

FILED
10-20-2021
John Barrett
Clerk of Circuit Court
2021CF004376
Honorable David
Borowski-12
Branch 12

STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY

STATE OF WISCONSIN
 Plaintiff,

DA Case No.: 2021ML025108
Court Case No.:

vs.

CRIMINAL COMPLAINT



Defendant(s).

For Official Use

THE BELOW NAMED COMPLAINANT BEING DULY SWORN, ON INFORMATION AND BELIEF STATES THAT:

Count 1: FIRST DEGREE RECKLESS HOMICIDE - PTAC, AS A PARTY TO A CRIME

The above-named defendant on or about Thursday, October 14, 2021, at or near 11011 West North Avenue, in the City of Wauwatosa, Milwaukee County, Wisconsin, as a party to a crime, did recklessly cause the death of Sunita Balogun Olayiwola, another human being, under circumstances which showed utter disregard for human life, contrary to sec. 940.02(1), 939.50(3)(b), 939.05 Wis. Stats.

Upon conviction for this offense, a **Class B Felony**, the defendant may be sentenced to a term of imprisonment not to exceed **sixty (60) years**.

Count 2: TAKE VEHICLE WITHOUT OWNER'S CONSENT BY USE OR THREAT OF FORCE - PTAC, AS A PARTY TO A CRIME

The above-named defendant on or about Thursday, October 14, 2021, at or near 11011 West North Avenue, in the City of Wauwatosa, Milwaukee County, Wisconsin, as a party to a crime, by use of force against another or by the threat of use of force against another, did intentionally take a vehicle without the consent of the owner, contrary to sec. 943.23(1r), 939.50(3)(e), 939.05 Wis. Stats.

Upon conviction for this offense, a **Class E Felony**, the defendant may be fined not more than Fifty Thousand Dollars (\$50,000), or imprisoned not more than **fifteen (15) years**, or both.

Count 3: HIT AND RUN - RESULTING IN DEATH

The above-named defendant on or about Thursday, October 14, 2021, at or near 11011 West North Avenue, in the City of Wauwatosa, Milwaukee County, Wisconsin, did operate a vehicle involved in an accident that resulted in death of Sunita Balogun-Olayiwola and failed to reasonably investigate what was struck and if the operator knew or had reason to know that the accident resulted in injury or death of a person or in damage to a vehicle that is driven or attended by a person, and failed to stop the vehicle he was operating as close to the scene of the accident as possible and remain at the scene of the accident until he did the all of the following: give his name, address and the registration number of the vehicle he or she was operating to the operator or occupant of or person attending any vehicle collided with and, upon request and if available, exhibit his operator's license to the operator or occupant of or person attending any vehicle collided with and render reasonable assistance to any person injured in the accident, including transporting, or making arrangements to transport the person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that medical or

surgical treatment is necessary or if requested by the injured person, contrary to sec. 346.67(1) and 346.74(5)(d), 939.50(3)(d) Wis. Stats.

Upon conviction for this offense, a **Class D Felony**, the defendant may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than **twenty five (25) years**, or both.

And furthermore, invoking the provisions of Wisconsin Statute 343.31(3)(j), the Department shall revoke the defendant's operating privilege for five (5) years.

And the defendant may also be subject to additional collateral consequences upon conviction, including revocation of operating privileges, assessment and treatment requirements, and future restrictions on operation of motor vehicles under Wisconsin Statute 343.31(1m).

Count 4: KNOWINGLY OPERATE MOTOR VEHICLE WITHOUT A VALID LICENSE - CAUSE DEATH

The above-named defendant on or about Thursday, October 14, 2021, at or near 11011 West North Avenue, in the City of Wauwatosa, Milwaukee County, Wisconsin, did operate a motor vehicle on a highway knowing that he did not possess a valid operator's license, and in the course of the violation, caused the death of another person, Sunita Balogun-Olayiwola, contrary to sec. 343.05(3)(a) and (5)(b)5, 939.50(3)(h) Wis. Stats.

