

NOTICE OF CLAIM

Ralph Kinski
2054 S. 31st Street
Milwaukee, WI 53215
414-389-0726

Claimant,

v.

The City of Milwaukee,
as agent and respondeat superior
c/o City Attorney Grant F. Langley
200 E. Wells Street, City Hall, Room 800
Milwaukee, WI 53202

and

Chief of Police Arthur L. Jones,
as agent and respondeat superior
c/o City Attorney Grant F. Langley
200 E. Wells Street, City Hall, Room 800
Milwaukee, WI 53202

and

Deputy Chief of Police Leslie T. Barber
as an individual and in his official capacity
c/o City Attorney Grant F. Langley
200 E. Wells Street, City Hall, Room 800
Milwaukee, WI 53202

and

Lieutenant Fred Madsen
as an individual and in his official capacity
c/o City Attorney Grant F. Langley
200 E. Wells Street, City Hall, Room 800
Milwaukee, WI 53202

and

Officer Timothy J. Tessler, Payroll No. 48893
as an individual and in his official capacity
c/o City Attorney Grant F. Langley

CITY OF MILWAUKEE
2003 JAN 21 PM 3:50
RONALD D. LEONHARDT
CITY CLERK

CITY OF MILWAUKEE
RECEIVED
03 JAN 22 PM 3:47
GRANT F. LANGLEY
CITY ATTORNEY

200 E. Wells Street, City Hall, Room 800
Milwaukee, WI 53202

Respondents.

VERIFIED NOTICE OF CLAIM

Pursuant to Wisconsin Statutes 893.80, et seq, the undersigned makes the following claim of injury against the above respondents:

1. That on or about Friday, 10/12/01, a false police report (Incident #01-286-3079) was filed by Timothy J. Tessler, Payroll No. 48893, against the undersigned regarding his personal property. (Incident Report attached hereto as Exhibit "A.")
2. That on or about 10/13/01, pursuant to a false police report, Officer Tessler and another officer of the City of Milwaukee Police Department, devoid of court order and at the instruction of his superior, Lieutenant Fred Madsen confiscated the shotgun of the undersigned under threat of criminal charges and incarceration.
3. That on or about 10/15/01 District Attorney Christopher Dees issued a statement that there was no evidence of criminal activity involved in the circumstances described in the false police report and prosecution was refused by the District Attorney's office. (Statement by District Attorney attached as Exhibit "B.")
4. That Deputy Chief of Police Leslie T. Barber played a particular role in the injury of the undersigned in his continuous activities preventing the undersigned from recovering his personal property and in violating his rights.

5. That Barber repeatedly denied the undersigned return of his personal property, namely, his shotgun confiscated.
6. That the undersigned was initially told he would receive his property in 30 days after the confiscation of his property.
7. That the undersigned, upon inquiry after 30 days, was told it would be 60 days until his property was returned to him.
8. That the undersigned upon inquiry after 60 days was told that it would be 90 days until his property was returned to him.
9. That upon inquiry after 90 days the undersigned was told it would be one year until his property was returned to him.
10. That after a year, and upon inquiry by the undersigned, he was told that he would have to get a court order to have his property returned to him.
11. That after filing the initial petition for return of property the undersigned was told that the petition he hand delivered to each necessary party had been lost and he would have to re-file a second petition in order to have his property returned to him.
12. That after the undersigned filed the second petition for return of property a hearing date was set to obtain the return of his confiscated property.
13. That the City of Milwaukee, via the City of Milwaukee Police Department, confiscated, under threat of incarceration, the personal property of the undersigned, to the injury thereof, until 11/06/02, when, pursuant to a court order the City of Milwaukee reluctantly, and only after continued and numerous attempts of recovery by the undersigned, returned the personal property of the undersigned.

14. That the undersigned repeatedly attempted to have his property returned and was prohibited from obtaining his property for a full year.

15. That the undersigned was then told that he would have to file a petition in Circuit Court and obtain a Court order to have his property returned to him. (Copy of letter from Leslie Barber and original petition for return of property attached as Exhibits "C," and "D.")

16. That on the day of the petition for return of property hearing (11/06/02), the Honorable Judge Jacqueline Schellinger, Branch 34, Milwaukee County Circuit Court, in a hearing following Kinski's hearing, uttered the following statement on the record regarding the events that, in part, have led to this notice of claim, to wit:

"This morning, there was a situation where somebody [Kinski] was a law abiding and had their weapon taken away from them and the Court talked about the right to bear arms and –I am indignant about how unfairly his weapon was taken from him, under the circumstances where he didn't commit a crime..." (Transcript of hearing Attached as Exhibit "E.")

17. That even after the undersigned obtained a court order ordering the return of his confiscated property, on November 6, 2002, the undersigned took the court order to the Property Bureau at 26th and Wisconsin, Milwaukee, WI and was told by the female clerk that until Leslie Barber signed off on the court order the property of the undersigned would not be returned to him.

18. That the undersigned was told that Chief Barber was in a meeting and would be available on November 7, 2002, and the Property Bureau would call the undersigned upon obtaining Leslie Barber's signature to release the property of the undersigned.

19. That on 11/7/02 at 10:00 am the undersigned went to the Property Bureau again and was told Chief Barber was out sick that day and that the undersigned would have to be patient and wait until the Bureau called him to obtain his property.

20. That the undersigned returned home and called the Criminal Investigation Unit at the Milwaukee Police Department 1st District, and spoke with a Detective and related the foregoing circumstances and events.

21. The Detective then returned the call of the undersigned and told the undersigned to go to the Property Bureaus with a gun case and retrieve his confiscated property.

22. That the activities and actions of the respondents as described herein, violated, including but not limited to, the rights of the undersigned under Article 1 §25 of the Constitution of the State of Wisconsin and violated the rights of the undersigned as preserved under the 2nd, 4th, 5th, 6th, 9th and 14th Articles of the Bill of Rights of the Constitution of the United States, to the injury of the undersigned.

23. That the activities of the respondents were also an invasion of privacy and the resultant injury via the mental anguish and suffering accruing to the undersigned and his family are also basis for this claim.

24. That injury to the undersigned, at the hands of the respondents, occurred until 11/07/02 when the property of the undersigned was returned to him.

