife went to court and the judge ordered the city attorney to provide a copy and recommend that they be dismissed. (Mind you there was an active warrant for my wife and I at that time!)

In regards to the trespassing tickets according to the city attorney they are being dismissed. The eviction by the city has been dismissed .So this proves that Officer Polzin acting outside of the capacity of his job function illegally evicted me and my family out of malicious intent.

As to the citation for abandonment of my pets. Officer Polzin never makes mention of MADACC being present, or returning my dog to me. If my dog had been being neglected without food and water as he stated in his citation MADACC would not have released my dog to my care. Again this ticket was sent to an address that he obtained through dispatch or CCAP and placed me in jeopardy of jail time and losing my job not to mention entanglement with the criminal justice system. Officer Polzin stated that according to his CCAP search it showed the city as owning my property 2/19/2019 that was a deliberate falsehood which I disputed. Again willful and malicious intent as evidenced through Officer Polzin's deceptive practices and lies .

?
Tickets

Fact I do have a criminal past which is over 12 years old. The detriment in his issuance of these tickets is to my rehabilitation process. I have already been recognized by the Wisconsin Department of Human Services and approved for having been reformed. This has the potential to jeopardize my application as a business owner in the human services field as a mentor to other former offenders.

As a direct result of Officer Polzin's actions while working as an agent of the City of Milwaukee, along with the Milwaukee Department of Neighborhood Services illegally, evicting me and my family. I personally have been homeless since this event I have been sleeping with family members, at motels and in my vehicle.

We were already dealing with the emotional strain of losing our home of 7 years. I asked Officer Polzin to just take 24 hours and investigate what I was telling him and if he still felt as though he were right he could put us out the following day. His response was callous. Again, whether Officer Polzin assumed he was working within the scope of his job duties or not, there must be some accountability for his actions which is why I personally am seeking damages in the amount of \$165,000 from The Milwaukee Police Department and Officer Lucas for the humiliation, mental and emotional distress inflicted on me and my family.

In addition to the monetary damages I am also asking Police Chief Morales and the Milwaukee Fire and Police Commission to implement practices that require Officers to use common courtesy with all citizenry, especially where no crime has been committed. I believe Officer Polzin specifically needs to take cultural sensitivity classes if he is to continue to work within the African-american community. Finally it would be helpful to remind officers that as they encounter ex-felons remember we are what is in front of them a person, not what we have done. I am also requesting a formal letter of apology addressed to Wendell and Serena Barnes from Officer Polzin.

To the City of Milwaukee needs to update their policies to preclude Milwaukee Police Officers from being able to exercise authority to remove or even have a house boarded-up without any crime being committed. If it is the Sheriff's duty to evict then MPD should have to contact a City of Milwaukee Property supervisor or call the Sheriff's office to find out the status of the property and whether there is an active eviction in place.

According to the letter from the city clerk I need to provide financial evidence of damages. First, I am literally sleeping in my truck and have been off and on since I was illegally evicted. Just for being evicted I request \$15,000 in relocation expenses. Second, for the embarrassment and humiliation of having our neighbors of 7 years witness us being called trespassers and not being allowed to return and get the remaining items from our home I'm requesting \$25,000. For the intentional defamation of character by Officer Polzin of the condition of my dog and home (no access to running water, or food, animal feces on every level of the house.) These are

inflammatory and defamatory and damaging statements . For this complaint I am requesting \$ \$25,000