Upon conviction for this offense, a **Class H Felony**, the defendant may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than **six (6) years**, or both.

And furthermore, invoking the provisions of Wisconsin Statute 343.30(1d), the court shall revoke the defendant's operating privileges upon conviction. The revocation shall be for a period of six (6) months, unless the court orders a period of revocation of less than 6 months and places its reasons for ordering the lesser period of revocation on the record.

Count 5: UNAUTHORIZED USE OF PERSONAL IDENTIFYING INFORMATION OR DOCUMENTS (OBTAIN THING OF VALUE) - PTAC, AS A PARTY TO A CRIME

The above-named defendant on or about Thursday, October 14, 2021, at or near 10330 West Silver Spring Drive, in the City of Milwaukee, Milwaukee County, Wisconsin, as a party to a crime, did intentionally use, personal identifying information, of Sunita Balogun-Olayiwola to obtain goods without the authorization or consent of that person, and by representing that the information belonged to him or her, contrary to sec. 943.201(2)(a), 939.50(3)(h), 939.05 Wis. Stats.

Upon conviction for this offense, a **Class H Felony**, the defendant may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than **six (6) years**, or both.

Count 6: FLEE OR ELUDE AN OFFICER

The above-named defendant on or about Thursday, October 14, 2021, from at or near the 9100 block of West Custer Avenue to at or near the area of 95th Street and Silver Spring, in the City of Milwaukee, Milwaukee County, Wisconsin, while operating a motor vehicle on a highway, after having received a visual or audible signal from a traffic officer, federal law enforcement officer, or marked or unmarked police vehicle that the operator knew or reasonably should have known was being operated by a law enforcement officer, did knowingly flee or attempt to elude a traffic officer by extinguishing the lights of the vehicle in an attempt to flee, contrary to sec. 346.04(3), 939.50(3)(i) Wis. Stats.

Upon conviction for this offense, a **Class I Felony**, the defendant may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than **three (3) years and six (6) months**, or both.

And furthermore, invoking the provisions of Wisconsin Statute 343.31(3)(d)1, upon conviction the department shall revoke the defendant's operating privileges for 6 months.

And the defendant may also be subject to additional collateral consequences upon conviction, including revocation of operating privileges, assessment and treatment requirements, and future restrictions on operation of motor vehicles under Wisconsin Statute 343.31(1m).

Probable Cause:

Complainant is a City of Wauwatosa police officer and bases this complaint upon his involvement in this investigation as well as review of reports of the Wauwatosa Police Department, the Milwaukee Police Department, and the Milwaukee County Sheriff's Office. Those reports and that investigation revealed the following:

Initial Responding Officers and Scene Investigation

On October 14, 2021, at approximately 1:50 a.m., City of Wauwatosa Police Officer Beth Itnyre and other Wauwatosa police officers were sent to the area of 11011 W. North Avenue, City of Wauwatosa, County of Milwaukee, State of Wisconsin, for a 911 call of a pedestrian struck and lying in the roadway.

Upon arrival, Officer Itnyre observed the victim, later determined to be the above named victim Sunita Balogun-Olayiwola laying on the road in the right eastbound traffic. A civilian could be seen crying and dragging a construction barrel into the roadway in an attempt to block traffic in front of the victim.

Officer Itnyre checked the victim and observed a substantial amount of blood underneath her head. While the victim's eyes were partially open, Officer Itnyre noticed that they were not moving. The victim was not breathing and did not appear to have a pulse. Lifesaving measure were attempted but were ultimately not successful. The victim died of her injuries.

In the area of the victim's feet, Officer Itnyre recovered a part of a **screwdriver tool**, with interchangeable bits in each end. A little south of the victim's body, near her head, Officer Itnyre found a black and yellow tool handle that appeared to be the handle for the screwdriver tool. Complainant is aware that this tool is consistent with those that are used in attempts to steal vehicles, as will be further discussed in this complaint.

