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VIA EMAIL ONLY -- lelmer@milwaukee.gov

Administrative Review Board of Appeals
Office of the City Clerk
200 E. Wells St. Rm. 205
Milwaukee, WI 53202

Re: Nuisance property designation on 2850 W. Highland Blvd.
File No. 24222

Dear Administrative Review Board of Appeals:

The Milwaukee Police Department (MPD) will call Detectives Ryan Bergemann and Casey Donahue at the upcoming hearing. MPD may also call Officer Demetrius Hudson as well. The contact information for law enforcement is available upon request.

This letter will also serve as the Milwaukee Police Department's (MPD) reply to the May 30, 2025, submission in this matter.

January 4, 2024 Incident

Appellants essentially argue that a victim's residence is unable to be designated a nuisance property because they do not consent or otherwise engage in such behavior. That is true for calls of assistance related to domestic abuse, stalking and sexual assault pursuant to Ordinance § 80-10-2-c-2 -- not everything else.

First, the statutory definition of Intentional Homicides (Wis. Stats. §§ 940.01 and 940.05) and Reckless Homicides (Wis. Stats. §§ 940.02 and 940.06) do not have a consent element. Whether or not they consented is irrelevant for a nuisance determination.

It has been made clear that the purpose of the ordinance relates to the number of police responses to a specific location. § 80-10-1. It is also clear that the grant of power to MPD in nuisance designation is tied to responses for service. § 80-10-3.



Whether a person is a victim only matters when they are calling for assistance related to domestic abuse, stalking and sexual assault pursuant to City of Milwaukee § 80-10-2-c-2. Everything else is guided by whether the person engaging with the behavior is associated with the premises pursuant to § 80-10-2-c-1.

To that end, “person associated with a premises” as defined in § 80-10-2-e has no definition revolving around consent or whether a person is a victim. Indeed, it just requires a single person to have some form of guest or visitor status.

The combination of all the above show that police need to respond to a location regarding activity caused by at least one guest/visitor. Outside of a very narrow exception not applicable here, it does not matter whether someone in the residence was a victim of that same guest/visitor.

In the present case, it is very clear that the murderer was a guest/visitor of the victim’s. It is stated in the criminal complaint that the victim called the defendant 19 minutes before the victim and the defendant are observed on video with the defendant using the victim’s keys to get into the building. From there, the two are observed getting into an elevator together. The criminal complaint even described “voluminous and regular contact” between the victim and the defendant as well as the defendant being observed on surveillance video at this location the day before the homicide.

The circumstances are clear that the defendant was a guest/visitor at the time of the victim’s death. This is all that is required under § 80-10.

November 4, 2024 Incident

City of Milwaukee Ordinance § 80-10-3-a-1-a merely requires “a description of the nuisance activities that have occurred at the premises” in the nuisance designation notice. There is no ordinance requirement specifically requiring MPD to identify the nuisance activity by ordinance section.

Appellants have conceded guest/visitor status for the first visit and miss important details for the second visit. WEH stated that the victim agreed to pay the defendant later even though the victim did not have money.

T.C. stated that, on the second visit, the defendant sold more cocaine and then the fight ensued when the defendant was asking WEH about the money from the first sale. Therefore, it is clear that the occupants of the apartment wanted the defendant there for the second visit because the purchased more controlled substances.

The homicide occurred as a result of the purchase of controlled substances from an armed drug dealer that they invited into their home on two occasions in a single day for the express purpose of buying controlled substances.

In other words, they invited someone into their home to engage in nuisance activity and that led to further nuisance activity when they could not pay the armed drug dealer they invited into their home. This is all that is required of § 80-10.

Conclusion

In the end, there is a clear connection to the nuisance activity to the residents. The calls for service directly related to actions the residents have taken or their guests have taken. That is all that is required for a connection.

Very truly yours,

Electronically signed by Nathaniel Adamson

NATHANIEL ADAMSON

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