

File Number

2014-0043

Title

Report

City of West Allis Matter Summary

Status

In Committee

Appear: Jame Grubb & James Henry

	Polic 2013 2013	ce Department Reps-2015 Operator's 3.	oort involving Ji License (bartend	m's Oval Bar, 914 ler/sales clerk) no	41 W. Nations 5. 15-265, Inc	al Ave., (Jamie L. ident Date: Decer	Grubb, nber 28,
	Intro	duced: 1/21/2014		Controlli	ing Body: Lice	nse & Health Comr	mittee
COMMITTEE	RECOMM	ENDATION_		POF			
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STANDING COMMITTEES OF THE CITY OF WEST ALLIS COMMON COUNCIL

ADMINISTRATION & FINANCE

PUBLIC WORKS

SAFETY & DEVELOPMENT

Chair: James W. Sengstock

Vice-Chair: Vincent Vitale Thomas G. Lajsic Michael P. May Cathleen M. Probst Chair: Gary T. Barczak Vice-Chair: Martin J. Weigel Michael J. Czaplewski

Rosalie L. Reinke Daniel J. Roadt Chair: Thomas G. Lajsic Vice-Chair: Cathleen M. Probst

Michael P. May Rosalie L. Reinke Vincent Vitale

LICENSE & HEALTH

Chair: Michael J. Czaplewski Vice-Chair: Daniel J. Roadt

Gary T. Barczak James W. Sengstook Martin J. Weigel

ADVISORY

Chair: Rosalie L. Reinke Vice-Chair: Michael P. May Cathleen M. Probst Daniel J. Roadt Vincent Vitale





CITY CLERK/TREASURER'S OFFICE

414/302-8200 or 414/302-8207 (Fax)
www.westalliswi.gov
Paul M. Ziehler
City Admin. Officer, Clerk/Treasurer
Monica Schultz
Assistant City Clerk
Rosemary West
Treasurer's Office Supervisor

Janury 15, 2014

Jamie L. Grubb 1926 S. 70 St. West Allis, WI 53219

Dear Ms. Grubb:

The Chairman of the License & Health Committee orders that you appear at its meeting on Tuesday, January 21, 2014, at 6:00 P.M. in Room 128, West Allis City Hall, 7525 W. Greenfield Ave., regarding your July 1, 2013 - June 30, 2015 Operator's License (bartender/sales clerk) no. 1500265, with regards to an incident on December 28, 2013.

All meetings, unless otherwise noted, are open to the public and may be televised and recorded through the City's Cable Communications Division.

If you have any questions, please contact the Clerk's Office at (414) 302-8202

Sincerely,

Monica Schultz
Assistant City Clerk

/amn

cc: James F. Henry

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CITY CLERK/TREASURER'S OFFICE

414/302-8200 or 414/302-8207 (Fax) www.westalliswi.gov Paul M. Ziehler City Admin. Officer, Clerk/Treasurer Monica Schultz Assistant City Clerk Rosemary West Treasurer's Office Supervisor

January 15, 2014

James F. Henry, Agent Henry Enterprises, Ltd. d/b/a Jim's Oval Bar 9141 W. National Ave. West Allis, WI 53227

Dear Mr. Henry:

The Chairman of the License & Health Committee orders that you appear at its meeting on Tuesday, January 21, 2014, 6:00 P.M., in Room 128, West Allis City Hall, 7525 W. Greenfield Ave., regarding an incident which occurred on December 28, 2013.

A copy of the incident report is being sent to your home address.

All meetings, unless otherwise noted, are open to the public and may be televised and recorded through the City's Cable Communications Division.