Officer Itnyre also observed tire marks in a section of mud on the west side of the driveway, as well as additional tire marks on the roadway going north, then curving west and south and eventually continuing east on the road.

Officer Itnyre was able to determine that Wauwatosa Police had previously had contact with the victim on 9-25-21 when she had been sleeping in her vehicle at the Homewood Suites. During that encounter with the Wauwatosa Police Department it appeared that the victim was either deaf or mute. **The victim's vehicle was not located at the homicide scene.**¹

Importantly, during that September encounter with police, the victim used a cell phone to communicate with the police. **That cell phone was not located at the homicide scene and was believed to be in the victim's missing vehicle.**

¹ During this encounter in September, the victim was using a friend's vehicle. Investigation revealed that the victim's missing vehicle from the scene of her homicide was a 2015 Jeep Cherokee, VIN **1C4PJMCS7FW512456**.

Autopsy

Complaint is further based upon the statement of Dr. Douglas Kelley, an Assistant Medical Examiner of the Milwaukee County Medical Examiner's Office. Dr. Kelley is duly licensed to practice medicine in the State of Wisconsin and is trained and experienced in the field of forensic pathology.

Dr. Kelley performed an autopsy on the victim Sunita Balogun-Olayiwola and determined that she suffered multiple blunt force injuries to the head, chest and extremities. Specifically, Dr. Kelley observed a "patterned contusion to the forehead" consistent with a tread mark of a tire driving over the victim's head. Dr. Kelley also observed numerous and extensive skull fractures, which appeared consistent with crushing injuries consistent with a vehicle driving over the victim's head. Additionally, the victim suffered numerous lacerations throughout the brain including on the brain stem, consistent with those crushing injuries to the skull. Lastly, the victim suffered multiple rib fractures, abrasions, and a traumatic pocket within the right upper chest and breast.

Dr. Kelley determined that the cause of the victim's death was multiple blunt force injuries consistent with being run over by a vehicle.

Holiday Inn Express Parking Lot

Complaint is further based upon the statement of Officer Beth Itnyre, that on October 14, she was also dispatched to an attempted theft of motor vehicle that occurred in the parking lot of the Holiday Inn Express located at 11111 W. North Avenue, City of Wauwatosa, County of Milwaukee, State of Wisconsin. Based on witness statements and the close location of this scene to the homicide location, it was believed that these two incidents were related.

Upon arrival, Officer Itnyre observed a red 2020 Hyundai Santa Fe SUV parked at the northwest corner of the hotel parking lot with its driver door standing open. The rear passenger window of the vehicle appeared to be shattered and there was visible damage to the steering column and ignition, consistent with an attempt to steal this vehicle without the ignition key. This damage is consistent with that that could be caused by the screwdriver tool recovered from the homicide scene.

Officer Itnyre also observed that the interior of the vehicle and the glove box appeared to have been rummaged through.

Outside the vehicle, Officer Itnyre observed a red and white cooler in the grass behind the vehicle. Officer Itnyre also observed shattered glass from the vehicle window on the floor beside the vehicle.

Statement of RLD

Complaint is further based off of the statement of RLD, who states that he was a guest at the Holiday Inn Express and that the red 2020 Hyundai Santa Fe SUV is his company car. RLD stated that he parked it secure it 10 pm in the Holiday Inn Express parking lot and that his vehicle was intact and secure. He further stated that there was no interior or exterior damage to the car when he left it.

RLD stated that the red and white cooler recovered by police was from his car and must have been removed from the vehicle by the suspects. RLD also indicated that he had two boxes of 9mm ammunition cartridges and one box of .22 caliber ammunition that were missing from the center console storage. RLD also stated that "about a \$100" was also missing from the center console.

Lastly, RLD stated that a **Gatorade bottle of coin currency** and approximately \$40 in paper currency were missing from the driver's door map pocket.

RLD stated that he did not consent to the damage to his vehicle, to anyone entering or attempting to steal his vehicle, or to anyone taking items from his vehicle without his consent.