WHEREFORE, the undersigned makes claim for injury against the respondents in the amounts as follows:

The City of Milwaukee - \$250,000.00
Chief of Police Arthur L. Jones - \$250,000.00
Deputy Chief of Police Leslie T. Barber - \$250,000.00
Lieutenant Fred Madsen - \$250,000.00
Officer Timothy J. Tessler, Payroll No. 48893 - \$250,000.00

That if the respondents do not answer this notice of claim within the time permitted by statute the undersigned reserves the right to pursue all legal remedies for redress of his injury and damage.

Dated: January 17, 2003

Respectfully submitted,

Ralph Kinski

Ralph Kinski
2054 S. 31st Street
Milwaukee, WI 53215
414-389-0726

That the above signed Ralph Kinski, under the pains and penalties of perjury, and of his own certain knowledge, does depose and say:

That he is the Ralph Kinski above signed.

That all of the statements made in this Notice of Claim are true.

Dated: January 17, 2003

Ralph Kinski
Ralph Kinski

The above signed Ralph Kinski, being personally known to me, did appear before me and did then and there affix his signature to the attached Notice Of Claim.

Joseph David Merkel Notary for the State of Wisconsin

My commission expires 12-03, 20 06.

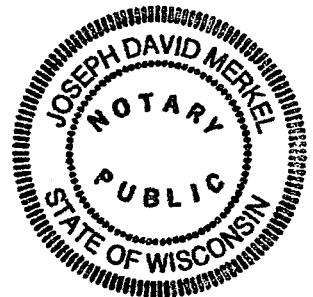


EXHIBIT "A"

I N C I D E N T

INCIDENT A: S.S.# 947.01
DISORDERLY CONDUCT

INCIDENT B: S.S.# 939.63
WHILE ARMED

INCIDENT C: S.S.#
[REDACTED]

LOCATION OF INCIDENT - CHECK ONE ITEM ONLY

<input type="checkbox"/> 01-AIR/BUS/RAIN TERM	<input type="checkbox"/> 08-DEPT/DISCOUNT STORE	<input type="checkbox"/> 17-LIQUOR STORE	<input type="checkbox"/> 21-RESTAURANT	<input type="checkbox"/> 95-SUSP TEMP LODGING
<input type="checkbox"/> 02-BANK/SVANGS & LOAN	<input type="checkbox"/> 09-DRUG STORE/DR. OFF. HCSP.	<input type="checkbox"/> 99-OTHER RESIDENCE	<input type="checkbox"/> 22-SCHOOL/COLLEGE/UNIV.	<input type="checkbox"/> 96-OTHER TEMP. LODGING
<input type="checkbox"/> 03-BAR/NIGHT CLUB	<input type="checkbox"/> 10-FIELD WOODS	<input type="checkbox"/> 96-OTHER TEMP. LODGING	<input type="checkbox"/> 23-SERVICE GAS STATION	<input type="checkbox"/> 97-VICTIM'S RESIDENCE
<input type="checkbox"/> 04-CHURCH/SYNAGOGUE ETC	<input type="checkbox"/> 11-GOVT. PUBLIC BLDG	<input type="checkbox"/> 93-OTHER VEHICLE	<input type="checkbox"/> 24-SPEC. STORE/FUR/JEWELRY	<input type="checkbox"/> 94-VICTIM'S TEMP LODGING
<input type="checkbox"/> 05-COMMERICAL OFC. BLDG	<input type="checkbox"/> 12-GROCERY/SUPERMARKET	<input type="checkbox"/> 90-PARK	<input checked="" type="checkbox"/> 13-STREET/ALLEY/ROAD	<input type="checkbox"/> 91-VICTIM'S VEHICLE
<input type="checkbox"/> 06-CONSTRUCTION SITE	<input type="checkbox"/> 15-JAIL/PRISON	<input type="checkbox"/> 18-PARKING LOT/GARAGE	<input type="checkbox"/> 98-SUSP. RESIDENCE	<input type="checkbox"/> 25-UNKNOWN/OTHER
<input type="checkbox"/> 07-CONVENIENCE STORE	<input type="checkbox"/> 16-LAKE/WATERWAY	<input type="checkbox"/> 19-RENTAL STORAGE BLDG.		

V I C T I M

REPORTED FOR (VICTIM) LAST FIRST MID.
STASIEWSKI, NATHANIEL A.

RACE W SEX M DATE OF BIRTH 09-04-85 ETHNIC ORIG. HISP. NON-HISP HOME PHONE # 383-0874

ADDRESS/CITY/STATE/ZIP CODE 2007 S. 30 ST. MILWAUKEE, WI 53215 RACE CODES A=ASIAN B=BLK I=INDIAN W=WHT TYPE OF VICTIM I-INDIVIDUAL B-BUSINESS F-BANK/LOAN CO G-GOVERNMENT R-RELIGIOUS ORG S-SOCIETY

EMPLOYED BY: NAME ADDRESS BUSINESS PHONE VICTIM RESIDENT OF COUNTY? Y N VICTIM'S CONSENT? ORDERED TO VIEW PHOTOS? Y N

REPORTED BY: LAST FIRST MID. SAME RACE SEX DATE OF BIRTH ETHNIC ORIG. HOME PHONE #

HOME ADDRESS/CITY/STATE/ZIP CODE CONVEYED TO: NONE CONVEYED BY: NONE

I N J U R Y

TYPE OF INJURY N=NONE M=MINOR B=BROKEN I=INTERNAL S=SEVERE CUT/LAC T=TEETH LOST O=OTHER MAJOR INJURY U=UNCONSCIOUS

EXTENT OF INJURIES N=NONE M=MINOR S=SERIOUS C=CRITICAL F=FATAL O=OTHER EXPLN.

TYPE OF TREATMENT R=REFUSED T=TREATED/REL H=HOSPITAL

N A R R A T I V E

INCLUDE ELEMENTS OF CRIME ON ABOVE DAY, DATE AND TIME AT ABOVE LOCATION KNOWN SUSPECT LOADED ONE ROUND OF AMMUNITION INTO A SHOTGUN AND HOLDING THE SHOTGUN WALKED INTO AN ALLEY MAKING A STATEMENT OF A THOUGHT TO FIRE THE LOADED SHOTGUN.