As a reformed and rehabilitated felon, I find Officer Polzin's actions of first failing to properly investigate my claims to my home atrocious, even after being asked in the presence of the MADACC agent to do so. Furthermore, I am currently in the process of rehabilitation with the Department of Family and Children's Services in Wisconsin. Any negative contact with the police can result in a denial of my application. Officer Polzin not only issued me and my wife erroneous tickets, but he actually did not give them to us while we were there but he mailed them to an address that he CCAPed which has my eviction from that same address. I believe he intended for me to have a warrant issued for my arrest (which happened on Sept. 3, 2019). I am seeking to work within the DEPARTMENT OF CORRECTIONS assisting in the rehabilitation efforts of former felons. Officer Polzin's actions have the potential to adversely affect my business and goals, not to mention land me in jail. For this I'm requesting \$50,000. All of this has had a tremendous impact on my daily life, physically I've lost about 15 pounds due to stress I have constant muscle spasms in my back due to stress and improper sleeping conditions, my familial relationships are under strain due to lack of living conditions. For this I'm seeking \$35,000 for the mental, emotional, and physical distress this situation has inflicted upon me

This concludes my claim against The Milwaukee Police Department.

My claim against the City of Milwaukee Property Manager is based upon the fact that I was not allowed due process through legal means of being evicted, therefore being made homeless by the city in actuality. I'm seeking \$15,000 in damages for relocation.

Respectfully yours,
Wendell Barnes



Department of City Development
City Plan Commission
Redevelopment Authority of the City of Milwaukee
Neighborhood Improvement Development Corporation

Rocky Marcoux
Commissioner
rmarco@milwaukee.gov

Martha L. Brown
Deputy Commissioner
mbrown@milwaukee.gov

July 9, 2019

Serena Barnes
Wendell Barnes
2727 North 2nd Street
Milwaukee, WI 53212

Dear Ms. Barnes & Mr. Barnes:

Subject: 2727 North 2nd Street

You are currently under a 28-Day Notice to Vacate. If you remain on the premises after your 28-day notice ends, we will begin the eviction process to gain possession of the property.

During this eviction process, the City of Milwaukee has placed the house on the market for sale. A licensed real estate sales person will be contacting you to set up an appointment on behalf of the City of Milwaukee to view the property.

When you vacate, your keys must be hand-delivered or mailed by certified mail to Property Management Section, Department of City Development, 809 North Broadway, 2nd floor, Milwaukee, WI, 53202. If the keys are lost or missing, you must come to the Property Management Section and fill out a Move-out sheet. You will be charged a fee of \$30.00 per day for any day of the month after the Deadline in which you continue to occupy without any right.

Personal property that remains on-site after delivery of the keys or the Deadline, whichever comes first, will be deemed abandoned and City may dispose of same as allowed by law. You may not remove fixtures and attached equipment (including, but not limited to, furnace, water heater, doors, windows, sinks, toilets, tubs, plumbing fixtures).

If you have any questions, please contact our Property Management Section at 286-5759 or 286-5751.

Sincerely,

Cindy Wright-Smith
Property Manager



You are Notified to Pay or Appear

Form No. and Version CT CITATION NO.
MUNI 0405 J980C9H5RB
Juvenile DEPOSIT Cash- Card
\$242.00 N N
Court Use

Appearance Required: Date Time
NO SEP-03-2019 08:30 AM

MILWAUKEE CITY MUNICIPAL COURT
951 N JAMES LOVELL ST
MILWAUKEE, WI 53233
(414) 286-3800 HTTP://CITY.MILWAUKEE.GOV/MUNICOURT

Defendant (Last Name, First, Middle), Street Address, P.O. Box, City, State, Zip
BARNES, WENDELL P
5166 N 64TH ST
MILWAUKEE WI 53218

Birth Date Sex Race
1/4/1970 M B
HT WT Hair Eyes
602 200 LBS BALD BROWN

Driver License/Identification Card Number State Exp. Yr.
B652-8957-0004-09 WI 2020
Other Identification Number ID Type

License Plate Number Plate Type State Exp. Yr.