Statement of KM

Complaint is further based upon the statement of KM, who is a security guard at the Holiday Inn Express, who stated that on the above date, he was working when he was approached by an African American **female that appeared to be deaf**, whom KM identified as the victim from a photo. KM stated that the victim gestured to KM that KM should follow her into the parking lot and directed him to a red Hyundai Santa Fe SUV that was parked in the parking lot. KM stated that the victim pointed towards the vehicle, which KM observed had a smashed passenger side rear window. The victim gestured that someone had just broken the window.

KM stated that the victim then pointed towards the Denny's, which is west, as though to indicate that she had been at Denny's when she saw the people smash the window.

KM stated that the victim then entered a silver newer SUV parked two spaces away from the Hyundai. KM stated that the victim then drove out of the parking lot, toward the exit to W. North Avenue. KM stated that "within minutes" he heard sirens.

Statement of BMH

Complaint is further based upon the statement of BMH, who stated that she lives in an apartment near the area and could see the homicide scene. BMH stated that she heard arguing and looked out her window and saw three females on the sidewalk arguing. BMH also observed a silver SUV, with an African American juvenile in the driver seat.

BMH stated that the females were attempting to get in the vehicle, but that it appeared that the male would not let them in.

During this encounter, the females ran at the car, at which point **the male backed the vehicle up over one of the females**. BMH stated that the male driver then **drove over the female again, before reversing over her body and then dragging her forward**.

BMH stated that one of the females yelled a "D" name at the male driver, and later stated "she's not moving." BMH stated that the remaining two females got into the SUV driven by the male and the vehicle then fled eastbound on W. North Avenue.

BMH stated that it appeared to her **that the male driver was attempting to hit the females**. BMH was the witness that police originally encountered attempting to block traffic near the victim.

Statement of ALA

Complaint is further based upon the statement of ALA, who also lives in a nearby apartment and was able to see the homicide scene. ALA stated that she heard arguing and saw a group of four teenagers arguing on the sidewalk. ALA stated that the group appeared to consist of two black males and two black females. She specifically noted that **one of the females was wearing a yellow hoodie**. She stated that the group was walking eastbound on her street in front of her apartment and that she stopped looking at them when it appeared that the group looked at her.

ALA stated that the arguing then got louder and she heard a female scream. ALA looked out the window again and now saw a 4 door SUV, **drive forward and backway on the curb approximately three times**. ALA saw two females standing in the street and heard them screaming, "she's dead!" ALA stated that the females took off and she assumed they got into the SUV.

ALA did not know anyone had been run over until after the SUV “peeled off” and ALA saw the victim lying in the street

Radisson Hotel Video

Complaint is further based upon the statement of Wauwatosa Officer Robert Piehl, who was dispatched to the area of the homicide scene. Officer Piehl later went to the Radisson Hotel located at 2303 N. Mayfair Road, which is just east on North Avenue of the homicide location and the Holiday Inn Express. Security for the hotel stated that prior to the homicide, a group of juvenile males and females came into the hotel and stated that they had been walking for a long time and wanted to sit down. The juveniles were told they could not stay at the hotel lobby since they were not guests and thus were asked to leave.

Complainant is aware that security video was later obtained and Police were able to identify the group of juveniles to consist of 2 African American males and 3 African American females. **One of the females can clearly be seen wearing a yellow sweatshirt or jumpsuit.**

In the video, the group was later identified as the above mentioned Defendant [REDACTED] as well as male juvenile TSF and female juveniles ANG (who was wearing a yellow and white hooded sweatshirt) and JMC. The last female juvenile has not been identified.