If you have any questions, please contact the Clerk's Office at (414) 302-8202

Sincerely,

Monica Samultzana Monica Schultz

Assistant City Clerk

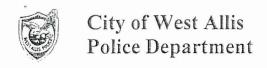
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cc:

James F. Henry (home enclosure)

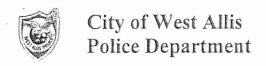
Jamie L. Grub (no enclosure)

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Liquor Establishment Violation 12/28/2013 Date: To: Lieutenant Jessica Johnson Captain Marks From: Violation Type ■ Bartender Violation Tavern Violation Restaurant Violation Liquor Store No Violation but the Incident is Liquor License Related Incident #: 13-011614 N/A N/A Location: 9141 W. National Ave. N/A Establishment Name: Oval Bar Establishment License #: 13-00000717 N/A N/A Establishment Owner: James F. Henry N/A Owner Address: 18749 W. Lookout Ln., New Berlin, WI 53146 941.237(2) - Carrying a Handgun Where Alcohol is Sold / Consumed 947.01 - Disorderly Conduct, Use of a Dangerous Weapon N/A Violation(s): 941.23 - Carrying a Concealed Weapon (PATRON / OFFENDER WAS VIOLATOR OF ALL OFFENSES) Robert J. Jadin, M/W, 10/09/1974 - Patron N/A Offender: 2115 S. 93rd St., West Allis, WI 53227 N/A Offender Address: N/A Offender: N/A Offender Address: N/A Offender: N/A Offender Address: N/A Offender: N/A Offender Address: Additional Offenders listed in Incident Report narrative: Yes X No Reviewed by Commanding Officer: Captain Christopher Marks Copy of Incident Report Attached to Liquor Laws Violation Report: X Yes N/A

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Liquor Establishment Violation

Commanding Officer Signature:

Reviewed by Deputy Chief Robert Fletcher:

Copy forwarded to License and Health Committee: Date:

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License Number:	State:		Expiration Year:	Vin:				Insurance Company:	13
Other Vehicle Informat	ion:						NCIC#		-0116
Reporting Officer(s):						Payroll Number:	Payroll Number:	Report Date:	1 1
McNally,						9439			4
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West Allis Police Department

Continuation

Incident Report Number 13-011614

Incident Location:

9141 W National Ave; WA, West Allis, WI, 53227

Incident Date: 12/28/2013

NAMES

Suspect

Jadin, Robert J W/M-39 of 2115 S 93 St; WA, West Allis, WI, 53227

DOB: 10/09/1974 DL: J350-7707-4369-02

HT: 508

WT: 235 Hair: Brown

Eyes: Hazel

Home Phone: (414) 543-7082

Booking#: 13-006010

Case#	Charge	Description	Ct
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13-011614	941.237(2)	Carry Handgun-Alcohol Sold/Consumed	1

Witness

Monty, Mark R W/M-60 of 8775 W Adler St, Milwaukee, WI, 53214

DOB: 02/10/1953

Cell Phone: (414) 467-6916

Owner/Building

Henry, James Francis W/M-77 of 18749 W Lookout Ln, New Berlin, WI, 53146

DOB: 02/20/1936 DL: H560-4463-6060-01

HT: 505 WT: 140 Hair: Red Or Auburn Eyes: Blue

Other Phone: (262) 679-9572

Business

Oval Bar of 9141 W National Ave, West Allis, WI, 53227

NARRATIVE

Cpl. McNally reports...

ARRIVAL

On 12-28-13 at 0253 hrs, officers responded to the Oval Bar, 9141 W. National Ave. regarding a patron placing a loaded firearm on top of the bar. The firearm was

Reporting Officer(s):	ID Number	ID Number	Pages:
McNally, Ryan	9439		2 Of 4

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seized by the bartender and the owner on the firearm was no longer on scene. On arrival, I made contact with bartender Jamie L. Grubb, who provided the following statement.

STATEMENT - JAMIE L. GRUBB (witness / bartender)

Grubb stated a patron who she knows as "Bob" came into the tavern at approximately 10:30pm on 12-27-13. Grubb served "Bob" one miller lite beer, which "Bob" consumed. After consuming his first beer, "Bob" emptied his pockets onto the bar top. One of the items "Bob" placed on top of the bar was a loaded black Leinad model DD .45 cal double barrel derringer.

Grubb quickly grabbed the firearm and placed it in a drawer behind the bar. She told "Bob" that he was not allowed to have the firearm inside the tavern. Grubb estimated this incident took place at approximately 11:00pm. "Bob" asked Grubb for another beer, stating if he couldn't have the firearm he wanted another beer. Grubb continued serving "Bob" until bar close. She estimated that he consumed five beers.