Defendant Telephone Number
(414) 426-5427

Name and Address of Parent/Guardian/Legal Custodian
(If minor defendant)

Telephone Number of Parent/Guardian/Legal Custodian

Plaintiff Ordinance Violated Adopting State Statute
CITY OF MILWAUKEE 78-31-1-B
Violation Description

Ordinance Description
ADULT- ABANDON/TRNSPRT ANIMAL CRUEL MANNER
Week Day Date Time
SUNDAY 07/07/2019 05:00 PM
From/AT Hwy No. and/or Street Name
ON N 2ND ST 124 FT N OF W CENTER ST
County City/Village/Town
MILWAUKEE - 40 MILWAUKEE - 57, CITY

Agency Space
191881700
LISTED SUBJECT INTENTIONALLY AND WITHOUT CONSENT NEGLECTED HIS PET DOG BY LEAVING IT INSIDE OF A VACANT RESIDENCE WITHOUT ACCESS TO CLEAN WATER, OR FOOD, AND FORCING THE ANIMAL TO DEFECATE INSIDE.

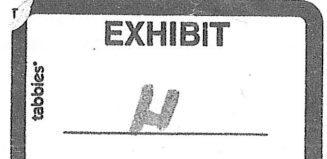
Officer Name Date Citation Served, Method
L. POLZIN 07/07/2019 MAILED
Officer ID Department Residence Contact Name Age
24048 MILWAUKEE POLICE DEPARTMENT
Victim CITY OF MILWAUKEE Birth Date Restitution Requested
749 W STATE ST MILWAUKEE WI 53233

INSTRUCTIONS - READ CAREFULLY

Police # 191881700

THIS REPORT WAS WRITTEN BY P.O. LUCAS POLZIN ASSIGNED TO DISTRICT 5 EARLY POWER SHIFT. ON SUNDAY, JULY 7, 2019, AT APPROXIMATELY 4:48 PM, SQUAD 5259 (P.O. STEPHEN COOK AND I) WERE NOTIFIED OF AN UNSECURED VACANT RESIDENCE AT 2727 N. 2ND STREET, WHICH IS IN THE CITY AND COUNTY OF MILWAUKEE, BY A CITIZEN THAT LIVES NEAR THIS BUILDING. A RECORDS SEARCH REVEALED THAT THIS RESIDENCE IS OWNED BY THE CITY OF MILWAUKEE SINCE 02/19/2019. WHILE ON-SCENE A VEHICLE PULLED UP WITH TWO SUBJECTS, IDENTIFIED AS WENDELL P. BARNES (B/M, 01/04/1970) AND SERENA A. BARNES (B/F, 08/20/1973). THE BARNES' STATED THIS WAS THEIR HOUSE AND THAT THEIR DOG AND CAT WERE INSIDE OF THE RESIDENCE. THE BARNES' STATED THEY HAVE NOT LIVED AT THIS LOCATION FOR MONTHS AND HAVE BEEN LEAVING THEIR DOG ON THE PREMISES THE ENTIRE TIME. I OBSERVED THAT THE DOG WAS KEPT INSIDE OF THE RESIDENCE WITHOUT ANY CLEAN WATER, AND FOOD THAT WAS IN A BAG. I OBSERVED DOG FECES ON EVERY LEVEL OF THE RESIDENCE, AND THE RESIDENCE IS

WISCONSIN NON TRAFFIC CITATION



You are Notified to Pay or Appear

Appearance Required: **NO** Date **SEP-03-2019** Time **08:30 AM**

MILWAUKEE CITY MUNICIPAL COURT
951 N JAMES LOVELL ST
MILWAUKEE, WI 53233
(414) 286-3800 HTTP://CITY.MILWAUKEE.GOV/MUNICOURT

Form No. and Version CT CITATION NO.
MUNI 0405 **J980C9H5R7**
Juvenile DEPOSIT Cash- Card
 \$181.00 N N
Court Use

Defendant(Last Name, First, Middle), Street Address, P.O. Box, City, State, Zip
BARNES, WENDELL P
5166 N 64TH ST
MILWAUKEE WI 53218

Birth Date Sex Race
1/4/1970 **M** **B**
HT WT Hair Eyes
602 **200 LBS** **BALD** **BROWN**

Driver License/Identification Card Number State Exp. Yr.
B652-8957-0004-09 **WI** **2020**

Other Identification Number ID Type

License Plate Number Plate Type State Exp. Yr.