Tracking Victim’s Cell Phone

Complaint is further based upon the statement of City of Wauwatosa Police Detective Martin Keck who reviewed cell phone records that were obtained for the victim’s missing phone on the date of the homicide, October 14, 2021. Those phone records showed the cell phone utilizing towers that encompassed the homicide scene at 1:45 and 1:47 a.m. However, after the homicide, the cell phone appeared to traveling northward. From 1:56 a.m. until 2:06 a.m., the phone connected to two towers in the area of 91st and Custer, City and County of Milwaukee, State of Wisconsin. The last phone activity noted by the records was at 2:06 a.m.

Fleeing From Police

Complaint is further based upon the statement of City of Wauwatosa Police Detective Timothy Warren, who states that based upon the analysis of Detective Keck, he went to the area of 91st and Custer, and at approximately 8:27 p.m. drove behind an apartment complex in the 9100 and 9200 blocks of W. Custer Avenue looking for the deceased victim’s stolen vehicle. Once there, Detective Warren observed a Jeep that was parked backed into a parking spot behind 9133 W. Custer Avenue, City and County of Milwaukee State of Wisconsin. Detective Warren stated that this vehicle appeared to be consistent with the victim’s missing Jeep. He observed that the Jeep appeared to have out of state plates.

Detective Warren stated he took up a surveillance position in his unmarked squad vehicle and observed the Jeep drive out of the east entrance and head eastbound on W. Custer Avenue. Detective Warren stated that he observed the Jeep turn southbound on 91st Street, but the Jeep did a U-turn before it reached Appleton Avenue and then headed northbound. Detective Warren also committed a U-turn to follow and at that point noticed the Jeep accelerated quickly.

Detective Warren activated the 360 degree emergency lights of his squad, as well as his audible siren in an attempt to effectuate a traffic stop. The Jeep did not stop and fled, disregarding a red light at W. Silver Spring Drive and continued northbound until it reached Carmen Avenue, **where the driver extinguished the lights of the Jeep** and turned onto Carmen Avenue. The Jeep then drove to 92nd

Street and then turned southbound on 92nd Street until it reached W. Swan Circle where the vehicle then turned westbound. The Jeep disregarded a stop sign at W. Thurston Avenue and then turned southbound N. 93rd Street until it reached Silver Spring Drive. It drove on Silver Spring Drive until 95th Street, where it turned northbound.

Once at the intersection, Detective Warren no longer could see the Jeep and believed that it may fled down an alley. Detective Warren alerted other squads that the Jeep had successfully evaded him in the hopes that responding police might locate the Jeep, which they ultimately did as reflected below. The total distance of the flight by the Jeep was .7 miles with speeds reaching 70 mph on Milwaukee City streets. The entire chase occurred within the City and County of Milwaukee, State of Wisconsin.

After losing the Jeep, Detective Warren then returned to the parking spot behind 9133 W. Custer where the Jeep had originally been located. There, in the immediate area of where the Jeep had been parked, Detective Warren found **a receipt in the name of the deceased victim** from a furniture store in Green Bay, Wisconsin. He also recovered **a Jared Gold credit card in the name of the deceased victim**, as well as well as a sign language contact card and paperwork for the Oshkosh area, where the deceased victim was from.

Recovery of Deceased Victim's Stolen Vehicle and Apprehension of Suspects

Complaint is further based upon the statement of City of Wauwatosa Police Officer Jordan Yandre who went to assist Detective Warren. Officer Yandre learned that Milwaukee Police had located a suspicious vehicle that had been "ditched" behind 9323 W. Birch Avenue and several juveniles had fled the vehicle. At that location Officer Jordan Yandre located a Jeep Cherokee SUV bearing Louisiana license plates. Officer Yandre observed that all four doors were open. Officer Yandre observed that the vehicle had tape over the portion of the windshield where the VIN could be seen. Upon removing the tape, Officer Yandre found the VIN to be **1C4PJMCS7FW512456**, confirmed that this is the deceased victim's stolen vehicle.