When "Bob" was asked to leave due to the tavern closing, he requested his firearm back from Grubb. Grubb told him that he was not getting it back because he was intoxicated. She told him to return on 12-28-13. "Bob" left the tavern without incident.

On 12-28-13 at approximately 2:45am, Grubb stated she received a phone call on the business phone from a male identifying himself as Bob's father. The subject asked if he could come pick up the firearm as he was sober. Grubb told the subject that he could not come pick up the firearm. She told him that the tavern opens at 9:00am on 12-28-13 and that he could come at that time to retrieve the firearm. Grubb advised that the tavern has caller ID and I requested to see the caller ID. Grubb showed me the caller ID, which read, "JADIN ROBERT 414-543-7082."

Grubb provided the following description of "Bob": white male, approximately 42-45 years old, approximately 5'07" and 200 lbs, balding on top with brown hair on the sides, full beard, wearing a camouflage baseball cap, red flannel shirts and blue jeans. I asked Grubb why she did not call the police department immediately after confiscating the firearm. She advised that she had a full bar of patrons and she was trying to keep things low key.

Grubb admitted that after all patrons had left the tavern, she attempted to unload the firearm. She was unable to do so and asked Mark R. Monty to unload the firearm for her.

STATEMENT - MARK R. MONTY (witness)

Refer to Officer Binter's supplemental report.

Reporting Officer(s):	ID Number	ID Number	Pages:
McNally, Ryan	9439		3 Of 4

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West Allis Polic	ce Department	Continuation
Incident Report Number	Incident Location:	Incident Date:
13-011614	9141 W National Ave; WA, West Allis, WI, 53227	12/28/2013

PROPERTY

Refer to Officer Carlson's supplemental report.

INVESTIGATION

I checked WAPD local contacts for the phone number Grubb provided me on caller ID. I also checked WAPD local contacts for the name Robert Jadin. I was able to locate a Robert J. Jadin (m/w, 10-09-74, 5' 08", 235 lbs.) with an address of 2115 S. 93 St.

I checked the outside of the tavern and there were no signs posted stating firearms were not allowed on the premises. I also had dispatch conduct an NCIC check of Jadin to check if he had a carry concealed weapons (CCW) permit. Dispatch advised there were no results and that Jadin did not have a CCW permit.

TAVERN REPORT INFO

Grubb did have a valid bartender license #15-265 on her person. I also observed a valid Class B liquor license #13-00000717 posted on the east wall of the business. The owner of the business is James F. Henry.

CONTACT WITH ROBERT H. JADIN (contact)

On 12-18-13 at approximately 0615 hrs, I made phone contact with Robert H. Jadin. Robert admitted that he had contacted the Oval Bar via phone and asked to pick up the firearm from the tavern. Robert admitted that his son, Jadin, was at the Oval bar and that Jadin left the firearm there.

I advised Robert that the firearm was now at the WAPD and asked if he could bring Jadin to the WAPD. Robert stated Jadin was sleeping and was intoxicated. Robert stated he would bring Jadin to the WAPD when he woke up. I provided Robert with the phone number and told him to advise Jadin not to bring any firearms with him.

CASE DISPOSITION

As of 12-28-13 at 0700 hrs, Jadin has not been arrested. Investigation on going.

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Reporting Officer(s):	ID Number	ID Number	Pages:
McNally, Ryan	9439		4 Of 4

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Incident Report Number	Incident Location:		Incident Date:
13-011614	9141 W National A	Ave; WA, West Allis, WI, 53227	12/28/2013
New incident:		Original CFS Code - 1: New CFS Code -1:	New CFS Code - 2:
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13-009605			
1 SAF		MOD. DD. CAL. 45	1.000
		M00001522	\$0.00
			[Recovered]
2 SAF		(2) 1/5 OZ. 2.5" ROUNDS OF	2.000
		AMMUNITION	\$0.00
			[Recovered]

Reporting Officer(s):		Payroll Numbe	Payroll Number	Report Dat
Carlson, Lete		9970		12/28/2013
Reviewed by:	Payroll Number	Сору То		
Marks, Christopher	9075		1	Of 1

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	West Allis F	Police	D	epartmen	t					Supplemer	ntary Report
Incident	Report Number	Incident Loca	tion.								Incident Date
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New Inci	ident.					Original CF	S Code - 1:		New CFS Co	de -1 :	New CFS Code - 2:

Officer Carlson reports...