NO SUPPLEMENT

P R O P E R T Y

PROPERTY CODES LIST CODE FOR EACH ITEM OF PROPERTY IN CODE # COLUMN. IF PROPERTY WAS DAMAGED BEGIN CODE WITH "D" (e.g. D-00)

02-ALCOHOL	09-CREDIT CARDS	16-HOUSEHOLD GOODS	23-OFFICE EQUIPMENT	30-STRUCT.-OTHER OWL	37-TRUCK
03-AUTOMOBILE	10-DRUGS/NARCOTICS	17-JEWELRY/PREC.METAL	24-OTHER VEHICLE	31-STRUCT.-OTHER COM.	38-VEH.PART/ACC.
04-BICYCLES	11-DRUG/NARC. EQUIPMENT	18-LIVESTOCK/ANIMALS	25-PURSE/BAG/WALLET	32-STRUCT.-INDUST. MFG.	39-WATERCRAFT
05-BUS	12-EQUIPMENT- SNOW/LAWN	19-MERCHANDISE	26-RADIO/T.V./V.C.R.	33-STRUCT.-PUBLIC	40-VAULT/SAFE
06-CLOTHES/FURS	13-FIREARMS	20-MONEY	27-RECORD/AUDIO VISUAL	34-STRUCT.-STORAGE	50-ATV
07-COMPUTER WARES	14-GAMBLING EQUIPMENT	21-NEGOTIABLE INSTR.	28-RV	35-STRUCT.-OTHER	61-SNOWMOBILE
08-CONSUMABLES	15-HEAVY EQUIPMENT	22-NON-NEGOT. INSTR.	29-STRUCT.-SINGLE OWL	36-TOOLS	77-OTHER

QUAN.	TYPE OF PROPERTY	DESCRIPTION	SERIAL #	CODE	VALUE
[Empty]					

PROPERTY INSURED BY: NONE

RELATED INCIDENT NUMBER(S) EVIDENCE INVENTORY NUMBER(S) 174051

ADDITIONAL PROPERTY ON ATTACHED PO-15

TOTAL STOLEN \$ TOTAL DAMAGED \$ TOTAL STOLEN & DAMAGED \$

A D M I N

WARRANT INFO DATE ENTERED SYSTEM # DATE CANCELLED WARRANT ISSUED-NUMBER

TELETYPE INFO MESSAGE NUMBER DATE/TIME DATE CANCELLED CANCELLED BY:

DETECTIVE I.D. TECH LATENT CASE # C.I.B. SUPERVISOR

REPORTING OFFICER PAYROLL # LOC # ASSISTING OFFICER PAYROLL # DISTRICT SUPERVISOR

SUSPECT ONE

SUSPECT #1:	LAST	FIRST	MID.	RACE	SEX	DATE OF BIRTH	AGE	ETHNIC ORIG.
<input type="checkbox"/> HISP. <input type="checkbox"/> NON-HISP.								
ADDRESS				CITY	STATE	HEIGHT	WEIGHT	BUILD
ALIAS				I.D. #	SOCIAL SECURITY #			
SCARS, MARKS, MOLES, DEFORMITIES, AMPUTATIONS, TATTOOS, FACIAL HAIR (DESCRIBE - E.G. SCAR L/HAND, MOLE R/CHEEK, TATTOO ON CHEST)								
ATTIRE								

VEHICLE

VEHICLE YEAR	VEHICLE MAKE	VEHICLE MODEL	TYPE	COLOR	LICENSE #	STATE	EXP	TYPE	V.I.N.
--------------	--------------	---------------	------	-------	-----------	-------	-----	------	--------

SUSPECT TWO

SUSPECT #2:	LAST	FIRST	MID.	RACE	SEX	DATE OF BIRTH	AGE	ETHNIC ORIG.
<input type="checkbox"/> HISP. <input type="checkbox"/> NON-HISP.								
ADDRESS				CITY	STATE	HEIGHT	WEIGHT	BUILD
ALIAS				I.D. #	SOCIAL SECURITY #			
SCARS, MARKS, MOLES, DEFORMITIES, AMPUTATIONS, TATTOOS, FACIAL HAIR (DESCRIBE - E.G. SCAR L/HAND, MOLE R/CHEEK, TATTOO ON CHEST)								
ATTIRE								

ADDITIONAL SUSPECTS INFORMATION	TOTAL SUSPECTS
---------------------------------	----------------

SUSPECT WEAPONS

<input type="checkbox"/> 1 ALTERED STOCK <input type="checkbox"/> 2 AUTOMATIC <input type="checkbox"/> BOLT ACTION <input checked="" type="checkbox"/> BLUE STEEL <input type="checkbox"/> BLUNT OBJECT	<input type="checkbox"/> 1 CHROME/NICKEL <input type="checkbox"/> 2 DOUBLE BARREL <input type="checkbox"/> DRUG/NARCOTIC <input type="checkbox"/> EXPLOSIVES <input type="checkbox"/> FIRE/INCENDIARY	<input type="checkbox"/> 1 HANDGUN <input type="checkbox"/> 2 IMPLIED WEAPON <input type="checkbox"/> KNIFE/CUTTING INSTR <input type="checkbox"/> LIQUID GAS <input type="checkbox"/> MOTOR VEHICLE	<input type="checkbox"/> 1 OTHER <input type="checkbox"/> 2 OTHER FIREARM <input type="checkbox"/> PERSONAL WEAPON <input checked="" type="checkbox"/> PUMP ACTION	<input type="checkbox"/> 1 REVOLVER <input type="checkbox"/> 2 RIFLE <input type="checkbox"/> SAWED OFF <input type="checkbox"/> SEMI AUTO <input type="checkbox"/> SHORT/SNUB BBL.	<input checked="" type="checkbox"/> 1 SHOTGUN <input type="checkbox"/> 2 SIMULATED WEAPON <input checked="" type="checkbox"/> SINGLE BARREL <input type="checkbox"/> THROWN OBJECT <input type="checkbox"/> UNKNOWN	
WPN. SUSP. #1 MAKE	MODEL	CALIBER	SERIAL #	BUTT #	INVENTORY #	REPORTED Y N
REMINGTON	870 EXPRESS	12 GA.			174051	STOLEN <input type="checkbox"/> <input checked="" type="checkbox"/>
ADDED WPN. INFO. SUSP. #1						
WPN. SUSP. #2 MAKE	MODEL	CALIBER	SERIAL #	BUTT #	INVENTORY #	REPORTED Y N
ADDED WPN. INFO. SUSP. #2						