Defendant Telephone Number
(414) 426-5427

Name and Address of Parent/Guardian/Legal Custodian
(If minor defendant)

Telephone Number of Parent/Guardian/Legal Custodian

Plaintiff

CITY OF MILWAUKEE

Ordinance Violated

110-10-1

Adopting State Statute

Violation Description

Ordinance Description

ADULT-TRESPASSING - BUILDINGS/PREMISES

Week Day Date Time
SUNDAY 07/07/2019 **05:00 PM**

From/AT Hwy No. and/or Street Name
ON N 2ND ST 124 FT N OF W CENTER ST

County City/Village/Town
MILWAUKEE - 40 **MILWAUKEE - 57, CITY**

Agency Space

191881700

LISTED SUBJECT INTENTIONALLY AND WITHOUT CONSENT TRESPASSED ONTO A CITY OF MILWAUKEE OWNED VACANT BUILDING BY KEEPING HIS PET DOG INSIDE OF THE VACANT RESIDENCE.

Officer Name

L. POLZIN

Date Citation Served,

07/07/2019

Method

MAILED

Officer ID Department

24048 **MILWAUKEE POLICE DEPARTMENT**

Residence Contact Name

Age

(If left with person at defendant's address)

Victim

CITY OF MILWAUKEE
749 W STATE ST
MILWAUKEE WI 53233

Birth Date

Restitution Requested

INSTRUCTIONS - READ CAREFULLY

Police # **191881700**

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WISCONSIN NON TRAFFIC CITATION

Cit: **J9**
tabbles

EXHIBIT

F

Milwaukee Municipal Court
951 N James Lovell St
Milwaukee, WI 53233-1429
Phone: (414) 286-3800
Fax: (414) 286-3615



CITY OF MILWAUKEE
MUNICIPAL COURT

September 3, 2019

BARNES, WENDELL P
5166 N 64TH ST
MILWAUKEE WI 53218

Total Bail Amount: \$423.00

Notice of Outstanding Warrant(s) to Pay or Appear

The following citations were filed with the Milwaukee Municipal Court and warrants have been issued for you to enter a plea.

<u>Case Number</u>	<u>Citation</u>	<u>Violation Date</u>	<u>Violation</u>	<u>Bail Amount</u>
19036117	J980C9H5R7	07/07/19	Trespassing Upon Buildings / Premises	\$181.00
19036118	J980C9H5RB	07/07/19	Abandon/Transport Animal in Cruel Manner	\$242.00

Until you either appear in Court or pay the total shown above, these warrant(s) will remain in effect, so that you may be brought before a Judge or required to sign a personal recognizance bond for a future court date. If you wish to pay, you may do so using any of the payment options listed below.

If you have recently appeared in Court or made payment, you may wish to visit the Municipal Court website at www.municourt.milwaukee.gov or call the phone number above to confirm these warrants have been withdrawn.

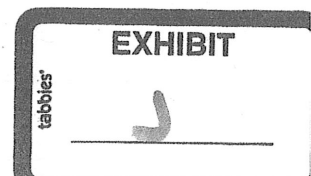
Payment Options:

- In Person* - M-F 8:00am - 4:30pm (excluding holidays)
- Drop Box* - 24 hours a day at Milwaukee Municipal Court
- Mail* - Mail check or money order (NO CASH) to address at top of notice
- Telephone - Call (414) 286-3800 to pay using VISA or MasterCard
- Online - Pay with VISA or MasterCard - no added fees - www.municourt.milwaukee.gov

**Please submit a copy of this notice with your payment if using these methods.*

You can find additional information regarding warrants and payment options online at:
<https://city.milwaukee.gov/warrants>

Reasonable accommodations requested by qualified individuals with disabilities will be made in accordance with the Americans with Disabilities Act of 1990.