INITIAL CALL

On 12/28/13 at approximately 0253 hrs., Officers responded to 9141 W. National Ave. (The Oval Bar) for a report of a customer bringing a loaded firearm into the establishment and subsequently placing it on the bar. The bartender confiscated the firearm, and contacted WAPD after the bar was closed for the evening.

FIREARM COLLECTION

Upon arrival, I observed the unloaded firearm sitting on the inside table of the bar. The firearm is a small black double barrel, single shot MOD. DD. Cal.45. There were two bullets sitting next to the firearm. The ammunition is 2 1/2 inches and 1/2 oz each.

I observed the firearm to be safe and I collected both firearm and ammunition and placed the items into a paper bag. I then transported the items back to the department and placed them on property.

PROPERTY

- (1) MOD. DD. Cal. 45 firearm with serial number M00001522 WAPD Property #13-009605-1
- (2) 1/5 oz. 2.5 inch rounds of ammunition

WAPD Property #13-009605-2

NCIC

I ran the serial number, M10001522 through NCIC which had a response of no record.

Reporting Officer(s):		Payroll Number	Payroll Number	Report Dat :
Carlson, Lete		9970		12/28/2013
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Marks, Christopher	9075		1	Of 1

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West Allis	Police Department		Supplemer	itary Report
Incident Report Number	Incident Location:			Incident Date
13-011614	9141 W National Av	re;WA, West Allis	, WI, 53227	12/28/2013
New Incident:		Original CFS Code - 1:	New CFS Code -1 :	New CFS Code - 2:
		5212		

NAMES

Witness

Monty, Mark R W/M-60 of 8775 W Adler St, Milwaukee, WI, 53214

DOB: 02/10/1953

Cell Phone: (414) 467-6916

NARRATIVE

Officer L. Binter reports:

CALL FOR POLICE

On 12/28/13 at approximately 0253 hours, officers responded to the Oval Bar (9141 W. National Ave.) regarding a patron setting a loaded firearm on top of the bar. The firearm was confiscated by the bartender, Jamie L. Grubb (F/W, DOB 06/17/83), and later turned over to officers after bar close. Upon arrival, I made contact with Mark R. Monty (M/W, DOB 02/10/53) who was seated on the west side of the bar.

ON-SCENE STATEMENT-MARK R. MONTY-WITNESS

Monty prefaced he stayed behind after bar close due to the fact he knows Grubb and assisted with the incident. At this point Monty stated he is a long time regular and knows the patron involved in the incident as 'Bob'. Monty stated 'Bob' was a regular at the bar for a number of years before he was thrown out and was told never to come back approximately 7 years ago. Monty stated approximately 9 months ago the bar got a new bartender and 'Bob' started to come back. Monty described 'Bob' as a 'trouble maker and punk'. Monty stated he had no further information about 'Bob' although he knows 'Bob' lives close by.

Around bar close Grubb informed Monty she confiscated a firearm from 'Bob' earlier in the night. Monty did not see the initial interaction between 'Bob' and Grubb and only knew about the specifics of the event after Grubb informed him. At bar close 'Bob' walked around to the west side of the bar where Monty was seated to make contact with Grubb.

'Bob' flagged Grubb down and asked for his firearm back. Grubb informed 'Bob' she was not going to give him the firearm back tonight as he was drinking; he was not going to give him the firearm back tonight as he was drinking; he was not going to give him the firearm back tonight as he was drinking; he was not going to give him the firearm back tonight as he was drinking; he was not going to give him the firearm back. Grubb informed 'Bob' she was not going to give him the firearm back. Grubb informed 'Bob' she was not going to give him the firearm back tonight as he was drinking; he was drinkin

West Allis	Police Department		Supplemen	ntary Report
Incident Report Number	Incident Location:			Incident Date
13-011614	9141 W National Av	re;WA, West Allis	s, WI, 53227	12/28/2013
New Incident:		Original CFS Code - 1:	New CFS Code -1 :	New CFS Code - 2:
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APPREHENSION OF ROBERT J. JADIN (OFFENDER)

Officer Mathy reports...

