

In re the Tavern License of:

ALL STAR SPORTS BAR
4001 West Fond du Lac Avenue
Milwaukee, Wisconsin

AMENDED SWORN CHARGES BY CHIEF OF POLICE FOR REVOCATION OF LICENSE

Pursuant to Wis. Stat. § 125.12 (2)(ag)2, and §§ 90-12-1-F and I, Milwaukee Code of Ordinances, Chief of Police Edward Flynn, by Captain Patrick Mitchell, Commander of Police District Seven, being first duly sworn and upon his oath, respectfully charges the following based upon review of official Milwaukee Police Department investigative reports and communication with police and city officials.

1. That Jennie M Nuell ("Licensee") is the holder of a Class "B" Tavern license for the premises known as All Star Sports Bar, located at 4001 West Fond du Lac Avenue, Milwaukee, Wisconsin.
2. That the Licensee's sons are employed by the tavern: Eddie J Nuell, licensed manager; Marcus A Nuell, security manager.
3. That according to Milwaukee Police Incident Report 083490029, on 12/14/08 at approximately 2:15 am, the Milwaukee Police Department became aware of a person shot near the licensed premises approximately thirty minutes earlier.
4. That William Joiner was shot twice in his right thigh by All Star Sports Bar security personnel and was transported to St. Joseph's Hospital in a personal vehicle by Terrance Boyle and Gary Washington.
5. That according to the statements of Joiner, Boyle and Washington, in conjunction with the subsequent investigation, that the events leading up to the shooting were as follows: Joiner, Boyle and Washington had gone to the licensed premises together and that near closing time Joiner and Boyle had gotten into an argument. They were asked to leave by security and they complied. After a few minutes of continuing the argument outside, Joiner attempted to re-enter the bar, but was denied permission by Marques Hendrix, who was working as a doorman for the licensed premises. Upon further requests to be permitted re-entry, Marcus Nuell, working as security manager, responded to the door and punched Joiner in the face. A group of males from the tavern then attacked Joiner and Washington, at which time Hendrix brandished a firearm and fired a few shots into the air. Joiner, Boyle and Washington fled the scene, but returned shortly thereafter so Washington could find a shoe and sock he had lost and because Joiner wanted to talk with security staff. As Joiner approached the tavern, the group of males exited the tavern and pursued them. Hendrix was part of the group and again fired shots. This time, Joiner was struck twice in his right thigh. Boyle and Washington then drove Joiner to the hospital and the police were notified.
6. That a police officer was flagged down by Marcus Nuell shortly after the shooting had occurred and was informed that there were three men driving a car around the area that were causing

trouble and alarming customers who were leaving the bar. The officer was not informed of shots fired or of a shooting.

7. That during the investigation at the scene of licensed premises immediately following the shooting, the Licensee was at the licensed premises and indicated that she had been present the entire evening.
8. That the Licensee denied any knowledge of a shooting, and claimed to not have heard or saw anything related to a shooting.
9. That the Licensee claimed that the digital video recorder that is connected to the tavern's surveillance system was missing, that she did not know where it was, that no one was able to operate it anyhow, and a technician from the company would need to assist the police in reviewing the video if there was any.
10. That PO Howell reports that he had investigated an auto entry a few months prior with the assistance of Licensee and Eddie Nuell. At that time they had both used the video surveillance system and were familiar with its operation.
11. That the Licensee denied any knowledge of the presence of a firearm or any knowledge that any employees were armed.
12. That the Licensee was provided a description of the shooter as provided by Boyle and Washington, and she denied any such person was present that night or was employed by the tavern. She further indicated that all employees working that night were still present and accounted for in the tavern. Hendrix was not among those persons she pointed out.
13. That Marcus Nuell at first stated that he did not know who had fired shots, then changed his story acknowledging that he had punched Joiner in his face and that Hendrix had shot a firearm. He stated that he had talked to Eddie Nuell who told him that Hendrix was hiding in a closet in the apartment above the tavern. He further stated that he understood the Licensee to be aware of these facts as he was aware of them. Additionally, he stated that Hendrix had been employed in security at the tavern since July; approximately five months.
14. That officers searched the apartment and located Hendrix hiding in a closet. Officers also located the digital video recorder under a bed, which appeared to have been hastily ripped out of the surveillance system due to the condition of the coaxial cables on both the recorder and the rest of the system. That Eddie Nuell directed officers to a 9mm semi-auto handgun which he indicated he keeps on the premises. Also located in the apartment were .83 grams of marijuana, an MDMA (Ecstasy) tablet, and 48 tablets of Percocet.
15. That a search of the bar was conducted and a black .38 revolver was located on the other side of a door behind the bar between two shirts on a landing that led downstairs.
16. That the Licensee acknowledged that there were approximately 100 people in the tavern, even though the maximum capacity is 80.
17. That Eddie Nuell had at first denied any knowledge of who the shooter was and specifically denied that anyone matching the description of Hendrix was employed at the tavern. Later, he acknowledged that he had lied. Eddie Nuell stated that Hendrix and Marcus had run into the bar after the shots were fired and handed him a revolver, which he hid in a hallway. He and Marcus