Complaint is further based upon the statement of Milwaukee County Deputy Sheriff Travis Simanson who responded to assist Detective Warren regarding the fleeing and the abandoned vehicle. Upon arrival, Deputy Simanson observed two African American male juveniles walking northbound on N. 91st Street. Deputy Simanson ordered them to stop, and one, determined to be above mentioned Defendant [REDACTED], stopped and was taken into custody. The other, juvenile TSF, ran and was later apprehended by Milwaukee Police.

Complaint is further based upon the statement of City of Wauwatosa Police Officer Anthony San Felippo who was dispatched on October 14, 2021 at approximately 8:30 p.m., to assist Det. Warren regarding the location of the suspects. Upon arrival, Officer San Felippo met with Milwaukee Police Officers Daering and Fuerte, who had been dispatched to the area of the 9300 block of Birch for a an abandoned vehicle that several juveniles had run from. Going to the area, Milwaukee Police Officers located female juveniles ANG and JMC who were walking together on the 5300 block of N. 91st Street. ANG and JMC stopped and turned to walk the opposite way upon seeing the Milwaukee Police. Officer San Felippo noted both females ANG and JMC were wearing the same clothes they were wearing on the Radisson Hotel Security Video from shortly before the homicide.

Additionally, and importantly, juvenile ANG was found in possession of a cell phone, later determined to the deceased victim's cell phone.

Walmart Security Video and Fraudulent Credit Card Use

On October 15, 2021, Wauwatosa Police Detective Romeis searched the victim's recovered Jeep and found two receipts dated on October 14, 2021 after the victim had been killed and her Jeep stolen. Additionally, Detective Romeis recovered, among other items a Barclay Mastercard, in the name of the victim, with her identifying information on the card.

One of the receipts was a receipt at 12:00 p.m. for a Coinstar machine at a Walmart located at 10330 W. Silver Spring, City and County of Milwaukee, State of Wisconsin. The receipt showed the cashing of 1 dime, 4 nickels, and 132 pennies. Complainant is aware that change was stolen from RLD's red Hyundai.

Complaint is further based upon the statement of Wauwatosa Detective Joel Kutz who went and obtained the security video for this transaction and observed what appeared to be the victim's Jeep pull into the parking lot at 11:57 a.m. The video then shows a black male juvenile, whom Detective Kutz identified as the above Defendant, exit the driver's side of the vehicle, enter the Walmart and conduct a transaction at the Coinstar machine. The video then shows that the Defendant walks out of the store and reenters the driver's seat of the stolen Jeep and drives away.

The second receipt by Detective Romeis was on October 14, 2021 at 3:19 p.m. at the same Walmart. This time, the victim's Barclay Mastercard was used to purchase \$93.94 of items² without the victim's consent, as she was deceased.

Complaint is further based upon the statement of Wauwatosa Detective Timothy Kastner who went and obtained the security video for this transaction shows the victim's stolen Jeep drive into the Walmart parking lot at approximately 3:05 p.m. The video shows the Defendant exit the driver's side of the Jeep and ANG and JMC exit the passenger side of the Jeep. The video then shows all three enter the Walmart, pushing a shopping cart. The video then shows ANG and the Defendant at a self-checkout after selecting items. On the video, the Defendant can be seen scanning all the items purchased, manipulating the register, swiping a credit card, taking the receipt, and carrying the bag with the purchased items that he used the victim's stolen credit card to buy. The Defendant and ANG then walk out to the Jeep and wait for a period of time before they are joined by JMC. The Defendant then again gets into the driver's seat of the Jeep, while the other two get into the other seats and the Defendant drives the victim's stolen Jeep out of the parking lot.