On 12/30/13 at approximately 0019hrs, Officers responded to the offender, Robert J. Jadin M/W 10/09/74, residence to attempt to take him into custody for the warrants issued relating to this case. I made contact with Jadin at his residence where he was subsequently taken into custody without incident.

EXCITED UTTERANCE

After Jadin was placed in handcuffs I informed him of the offenses he was arrested for. Without asking Jadin any questions, he stated "the bartender took my gun". Jadin was then escorted to a squad and transported to the WAPD for booking.

MIRANDA STATEMENT- ROBERT J. JADIN (OFFENDER)

On 12/30/13 at 0150hrs, I interviewed Jadin in Interview Room A of the booking room in the West Allis Police Department. I recorded the interview with Digital Audio Recorder P17 using Digital Media Card P17-4. I read Jadin his Miranda Rights using the West Allis Police Department Directive 42.016. Jadin stated that he understood his rights and wanted to speak with me regarding the incident.

Prior to reading Jadin his rights he attempted to start speaking with me about the incident. I stopped Jadin and informed him I needed to read him his rights prior to speaking with him about the incident. After reading Jadin his Miranda rights he said he did not have enough money for a lawyer. Jadin then stated if he needed to sue someone he may get a lawyer. I clarified with Jadin if he was willing to speak with me without a lawyer present and he said "ya" and nodded his head yes.

I informed Jadin that I would like to hear his version of the events that took place on 12/28/13. Jadin said he went to the bar at approximately 2100hrs. Jadin said he just wanted to have a few beers and have a good time. Jadin said he then placed "it" on the bar. I told Jadin I wanted to clarify with him that he only had a couple of beers prior to placing his gun on the bar. Jadin replied that he was at a friends house prior to going to the Oval bar where he had a few drinks. Jadin later specified that he was drinking black berry whiskey as well as beer at his friends residence.

Reporting Officer(s):				Payroll Number:	Report Dat
Mathy, Joseph T.			9830		12/30/2013
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Clementi, Todd	1866			1 01	F 3

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Water Street, Spiles					

West Allis Police Department

Continuation

Incident Report Number

Incident Location:

9141 W National Ave; WA, West Allis, WI, 53227

Incident Date: 12/28/2013

good at observing things and he replied "ya that's why I put it right there on the bar."

Jadin had difficulty explaining the incident in chronological order. Jadin said he was livid at the end of the night when he did not receive his firearm back and requested that his father, Robert H. Jadin, called the bar on his behalf. Jadin said Robert did call the bar and was told to pick up the firearm in the morning. I asked Jadin if he had a concealed carry permit and he said "no that is why I open carry" and said "that's a right I have."

Due to Jadin's inability to chronologically specify the details of the events that took place that evening, I re-iterated his statement as he described. Jadin agreed that he drank intoxicating beverages at his friends residence, which he earlier specified as whiskey and beer, then walked from his friends residence directly to the Oval bar with the gun on his person, drank 1-2 beers, and then placed his gun on the bar, where the bartender took it and later had his father contact the bartender. Jadin said he then received a voicemail from Sgt. McNally and later returned a phone call to Sgt. Spath.

Jadin believed his actions were lawful and attempted to justify his point several times, referring to the growing crime rate, his right to carry a firearm, and "Obama." When I informed Jadin of the specific charge of going armed in a class B tavern he replied that it was "news to me."

I concluded the interview at 0225hrs. I later placed the digital media card in a secure envelope and handed placed it in the Forensic/ Technical Services Bureau secure drawer.

BOOKING OF OFFENDER

I mugged, printed, and booked Jadin under booking number 13-006010. Jadin was cooperative throughout the booking process and I later transported him to CJF.

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West Allis I	West Allis Police Department Sup					
Incident Report Number	Incident Location			Incident Date		
13-011614	9141 W National Av	re;WA, West Allis	, WI, 53227	12/28/2013		
New Incident:		Original CFS Code - 1:	New CFS Code -1 :	New CFS Code - 2:		
		5212	3			

Authorization for Detention

Captain Christopher Marks reports...