Case search results

You searched for: Last name: Barnes, First name: Wendell, Date of birth: 01-04-1970

Showing 1 to 25 of 28 entries

Case number	Filing date	County name	Case status	Name	Date of birth	Caption
2019SC032802	07-25-2019	Milwaukee	Open	Barnes, Wendell		City of Milwaukee vs. Serena Barnes et al P&S Development Enterprises LLC C/O Home To Own LLC vs. Wendell P. Barnes et al
2019SC005394	02-18-2019	Milwaukee	Closed	Barnes, Wendell P.		Dept. of Workforce Development vs. WENDELL P BARNES
2018UC001570	09-07-2018	Milwaukee	Filed Only	BARNES, WENDELL P		DORI WI-A, LLC c/o MKE PM vs. Wendell Barnes
2017SC038536	12-07-2017	Milwaukee	Closed	Barnes, Wendell		Kenosha County vs. Wendell P Barnes
2017TR001228	01-31-2017	Kenosha	Closed	Barnes, Wendell P	01-1970	Kenosha County vs. Wendell P Barnes
2017TR001227	01-31-2017	Kenosha	Closed	Barnes, Wendell P	01-1970	Kenosha County vs. Wendell P Barnes
2014TR007136	10-27-2014	Jefferson	Closed	Barnes, Wendell P	01-1970	State of Wisconsin vs. Wendell P Barnes
2013SC026407	09-05-2013	Milwaukee	Closed	Barnes, Wendell P		Milwaukee City vs. Wendell P Barnes
2013TW000087	08-01-2013	Monroe	Filed Only	BARNES, WENDELL		Dept. of Revenue vs. WENDELL BARNES
2013TW000086	08-01-2013	Monroe	Filed Only	BARNES, WENDELL		Dept. of Revenue vs. WENDELL BARNES
2011CV006785	05-05-2011	Milwaukee	Closed	Barnes, Wendell		Voluntary Amortization of Debts of Rondi Williams
2010CV000098	03-26-2010	Vernon	Closed	Barnes, Wendell D		GMAC Mortgage LLC vs. James K Van Hees
2007CF002126	04-30-2007	Milwaukee	Closed	Barnes, Wendell Prince	01-04-1970	State of Wisconsin vs. Wendell Prince Barnes
2006UC000381	10-04-2006	Racine	Filed Only	BARNES, WENDELL		Dept. of Workforce Development vs. WENDELL BARNES
2005SC025810	08-02-2005	Milwaukee	Closed	Barnes, Wendell		Daniel W Bruckner vs. Wendell Barnes
2005CF003914	07-16-2005	Milwaukee	Closed	Barnes, Wendell P	01-04-1970	State of Wisconsin vs. Wendell P Barnes
2004SC032949	10-13-2004	Milwaukee	Closed	Barnes, Wendell P		Wisconsin Electric Power Co vs. Wendell P Barnes
2004TR021550	10-08-2004	Milwaukee	Closed	Barnes, Wendell P	01-1970	Milwaukee, County of vs. Wendell P Barnes
2003FA000768	01-27-2003	Milwaukee	Closed	Barnes, Wendell Prince, Jr	01-1970	Wendell Prince Barnes Jr vs Concetta R Peterson

Milwaukee Municipal Court
951 N James Lovell St
Milwaukee, WI 53233-1429
Phone: (414) 286-3800
Fax: (414) 286-3615



September 3, 2019

BARNES, SERENA A
5166 N 64TH ST
MILWAUKEE WI 53218

Total Bail Amount: \$423.00

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19036115	J980C9H5R8	07/07/19	Trespassing Upon Buildings / Premises	\$181.00
19036116	J980C9H5R9	07/07/19	Abandon/Transport Animal in Cruel Manner	\$242.00

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