INCIDENT / ADDED INFORMATION

VICT. RELATIONSHIP TO SUSPECT CHECK 1 ITEM PER SUSPECT	<input type="checkbox"/> 1 <input type="checkbox"/> 2	<input type="checkbox"/> 1 <input type="checkbox"/> 2	N/A <input type="checkbox"/>	SEXUAL ASSAULTS CHECK 1-3 ITEMS	N/A <input checked="" type="checkbox"/>	ASSAULT/HOMICIDE CHECK 1-3 ITEMS	N/A <input checked="" type="checkbox"/>											
<input checked="" type="checkbox"/> AQ-ACQUAINTANCES <input type="checkbox"/> BE-BABYSITTER/BABY/CHILD <input type="checkbox"/> BR-BABYSITTER <input type="checkbox"/> BG-BOYFRIEND/GIRLFRIEND <input type="checkbox"/> CH-CHILD <input type="checkbox"/> CF-CHILD OR BOY/GIRLFRIEND <input type="checkbox"/> CO-CO-HABITANT <input type="checkbox"/> CS-COMMON LAW SPOUSE <input type="checkbox"/> EE-EMPLOYEE <input type="checkbox"/> ER-EMPLOYER <input type="checkbox"/> EX-EX-SPOUSE <input type="checkbox"/> FR-FRIEND <input type="checkbox"/> GC-GRANDCHILD <input type="checkbox"/> GP-GRANDPARENT <input type="checkbox"/> HR-HOMOSEX. RELATIONSHIP	<input type="checkbox"/> 1 IL-IN-LAW <input type="checkbox"/> 2 NE-NEIGHBOR <input type="checkbox"/> OB-OTH. BUSINESS RELATIONSHIP <input type="checkbox"/> OV-OTHER D.V. VICTIM <input type="checkbox"/> OF-OTHER FAMILY <input type="checkbox"/> OK-OTHERWISE KNOWN <input type="checkbox"/> PA-PARENT <input type="checkbox"/> CP-PROFESSIONAL CARE PROVIDER <input type="checkbox"/> CR-PROFESSIONAL CARE RECEIVER <input type="checkbox"/> RO-ROOMMATE <input type="checkbox"/> SB-SIBLING (BROTHER/SISTER) <input type="checkbox"/> SE-SPOUSE <input type="checkbox"/> SC-STEP-CHILD <input type="checkbox"/> SP-STEP-PARENT <input type="checkbox"/> SS-STEP-SIBLING <input type="checkbox"/> ST-STRANGER <input type="checkbox"/> RU-UNKNOWN/OTHER	<input type="checkbox"/> A-ANAL PENETRATION BY PENIS <input type="checkbox"/> B-FONDED BREASTS/GENITALS <input type="checkbox"/> C-FORCED VICTIM TO DISROBE <input type="checkbox"/> D-FORCED VICTIM PERFORM ORAL ACTS <input type="checkbox"/> E-FORCED VICTIM TO SPECIFIC POSITION <input type="checkbox"/> F-PENILE/VAGINAL PENETRATION <input type="checkbox"/> G-PENETRATED W/OTHER THAN PENIS <input type="checkbox"/> H-PERFORMED ORAL PERVERSION <input type="checkbox"/> J-OTHER	<input type="checkbox"/> 1 ARGUMENT <input type="checkbox"/> 2 ASSAULT ON P.O. <input type="checkbox"/> 3 DRUG RELATED <input type="checkbox"/> 4 GANG RELATED <input type="checkbox"/> 5 LOVER'S QUARREL <input type="checkbox"/> 6 MERCY KILLING <input type="checkbox"/> 7 DURING FELONY ACT <input type="checkbox"/> 8 UNKNOWN CIRCUMSTANCE <input type="checkbox"/> 9 OTHER CIRCUMSTANCE	<input type="checkbox"/> CRIMINAL ACTIVITY CODE <input type="checkbox"/> CHECK 1-3 ITEMS	<input type="checkbox"/> N-EXPLOIT CHILDREN <input type="checkbox"/> P-OPERATE/PROMOTE <input type="checkbox"/> Q-POSSESS DRUGS/PROP./ETC. <input type="checkbox"/> R-TRANSPORT/IMPORT <input type="checkbox"/> S-USE/CONSUME DRUGS <input checked="" type="checkbox"/> T-OTHER	<input type="checkbox"/> 01-ASSIST VICT. W/VEH. TRBL. <input type="checkbox"/> 02-ATTACKED FROM CONCEALMENT <input type="checkbox"/> 03-DAMAGE COMMITTED <input type="checkbox"/> 04-DEMAND NOTE USED <input type="checkbox"/> 05-DEMANDED VALUABLES <input type="checkbox"/> 06-DRUGS DEMANDED <input type="checkbox"/> 07-ENTERED AFTER KNOCKING <input type="checkbox"/> 08-FIRE SET	<input type="checkbox"/> 11-GLOVES WORN <input type="checkbox"/> 12-MET VICT. AT BAR/PARTY <input type="checkbox"/> 13-PHONE DISABLED <input type="checkbox"/> 14-PRINTS WIPED CLEAN <input type="checkbox"/> 15-RANSACKED PREMISES <input type="checkbox"/> 16 USED FACIL./PHONE, FOOD <input type="checkbox"/> 17-VEH. TROUBLE FAKED <input type="checkbox"/> 18-VEH. USED IN OFFENSE <input type="checkbox"/> 19-VEH. USED TO MOVE PROP.	<input type="checkbox"/> 21-VICT. ARGUED <input type="checkbox"/> 22-VICT. BOUND/GAGGED <input type="checkbox"/> 23-VICT. BURNED <input type="checkbox"/> 24-VICT. CHOKED <input type="checkbox"/> 25-VICT. CUT/STABBED <input type="checkbox"/> 26-VICT. DROWNED <input type="checkbox"/> 27-VICT. FOLLOWED ON FOOT <input type="checkbox"/> 28-VICT. FOLLOWED/APPROACHED W/VEH. <input type="checkbox"/> 29-VICT. FORCED INTO SUSP. VEH.	<input type="checkbox"/> 31-VICT. FORCED INTO OWN VEH. <input type="checkbox"/> 32-AFTER/WHILE VICT. PARKS VEH. <input type="checkbox"/> 33-VICT. INJ. W/HAND, FEET, TEETH <input type="checkbox"/> 34-VICT. KIDNAPPED/HOSTAGE TAKEN <input type="checkbox"/> 35-VICT. LURED TO VEHICLE <input type="checkbox"/> 36-VICT. SHOT <input type="checkbox"/> 37-VICT. VEH. STOPPED ON STREET <input type="checkbox"/> 38-VICT. VEHICLE TAKEN <input type="checkbox"/> 39-WEAPON FIRED <input checked="" type="checkbox"/> 40-OTHER	<input type="checkbox"/> TARGET <input type="checkbox"/> CHECK 1 ITEM	<input type="checkbox"/> 50-CASH REGISTER <input type="checkbox"/> 51-GARAGE <input type="checkbox"/> 52-PERSON <input type="checkbox"/> 53-PURSE/WALLET	<input type="checkbox"/> 55-SAFE BOX <input type="checkbox"/> 56-STORAGE AREA <input type="checkbox"/> 57-VENDING MACHINE <input type="checkbox"/> 58-OTHER <input type="checkbox"/> 59-MOTOR VEHICLE	<input type="checkbox"/> A-ALCOHOL <input type="checkbox"/> D-DRUGS <input type="checkbox"/> C-COMPUTER <input checked="" type="checkbox"/> N-UNKNOWN	<input type="checkbox"/> SUSPECT USED <input type="checkbox"/> CHECK 1-3 ITEMS	<input type="checkbox"/> VICTIM INFORMED OF CRIME <input type="checkbox"/> PREVENTION SERVICES?	<input type="checkbox"/> DOES VICTIME REQUEST <input type="checkbox"/> ADDITIONAL CRIME <input type="checkbox"/> PREVENTION SERVICES?	<input type="checkbox"/> CASE STATUS <input type="checkbox"/> CHECK 1 ITEM	<input type="checkbox"/> C-CASE CLEARED <input type="checkbox"/> W-WARRANT ISSUED <input checked="" type="checkbox"/> O-CASE ORDERED IN <input type="checkbox"/> P-CASE PENDING