Complainant notes that this Walmart is in close proximity to where Detective Warren found the group inside the Jeep and where the Jeep fled from him

² The twelve (12) items listed on the receipt were as follows:

1. Pant, UPC #019324283353, \$7.62
2. DAC CLR FNSH, UPC# 007940046197, \$9.48
3. DV CUCGRN, UPC# 007940048228, \$6.54
4. OS DEO, UPC# 001204401560, \$4.34
5. MULTI MF 4PK, UPC# 075116622004, \$3.47
6. BOYS SOCKS, UPC# 008669450308, \$4.98
7. LT RAINFORE, UPC# 007617132006, \$2.78
8. 2 PK BRA, UPC# 019366639458, \$11.44
9. BOYS UW, UPC# 001324456797, \$11.48
10. GIRLS SOCKS, UPC# 088602841193, \$6.97
11. WN UNDERWEAR, UPC# 088451403908, \$8.46
12. BOYS UW, UPC# 001324456832, \$11.48

Items 2-4 and 6-12, with the accompanying tags were found in the back of the victim's Jeep when recovered by Wauwatosa police.

Statement of TSF

Complaint is further based upon the statement of 15 year old juvenile TSF, who admitted to being present for several of these crimes and was with the above Defendant (whom he identified from a photo) when they were both arrested. TSF identified himself from the Radisson security videos stills on , as well as the above named Defendant, and juveniles ANG and JMC. TSF stated that they are all friends. He stated that the other female in the group was also a friend.

TSF stated that the five juveniles, had come to Wauwatosa with the intent to steal a vehicle. TSF stated that the group walked to the Radisson after stopping at the Mayfair mall. He stated that they stopped at the Radisson to rest, but had to leave and eventually walked to another hotel, determined to be the Holiday Inn Express.

TSF stated that the attempt to break into and steal a red Hyundai was interrupted by the deceased victim, which prompted their group to leave the Holiday Inn Express on foot. TSF stated that the Defendant broke the window to the red Hyundai in an attempt to steal it. TSF also admitted to reaching in the vehicle.

TSF stated that as they were walking away, the deceased victim pulled up next to them in an SUV, got out, and confronted the group. TSF stated that he told the group to keep walking

TSF stated that he and the fifth female continued walking eastbound towards the railway tracks and that the Defendant, ANG and JMC remained in the confrontation with the deceased victim. TSF stated that JMC told the Defendant to take the victim's vehicle and that either ANG or JMC then punched the victim in the face. TSF stated that then the Defendant got into the driver's seat of the victim's vehicle. TSF stated that the Defendant then kicked the door into the victim's face because the victim was attempting to hold onto the door of the vehicle. TSF stated that during this, the victim's head was run over while the Defendant was driving.

After the victim was run over, TSF stated that he and the other female were picked up in the victim's SUV driven by the Defendant, who drove them away. TSF stated that the Defendant was driving, ANG was in the front passenger seat, and that he, the other female and JMC were in the back of the vehicle. TSF stated that everyone kept asking the Defendant "what did you do?" and that the Defendant stated that he was sorry. Later that night, TSF stated they all talked about what happened and that everyone was saying to the defendant that he had "killed that lady."

Regarding the flight from the police, TSF indicated when he was present in the deceased victim's Jeep when it fled from the police. TSF stated that they were all (the Defendant, TSF, ANG and JMC) sleeping in the vehicle when TSF saw a police car drive by. TSF stated that he told everyone to wake up. TSF stated that the Defendant was the driver during the fleeing and that they saw the police lights and sirens and TSF stated that he asked the Defendant to drop him off. TSF stated that eventually the Defendant did pull over and they were all taken into custody later.

TSF stated that the Defendant was the only one to drive the stolen Jeep and that he never let anyone else drive it.

Statement of ANG

Complaint is further based upon the statement of 14 year old juvenile ANG, who admitted to being present for the homicide. ANG identified herself as well as the Defendant (whom she identified in a photo), TSF, JMC and the other female in the Radisson Hotel security video stills. She chuckled when it was pointed out that she was still wearing the same clothes during her arrest as she was wearing

during the incident. ANG stated that after leaving the Radisson, she stayed down on North Avenue while the others in the group went up to the Holiday Inn Express to steal a car.

After that, she and the rest of the group were confronted by the victim who drove up in a Jeep. ANG stated that it was possible that the victim was confronting them about the attempted auto theft at the Holiday Inn.