Officer Mathy informed me that Assistant District Attorney Stingl charged Robert Jadin with three misdemeanor offenses related to this incident. Upon his arrest, officers found that although there was a Milwaukee County Circuit Court record (CCAP) pertaining to this incident filed under case 2013CM005470, in verifying the warrant status for Jadin through NCIC/CIB yielded no warrants. Under the CCAP record for case 2013CM005470, the case status indicated "Filed Only - Arrest warrant issued 12-29-2013 for Jadin, Robert J."

I contacted Milwaukee County Sheriff's Officer Siedel at the Milwaukee County Criminal Justice Facility to determine proper protocol for Jadin's detention under these circumstances. Office Siedel informed me that I would need to contact the on-duty judge to obtain authorization to detain Jadin based on the information I provided and the corresponding information documented under case 2013CM005470. Officer Siedel believed the reason for this was due to the case being charged on Sunday, 12/29/2013, thus the warrant may not have been entered through NCIC/CIB at this point. The Criminal Justice Facility did not have any additional documentation, other than what was documented in the CCAP entry, regarding the warrant. Officer Siedel obtained my information and stated she would contact the on-duty judge for me in order to facilitate Jadin's detention.

On 12/30/2013 at approximately 0255hrs, I received a phone call from the Honorable Judge Jeffrey Wagner, Branch 38. I explained this criminal investigation to Judge Wagner, including the elements of each offense for which Jadin was arrested, the review by the district attorney's office, and the charges that were issued. I explained to Judge Wagner that Jadin's arrest occurred after charges were issued and CCAP indicates that a warrant had been issued, but the warrant had not been entered as of yet.

Judge Wagner authorized the detention of Jadin based on the information I provided. Judge Wagner also stated that Jadin was afforded the opportunity to post the appropriate bail for each offense. As a condition of his bail, Jadin was not to possess any firearms. If bail was posted he was to be ordered into out-of-custody intake court and he was to abide by this condition in addition to posting the corresponding bail. I then spoke with Officer Siedel again via phone. I advised her of my conversation with Judge Wagner.

Reporting Officer(s):			Payroll Number:	Payroll Number:	Report Dat ::	
Marks,	Christopher			9075		12/30/2013
Reviewed by.		Payroll Number	Сору То			
Marks,	Christopher	9075			1 01	F 2

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West Allis	Police Department	Supplemer	ntary Report	
Incident Report Number	Incident Location:			Incident Date:
13-011614	9141 W National Av	re;WA, West Allis	s, WI, 53227	12/28/2013
New Incident:		Original CFS Code - 1:	New CFS Code -1 :	New CFS Code - 2:
		5212		

SUMMARY

DA REVIEW

Officer Mathy reports...

On 12/29/13 I reviewed this case with ADA Dennis Stingle. Stingle charged Robert J. Jadin 10/09/74 with three misdemeanor charges, Disorderly Conduct - while armed, Carrying a Concealed Weapon, and Going Armed in a Class B Establishment. The Criminal Complaint was signed by Officer Laspisa and a misdemeanor warrant will be added in regards to this case.

Reporting Officer(s):			Payroll Number:	Payroli Number	Report Dat
Mathy, Joseph T.			9830		12/29/2013
Reviewed by:	Payroll Number	Сору Та:			
Marks, Christopher	9075			1 01	F 1

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CONTRACTOR					
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District Co.					
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Telegopping Co.					
HARMACHINE					

West Alli	s Police Department Suppleme	entary Report
Incident Report Number	Incident Location:	Incident Date
13-011614	9141 W National Ave; WA, West Allis, WI, 53227	12/28/2013
New Incident:	Original CFS Code - 1: New CFS Code -1:	New CFS Code - 2:
	5212	

Sunday, December 29, 2013, 1215 hours; PO P LaSpisa reports:

The misdemeanor warrant was signed by the Intake Court Commissioner. Case 13CM5470 was assigned to this case. A copy of the complaint is attached to the file.

Reporting Officer(s):			Payroll Number	Payroll Number	Report Dat ·
Laspisa, Philip .			1238		12/29/2013
Reviewed by:	Payroll Number	Сору То:			
Marks, Christopher	9075			1 01	1