PQ-15A 3/98 SUPPLEMENTAL REPORT MILWAUKEE POLICE DEPARTMENT	<input checked="" type="checkbox"/> INCIDENT SUPPLEMENT <input type="checkbox"/> ACCIDENT SUPPLEMENT <input type="checkbox"/> JUVENILE SUPPLEMENT	PAGE 1 OF 2	DATE OF REPORT 10-14-01	INCIDENT/ACCIDENT # 01-286-3079
--	---	-------------	----------------------------	------------------------------------

INCIDENT INFORMATION	INCIDENT DISORDERLY CONDUCT WHILE ARMED	DATE OF INCIDENT/ACCIDENT 10-12-01			
	VICTIM STASIOWSKI, NATHANIEL A.	LOCATION OF INCIDENT/ACCIDENT 2054 S. 31 ST.		DIST. # 6	
JUVENILE LAST NAME	FIRST	MIDDLE	DATE OF BIRTH	<input type="checkbox"/> DETAINED <input type="checkbox"/> ORDERED TO MCCC <input type="checkbox"/> OTHER	
QUANTITY	TYPE OF PROPERTY	DESCRIPTION	SERIAL #	CODE #	VALUE

This report was written by PO TIMOTHY J. TESSLER of Dist. 6 days.
 On SATURDAY, OCTOBER 13, 2001 at 9:31AM, Sqd 62 (TESSLER) was sent into District 6 station regarding a reckless use of weapon that occurred the night before at 2054 S. 31 ST.
 Upon arrival I spoke with the complainant a NATHANIEL A. STASIOWSKI, W/M, 09-04-85 of 2007 S. 30 ST., ph 383-0874 (not working) a 9th grader at BAY VIEW High School. STASIOWSKI was brought to the station by his step-father a TIMOTHY B. SCHULTZ, W/M, 09-12-59 also of 2007 S. 30 ST. STASIOWSKI related that last night (10-12-01) #5 loaded a shotgun and walked in the alley talking about maybe firing the shotgun.
 STASIOWSKI related that he was visiting his friend DAMIAN KINSKI at DAMIAN'S house. STASIOWSKI related that DAMIAN lives at 2054 S. 31 ST. STASIOWSKI related that himself, DAMIAN, DAMIAN'S brother TONY and DAMIAN'S dad were all in DAMIAN'S garage hanging out and watching DAMIAN'S dad work on a van that was parked inside the garage.
 STASIOWSKI related that at about 10:30PM, #5 brought out a shotgun from behind a garage door and showed the shotgun to STASIOWSKI. STASIOWSKI claimed that a little while later #5 and cot a bullet for the shotgun and loaded the bullet into the shotgun. STASIOWSKI claimed that after loading the shotgun, #5 then walked out of the garage and into the alley and said something like maybe shooting the gun off. STASIOWSKI related that after doing that #5 came back into the garage and put the shotgun back behind the garage door. STASIOWSKI related that he then went home and told his parents what happened.
 STASIOWSKI related that before #5 loaded the shotgun, #5 confronted two men that had been parked in the alley a few houses away that STASIOWSKI thinks were drug dealers. STASIOWSKI related that the men and #5 yelled at each other and the van left.
 STASIOWSKI'S stepfather, SCHULTZ, related that they did not call the police last night because their phone is out of order. SCHULTZ also related that they were too tired to come into the station or find a phone to wait for the police. STASIOWSKI related that #5
 I proceeded to 2054 S. 31 ST. and spoke to CHRISTINE L. KINSKI, W/F, 12-05-64 of 2054 S. 31 ST., ph 389-0726 who related that her husband is a RALPH N. KINSKI, W/M, 02-04-62 also of 2054 S. 31 ST., empl at ROZ'S AUTO SALVAGE. CHRISTINE related that #5
 CHRISTINE related that she came home from work last night (10-12-01) at 10PM, and that RALPH was out in the garage working on his fathers van. CHRISTINE related that her son's DAMIAN and TONY were also outside, and their friend NATHAN was on the front porch. CHRISTINE related she went outside to the garage and talked with RALPH then went in the house and watched TV until she fell asleep on the couch in the living room. CHRISTINE related that RALPH came in around 11 to 11:30 PM and went to bed. #5
 Also spoke with DAMIAN C. KINSKI, W/M, 07-26-86 and ANTHONY J. KINSKI, W/M, 01-14-85 who both related that while outside in the garage last night #5
 Both DAMIAN and ANTHONY related that #5 DAMIAN and ANTHONY had no idea of whether the shotgun was loaded or not. DAMIAN and ANTHONY also related that #5 did speak with two men that were in a white van in the alley, and the men had sworn #5 DAMIAN and ANTHONY related that the men were probably there to buy drugs from the people in the house down the alley, and that the van drove away after #5 talked with them.
 I also spoke with #5 a REMINGTON 870 EXPRESS 12 guage three days ago for home defense because they are afraid of the problems and people in the neighborhood. #5 related that normally the shotgun #5