ANG stated that the victim got out of the vehicle and approached them. ANG stated that she told the Defendant **"Get the car, get the car."** ANG stated that the Defendant got into the driver's seat of the victim's car, while ANG got into a confrontation with the victim. ANG stated that the victim punched ANG, so ANG and JMC both punched the victim.

ANG stated that the Defendant began backing the car up, at which point the victim tried to hold onto the open driver's side door. ANG stated that the victim fell and was run over by the front tire. ANG stated that the Defendant then stopped the car and drove forward. ANG did not think that the Defendant ran the victim over a second time when the Defendant now drove forward.

ANG stated that she was outside the car when the Defendant ran over the victim and she started screaming, **"you ran her over, there's blood gushing out of her head."** ANG stated that "they" got into the car and the Defendant drove around the victim and "they" drove off.

ANG stated that the phone that she was caught with was the victim's cell phone. She asked what would happen to the phone as she wanted the phone to be hers.

Statement of JMC

Complaint is further based upon the statement of 14 year old juvenile JMC, who admitted to being present for the homicide. JMC identified herself as well as the Defendant (whom she identified in a photo), TSF, ANG and the other female in the Radisson Hotel security video stills, although she would not provide names for the Defendant and TSF.

JMC stated that after leaving the Radisson, several members of the group attempted to steal a red Hyundai.

After that incident, JMC stated that the victim pulled up in a Jeep alongside the group as they were walking. JMC stated that the victim "swung" at ANG, so ANG "swung back at her." JMC also admitted to punching the victim.

JMC stated that at this point, the Defendant got into the victim's Jeep in the driver's seat. JMC stated that as the Defendant attempted to drive off with the victim's car, the victim grabbed onto the door and "she got runned over." JMC stated that the victim fell when the Defendant took the Jeep into reverse and that the victim fell and her "head got busted." JMC stated that she looked at the victim after she had been run over and saw that the victim was hurt. JMC stated that the Defendant drove off, with ANG in the front passenger seat and JMC and TSF in the back. JMC stated that the Defendant stated "she dead," and drove away because JMC believed that the Defendant did not want to get in trouble. JMC admitted that nobody from their group checked on the victim.

Defendant's Driving License Status

The Defendant was never issued a valid Wisconsin Driver's License as he is too young to drive or obtain a driver's license.

Jurisdiction in Adult Court

Pursuant to Wis. Stat. Sec. 938.183 (am), adults courts have original jurisdiction over juveniles older than 10 years of age alleged to have committed a First Degree Reckless Homicide in violation of Wis. Stat. Sec. 940.02. Additionally, pursuant to Wis. Stat. Sec. 938.183 (ar) adult courts also have original jurisdiction over commission of any other state crime violations that are properly joined with an original jurisdiction charged under 938.183 (am). Thus, all of the charges included in this complaint are subject to original jurisdiction of adult court, subject to any later reverse waiver determination by the circuit court.

****End of Complaint****

Electronic Filing Notice:

This case was electronically filed with the Milwaukee County Clerk of Circuit Court office. The electronic filing system is designed to allow for fast, reliable exchange of documents in court cases. Parties who register as electronic parties can file, receive and view documents online through the court electronic filing website. A document filed electronically has the same legal effect as a document filed by traditional means. You may also register as an electronic party by following the instructions found at <http://efiling.wicourts.gov/> and may withdraw as an electronic party at any time. There is a \$ 20.00 fee to register as an electronic party. If you are not represented by an attorney and would like to register an electronic party, you will need to contact the Clerk of Circuit Court office at 414-278-4120. Unless you register as an electronic party, you will be served with traditional paper documents by other parties and by the court. You must file and serve traditional paper documents.

Criminal Complaint prepared by Grant I. Huebner.

Subscribed and sworn to before me on 10/20/21

Electronically Signed By:

Grant I. Huebner

Assistant District Attorney

State Bar #: 1036890

Electronically Signed By:

Detective Ryan Cepican

Complainant