then discussed what to do about the digital video recorder as they knew the police were coming. He then disconnected the recorder and hid it under a bed. He stated that he had seen Hendrix with the revolver in the past. He further stated that he believed the Licensee was not aware of the shooting, the gun, or the hiding of the recorder.

18. That Joiner had stated that the group of men from the tavern had three different guns: a .357 revolver, a 9mm semi-auto handgun, and another unknown type.
19. That on 12/19/08, a detective interviewed Jason Beverly, who had been working security at the licensed premises on 12/14/08. Beverly stated that Hendrix had handed him a .44 revolver after the shooting, which he hid in a vent in the basement. He did not know who had the .38 revolver or who had put it on the landing. He was aware that Eddie Nuell usually had a 9mm semi-auto handgun which he kept in a holster on his side. He noted that Marcus Nuell had told him and all the other employees not to say anything to the police.
20. That on 12/19/08, another search was conducted at the licensed premises and a .44 revolver was located in the vent in the basement as described by Beverly.
21. That a detective reviewed the video from the recorder recovered from the licensed premises and reports that contrary to the Licensee's statement that she saw and heard nothing related to the shooting, he observed the following on the various cameras on the recorder:
 - a. The Licensee looks out an upstairs window when Marcus Nuell punches Joiner.
 - b. The Licensee looks out the front door and appears to direct a security employee towards a fight occurring outside between other security personnel, and Joiner and Washington.
 - c. The Licensee talks to Eddie Nuell who returns to the tavern after the fight ends.
 - d. The Licensee suddenly stands up and goes to a window when Hendrix fires a shot from a handgun.
 - e. The Licensee then talks to Eddie and Marcus when they return, then talks to Hendrix, and then walks behind the bar. Hendrix then passes a handgun off to Beverly.
 - f. Beverly then disappears from view towards an area that leads both upstairs and down. He then reappears from the door behind the bar (which leads downstairs) and speaks to the Licensee.
22. That Jennie Nuell and Eddie Nuell have been charged criminally by the Milwaukee District Attorney's Office with Obstructing a Police Officer in violation of Wis. Stat. § 946.41 in connection to their conduct during the course of the shooting investigation.
23. That according to a filed PA-33, on 12/18/08 at approximately 3:15 pm, police officers conducted a tavern check of the licensed premises. The officers first had contact with Jennie Nuell and Marcus Nuell. An officer detected the odor of marijuana on Marcus Nuell as he came down the stairs from the apartment above the bar, which can only be accessed from the tavern. The officer went upstairs and detected a strong odor of burnt marijuana. The officer called out for anyone to come out, but no one responded. The officer then saw a person hiding behind a door and commanded the person to come out. The person finally complied and was identified as Eddie Nuell. The officer located .32 grams of marijuana in an ashtray in the bedroom.
24. That according to Milwaukee Police Incident Report 083610018, on 12/26/08 at approximately 1:30 am, the Milwaukee Police Department became aware of a person shot near the licensed premises approximately fifteen minutes earlier.