REPORTING OFFICER P.O. Timothy J. Tessler PO TIMOTHY J. TESSLER	Payroll 48893	Loc Code 61	SUPERVISORS SIGNATURE Sgt. Mark G. Grawinski
---	------------------	----------------	---

INCIDENT INFORMATION	INCIDENT	DIS COND WHILE ARMED 947.01/939.63		DATE OF INCIDENT/ACCIDENT	10-12-01	
	VICTIM	STASIEWSKI, NATHANIEL A.		LOCATION OF INCIDENT/ACCIDENT	2054 S. 31 ST.	
JUVENILE LAST NAME	FIRST	MIDDLE	DATE OF BIRTH	<input type="checkbox"/> DETAINED <input type="checkbox"/> ORDERED TO MCCC <input type="checkbox"/> OTHER		DIST. #
						6
QUANTITY	TYPE OF PROPERTY	DESCRIPTION	SERIAL #	CODE #	VALUE	

#5 denied loading the shotgun, or walking into the alley with it at all. #5 related that he only carried the shotgun outside to the garage, and back into the house. #5 admitted that bringing the shotgun out to the garage was probably not a good idea at all. #5 related that problems with the neighborhood and slow police response when they call the police have made #5 afraid for his and his family's safety. #5 related that the two men in the van that had been in the alley for no reason did yell at him before they left, and #5 was afraid that they would come back and cause harm to him or his family.

Per instruction from LT. FRED MADSEN, I was to confiscate the shotgun as evidence and order this matter to the District Attorneys office for review.

#5 did turn over the shotgun, the REMINGTON 870 EXPRESS, to this officer and it was placed on inv. # 174051 as evidence. This matter was ordered for review on MONDAY, OCTOBER 15, 2001 at 8:30AM.

REPORTING OFFICER <i>P.O. Timothy J. Tessler</i> PO TIMOTHY J. TESSLER	Payroll 48893	Loc Code 61	SUPERVISORS SIGNATURE <i>Sgt. Mark Glemurski</i>
--	---------------	-------------	---

EXHIBIT "B"

INVESTIGATIVE NARRATIVE

This report was written by PO TIMOTHY J. TESSLER of Dist 6 days.

On MONDAY, OCTOBER 15, 2001 this matter was reviewed at the District Attorney's office by ADA CHRISTOPHER DEES. All parties involved appeared for this review. ADA DEES related that there was no evidence of a crime being committed and issued no charge(s) to the suspect # 5 for this incident. ADA DEES no processed the complaint. Thus clearing this offense as prosecution refused.

REVIEWING D.A. ADA CHRISTOPHER DEES.	P.O./DET. ASSIGNED TESSLER	COURT CASE NUMBER
FINAL CHARGE NO PROCESS	DISPOSITION/DATE 10-15-01	VICTIM NOTIFIED BY ADA DEES
INCIDENT STATUS	<input type="checkbox"/> CLEARED BY ARREST 18 OR OVER <input type="checkbox"/> PARTIAL CLEARANCE BY ARREST <input type="checkbox"/> UNFOUNDED/BASELESS <input type="checkbox"/> VICTIM REFUSES TO COOPERATE (SUSPECT INFORMATION NEEDED)	<input type="checkbox"/> PROPERTY RECOVERED <input checked="" type="checkbox"/> WARRANT REFUSED <input type="checkbox"/> RETENTION PERIOD EXPIRED <input type="checkbox"/> ARREST UNDER 18 <input type="checkbox"/> A. DETAINED AT M.C.C.C. <input type="checkbox"/> B. ORDER IN TO M.C.C.C. <input type="checkbox"/> WAIVED AS AN ADULT
ADMINISTRATIVE USE ONLY		
CLEARED EXCEPTIONALLY	<input type="checkbox"/> A. DEATH OF OFFENDER <input type="checkbox"/> B. PROSECUTION DECLINED	<input type="checkbox"/> C. EXTRADITION DENIED <input type="checkbox"/> D. REFUSED TO CO-OPERATE <input type="checkbox"/> E. JUVENILE NO CUSTODY <input type="checkbox"/> F. NOT APPLICABLE
JUSTIFIABLE HOMICIDE	<input type="checkbox"/> A. SUSP. ATTACKED P.O. AND SAME P.O. KILLED SUSP. <input type="checkbox"/> B. SUSP. ATTACKED P.O. AND OTHER P.O. KILLED SUSP. <input type="checkbox"/> C. SUSP. ATTACKED CIVILIAN <input type="checkbox"/> D. SUSP. ATTEMPTED FLIGHT FROM CRIME	<input type="checkbox"/> E. SUSP. KILLED IN COMMISSION OF CRIME <input type="checkbox"/> F. SUSP. RESISTED ARREST <input type="checkbox"/> G. UNABLE TO DETERMINE/NOT ENOUGH INFORMATION <input type="checkbox"/> H. SUSPECT KILLED BY PRIVATE CITIZEN <input type="checkbox"/> I. SUSPECT KILLED BY POLICE OFFICER

EXHIBIT "C"



Police Department

Arthur L. Jones
Chief of Police

Tuesday, January 15, 2002

Ralph N. Kinski
2054 S. 31st Street
Milwaukee, WI 53215

RE: MILWAUKEE POLICE DEPARTMENT INVENTORY # 174051 dated 10/13/01

TO WHOM IT MAY CONCERN:

In regards to your inquiry for the return of the above-mentioned property, we are not in the position to return the property without a receipt of a court order.

You may petition the Circuit Court of Milwaukee County by going to Room 117 – Customer Service Window, of the Safety Building, 821 W. State Street, Milwaukee WI, telephone 278-5256. For purposes of filing a petition for the return of your property, you should bring the inventory number with you, or in the alternative, contact your lawyer.

If you do not reclaim your property by filing a petition, the Milwaukee Police Department, as authorized by Section 968.20 of the Wisconsin State Statutes and Milwaukee Code of Ordinance Section 105-122, may dispose it of.

Yours truly,

ARTHUR L. JONES
CHIEF OF POLICE



LESLIE T. BARBER
DEPUTY CHIEF OF POLICE

EXHIBIT "D"

PETITION FOR RETURN OF PROPERTY: I HEREBY PETITION THE CIRCUIT COURT OF MILWAUKEE COUNTY PURSUANT TO SEC. 968.20, STATS., TO DIRECT THE AGENCY OR DEPARTMENT INDICATED BELOW TO RETURN THE PROPERTY WHICH WAS TAKEN AND IS BEING HELD BY THAT AGENCY/DEPARTMENT.

Name of Petitioner: RALPH N KINSKI	Case No.:
Address: City/State/Zip: 2054 South 31st. Street Date of Birth: Milwaukee, WI 53215 Phone Number: (414) 389-0726	Agency/Department Holding Property: MILWAUKEE POLICE DEPARTMENT Inventory No.: 174051 Date Property Taken: OCTOBER 13, 2001

DESCRIPTION OF PROPERTY BEING HELD

INVENTORY NO. 174051
REMINGTON 870 H. D. S/N D061768M

THE PROPERTY WAS TAKEN UNDER THE FOLLOWING CIRCUMSTANCES:

A FALSE CRIMINAL REPORT WAS MADE BY A 15 YEAR OLD,
WHOSE MOTHER AND LIVE IN BOYFRIEND ARE KNOWN DRUG DEALERS.
ALSO, UNDER DURESS, THREATENED WITH INCARCERATION AND CRIMINAL
CHARGES. PROPERTY WAS TAKEN UNDER SERVE PROTEST

I REQUEST THAT THE PROPERTY BE RETURNED FOR THE FOLLOWING REASONS:

1. FALSE POLICE REPORT WAS MADE .
2. VIOLATIONS OF THE 2ND ARTICLE OF THE BILL OF RIGHTS UNDER THE UNITED STATES CONSTITUTION.
3. VIOLATIONS OF 2,4,5,6,7, AND 14th ARTICLES OF THE BILL OF RIGHTS UNDER THE UNITED STATES CONSTITUTION.

SIGNED UNDER THE PAINS AND PENALTY OF PERJURY

Ralph N. Kinski
PETITIONER
DATE: 3/11/02

ATTORNEY FOR PETITIONER
BAR NO. _____ DATE: _____

REC'D
PIL
02 MAR 13 P1 18
RM 305 (1)
95/N.JL

NOTICE OF HEARING DATE: A HEARING ON THE PETITION FOR RETURN OF PROPERTY IS SCHEDULED FOR _____ (Date) BEFORE THE HONORABLE _____ AT _____ (Time), IN ROOM _____ OF THE COURTHOUSE, 901 NORTH 9TH STREET, MILWAUKEE, WISCONSIN 53233.

IMPORTANT **IMPORTANT**

EXHIBIT "E"

1 STATE OF WISCONSIN CIRCUIT COURT KENOSHA COUNTY

2

3 STATE OF WISCONSIN,

4 Plaintiff,

5

RETURN OF PROPERTY

6

v.

CASE NO. 02-GF-80

7 RALPH KINSKI,

8

Defendant.

9

10

11

12

TRANSCRIPT OF PROCEEDINGS

13

14 Transcript of proceedings in the above-entitled action before

15 the Honorable Jacqueline Schellinger, Circuit Court Judge,

16 Branch 34, Milwaukee County Circuit Court, Milwaukee,

17 Wisconsin, on November 6, 2002.

18

19

APPEARANCES

20 Assistant District Attorney Alison Ritter, Milwaukee,
21 Wisconsin, on behalf of the plaintiff.

21

The defendant in proper person.

22

23

24

25

1 THE COURT: This is a petition for return of
2 property for Ralph Kinski, 02 GF 80. You can come forward to
3 do this, stand in front here. You are Mr. Kinski? You
4 appear in person without counsel.

5 MS. RITTER: Alison Ritter for the State.

6 THE COURT: There is a request for release of
7 handgun?

8 MR. KINSKI: No, a shotgun.

9 THE COURT: It says there was a false police report
10 that was made?

11 MR. KINSKI: Yes, your Honor.

12 THE COURT: And, Ms. Ritter, do you know what the
13 reason was that this gun was taken?

14 MS. RITTER: I don't, I don't have a file.

15 THE COURT: It stated that this was a false report
16 made?

17 MR. KINSKI: It was a false criminal report made by
18 a fifteen-year-old boy whose mother and live-in boyfriend are
19 known drug dealers --

20 THE COURT: How does that relate to you?

21 MR. KINSKI: They don't like me, that is what it
22 boils down to, okay? This false police report was made,
23 there was no sworn statement or affidavit to either file.

24 THE COURT: Did it result in any kind of a
25 conviction or any kind of--excuse me--any kind of harassment

1 injunction or injunctive action?

2 MR. KINSKI: Not at all. As a matter of fact, the
3 police officer told me if I didn't give him my gun he would
4 take me to jail. So, I cooperated with him and I gave him my
5 gun. The following Monday, I went down to see the DA, he
6 told me to wait there, he went in to see the DA with the
7 people that filed the charges against me. A little while
8 later, he came out and he said the DA is not going to see
9 you, there is no evidence of any crime being committed, there
10 are no charges filed, the case is dropped.

11 THE COURT: The people live in the same building
12 you live in?

13 MR. KINSKI: No, they live down the block.

14 THE COURT: Have they moved or do they still live
15 there?

16 MR. KINSKI: They still live there.

17 THE COURT: Do you have any continuing problem with
18 them?

19 MR. KINSKI: No. It all boils down to this boy is
20 my son's friend and the so called stepfather--which they lied
21 in the police report about--beat this kid until he went down
22 and filed a false police report against me. Now, currently
23 the boy is not staying with them, he is in foster care
24 because he couldn't take it any more, he had to move.