25. That Rosalyn Brown-Petty indicated that she had been at the licensed premises with her boyfriend James Goodman, his cousin David Edmonson, and two other men. Near closing time a couple of the males from her party had gotten into an argument and physical fight inside the licensed premises with men from another party. Her party left at the request of security. Once outside, they were unable to exit the premises parking lot because another vehicle had parked in Goodman's vehicle. They approached security and requested that the owner of the vehicle be located, but security refused. Shortly thereafter, the licensed premises closed and another argument started between the two different parties. She then saw one of the males in the other party with something in his hand, and then heard five to six shots as she ran for cover. The man who fired the shots then entered a vehicle and fled the scene. She then transported Goodman to the hospital in her vehicle.
26. That two people were shot in this incident: James Goodman, shoulder and leg; David Edmonson, leg.
27. That a detective responded to the scene and spoke to Eddie Nuell, who stated a little after 1:00 am, security broke up an argument and removed three males. He did not get any details on the situation from security personnel. Eddie Nuell denied hearing any gunshots, but acknowledged that he did see people "ducking" inside the bar near the doorway. Later, security told him that someone had been shooting outside, but that the individuals had all left. He denied being aware that anyone was shot until the police arrived.
28. That no one from the licensed premises called police to report shots fired or a shooting.
29. That according to Milwaukee Police Incident Report 090030022, on 1/3/09 at approximately 1:00 am, Christina Mitchell went to the licensed premises with a friend of hers. According to Mitchell, while there she was harassed by a female patron, Latasha Scott, whom Mitchell had observed talking to Eddie Nuell. Mitchell knew that Eddie Nuell worked as a bouncer/bartender at the bar so she approached him and told him about the trouble she was getting from Scott. Eddie Nuell told her not to worry, as he would take care of the situation. Mitchell then observed Eddie Nuell and Scott standing together as Scott was yelling that she was going to harm Mitchell. Eddie Nuell then grabbed Mitchell by her neck and stated, "Bitch, you gonna get out of here," and then pushed her into the men's restroom. In fear for her safety, Mitchell then swung at Eddie Nuell, struck him and caused his lip to bleed. Mitchell was then attacked by a group of people who punched, kicked, and stomped on her, including Eddie Nuell, Scott, Marcus Nuell, and other security personnel. Eventually, a male patron entered the restroom and told everyone to stop, which they did and Mitchell exited the restroom. Mitchell and her friend gathered their things in order to leave the tavern and she observed the Licensee yell at them, "You bitches better not come back in here anymore." Once in her vehicle, Mitchell was approached by Marcus Nuell who gave her his cell phone number and pleaded with her not to call the police. At this time, a group of females exited the tavern and ran towards her vehicle as Eddie Nuell also exited and yelled, "Kick that bitch's ass. She busted my lip." The females attempted to attack Mitchell, but Marcus Nuell told them to leave so he could fix the situation. Mitchell and her friend then drove off and decided that Mitchell needed to go to the emergency room. The next day, Mitchell and her friend called Marcus Nuell and told he them he would pay for the medical bills and do whatever was necessary to prevent the police from getting involved. When he asked them what they were going to do, they hung up. On 1/10/09, Mitchell received a phone call from a restricted number and when she answered she heard a male voice say, "You punk ass bitches ain't going to make it to the court date."

30. That on 1/13/09, Eddie Nuell was arrested on a battery warrant in connection to the events on 1/3/09. And that upon information and belief, this case will be resolved with a Eddie Nuell receiving a municipal citation for battery.

31. That according to Milwaukee Police Incident Report 090480160, on 2/17/09 at approximately 9:35 pm, Milwaukee police officers conducted a tavern check at the licensed premises. Upon entry the officers observed a patron look towards the officers, then turn and run into the bathroom while holding his side. The officers followed the patron into the bathroom and observed him removing his hand from the garbage can. The patron was identified as Marvel Wilder. The officers then searched garbage can and located a Hi Point .380 handgun loaded with eight rounds, and a torn and knotted plastic baggie containing twenty pills suspected to be Ecstasy (field test inconclusive, forwarded to lab, awaiting results).


That the above-described conduct by the Licensee on the licensed premises amounts to the purposeful frustration of a shooting investigation in connection to the licensed premises. That the Licensee kept or maintained a disorderly or riotous, indecent or improper house contrary to Wisconsin statute. That the premises was operated in such a manner that it constituted a public nuisance, that the conduct on the licensed premises had a substantial adverse effect upon the health and safety on the immediate neighborhood, and that the continued operation of the licensed premises in not in the best interests and good order of the city as set forth in the Milwaukee Code of Ordinances. Therefore, the Chief of Police, by his designee, respectfully requests that the Class "B" Tavern License of Jennie M Nuell for the premises known as All Star Sports Bar, located at 4001 West Fond du Lac Avenue, Milwaukee, Wisconsin, be immediately revoked in the best interests and good order of the city.

Respectfully submitted,



Captain Patrick Mitchell
Commander
Milwaukee Police District Seven

The foregoing complaint seeking revocation of the Class "B" Tavern license was subscribed and sworn to before me this 23rd day of February, 2009.



Notary Public, State of Wisconsin
My Commission expires: 08-12-12



1032-2008-3767-142939