25 THE COURT: Do you have any criminal record?

1 MR. KINSKI: No, I do not.

2 THE COURT: Do you have any proof that this weapon
3 is yours?

4 MR. KINSKI: Yes, I do.

5 THE COURT: Could you hand that to the DA.

6 MR. CHISHOLM: On behalf of the State, I note that
7 the petition for return of property is dated November 1, I
8 suspect that we do have a package but we don't have it in
9 court today.

10 THE COURT: Would you look up Mr. Kinski's name on
11 CCAP, K-I-N-S-K-I, first name Ralph. What is your date of
12 birth, sir?

13 MR. KINSKI: 2/4/62.

14 THE COURT: You have to go back to your history
15 book, in the Second Amendment of the Constitution, the Second
16 Article of the Bill of Rights.

17 MR. KINSKI: I am now at this.

18 THE COURT: Mr. Kinski has a very serious criminal
19 record, possession of an undersized fish for which he
20 received five years in the state prison. What do you think,
21 Mr. Chisholm?

22 MR. CHISHOLM: I don't have any great concern, let
23 me put it that way.

24 THE COURT: I don't either. I don't want Mr.
25 Kinski to miss work or whatever he is doing to come back.

1 There is no indication here at all that there is anything
2 that he has done of a criminal nature other than the
3 undersized fish in 1998, so it has been five years since he
4 possessed an undersized fish. It looks like it is a hunting
5 rifle so he can kill a brain infected deer.

6 MR. CHISHOLM: I don't have any objection if the
7 Court would make an order, just provisional on my running an
8 NCIC check and I would stipulate.

9 THE COURT: That is a National Crime Information
10 Check to make sure there is no other case in any other state.

11 MR. KINSKI: I haven't left the state since I was
12 born.

13 THE COURT: I understand, but Mr. Chisholm has just
14 met you.

15 MR. CHISHOLM: It is a recent purchase, so I am
16 satisfied.

17 MR. KINSKI: As a matter of fact, the gun is brand
18 new, it was still in the box when the police confiscated it.
19 Under what statute or order are the police able to confiscate
20 my property and keep it for another year?

21 THE COURT: The Court doesn't give legal advice,
22 you would have to get a high priced lawyer to answer that for
23 you.

24 MR. CHISHOLM: If the Court is ordering return, I
25 will stipulate to that.

1 THE COURT: I will find your order pending an NCIC.

2 MR. KINSKI: How long?

3 THE COURT: As soon as he checks the national crime
4 information, he will file a thing as well as a stipulation,
5 and you can take that over to property and have it returned.

6 Have a seat.

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 STATE OF WISCONSIN)

2 COUNTY OF MILWAUKEE)

3


4 I, CHRISTINE CHARETTE, certify that I am a
5 freelance shorthand reporter assigned to the Circuit Court,
6 that the foregoing pages have been carefully compared by me
7 with my stenographic notes, that the same is a true and
8 correct transcript of all such proceedings taken on
9 November 6, 2002.

10 Dated this 27th day of December, 2002.

11

12

13


CHRISTINE CHARETTE
Shorthand Reporter

14

15

16

17

18

19

20

21

22

23

24

25

1 STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY

2

3 STATE OF WISCONSIN,

4 Plaintiff,

5

PLEA AND SENTENCING

6

v.

7 ANTOINE ROBERSON,

8

Defendant.

9

10

11

12

TRANSCRIPT OF PROCEEDINGS

13

14 Transcript of proceedings in the above-entitled action before
15 the Honorable Jacqueline Schellinger, Circuit Court Judge,
16 Branch 34, Milwaukee County Circuit Court, Milwaukee,
17 Wisconsin, on November 6, 2002.

18

19

APPEARANCES

20 Assistant District Attorney Alison Ritter, with intern Joan
21 Shelton, Milwaukee, Wisconsin, on behalf of the plaintiff.

21

22 Attorney John Real, Milwaukee, Wisconsin, on behalf of the
23 defendant.

23 The defendant in proper person.

24

25

1 drinking?

2 THE WITNESS: Yes.

3 THE COURT: You don't necessarily see anything
4 wrong with any of that?

5 THE WITNESS: Not to me.

6 THE COURT: Okay. Well, Mr. Roberson obviously
7 doesn't get it. First of all, he was a person who was
8 supposed to return to court and didn't; obviously he makes up
9 that law for himself, doesn't apply to anybody else but him.
10 He beats up a domestic partner; otherwise, he wouldn't have
11 been convicted of that offense; so he makes up that rule when
12 he is in charge of somebody else's infraction, he gets to be
13 the judge, jury and executioner. That doesn't bode well for
14 him.

15 He can get himself under the influence with a
16 combination of alcohol and marijuana, but that is not a
17 problem for a person who is walking around with a hidden
18 weapon that nobody else knows that he has got. So, if he
19 suspects that they are posing some danger to him, he can
20 shoot and kill them because there is nothing wrong with that.
21 He makes up that rule for himself. His attitude in court
22 today is flip, is unrepentent, he is, quite frankly,
23 outrageous.

24 This morning, there was a situation where somebody
25 was law abiding and had their weapon taken away from them and

1 the Court talked about the right to bear arms and--I am
2 indignant about how unfairly his weapon was taken away from
3 him, under the circumstances where he didn't commit a crime.
4 Mr. Roberson comes here today making up the law as he goes
5 along and asking for the protection of the law. Quite
6 frankly, you are not concerned about the fact that there are
7 laws, some of which give us rights and some of which give us
8 protection. Why should he? He makes up the law as he goes
9 along.

10 Mr. Roberson, under this circumstance, should serve
11 nine months in the house of corrections. His attorney did a
12 good job for him this morning, making good argument for him.
13 But Mr. Roberson is in charge of his own fate, he believes he
14 is a person who should walk around with a loaded weapon,
15 unrevealed to other people, should be able to beat other
16 people up, should be able to get drunk and walk around with a
17 weapon, should be able to have a storehouse of ammunition on
18 him just in case somebody gives him grief.

19 He feels he should be the person to determine that,
20 even when that judgment is impaired because he is drunk and
21 trying to get high. Nine months in the house of corrections
22 for carrying a concealed weapon.

23 With regard to the possession of marijuana, six
24 months consecutive, these are consecutive to all other
25 sentences, straight time, no possibility for electronic