



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Matter Summary

53.
39.
78.
65.
47.

File Number	Title	Current Status
2014-0714	Report	Introduced

Police Report involving The Drunken Duck, 5906 W. Burnham St. (2014-2015 Class B Tavern License no. 1743 and Instrumental Music License no. 1788 of Beer Garden Entertainment LLC, Lindsey Anne Guillermo. Agent, Incident Date: October 5, 2014).

Introduced: 11/18/2014

Controlling Body: License & Health Committee

COMMITTEE RECOMMENDATION

POP

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
3-3-15	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Barczak	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Czaplewski	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Haass	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Lajsic				
	<input type="checkbox"/>	<input type="checkbox"/>	May				
	<input type="checkbox"/>	<input type="checkbox"/>	Probst				
	<input type="checkbox"/>	<input type="checkbox"/>	Reinke				
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Roadt	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Vitale				
	<input type="checkbox"/>	Weigel	<input checked="" type="checkbox"/>				
		TOTAL		5	0		3

SIGNATURE OF COMMITTEE MEMBER

Chair Vice-Chair Member

COMMON COUNCIL ACTION

PLACE ON FILE

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
MAR 03 2015	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Barczak	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Czaplewski	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Haass	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Lajsic	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	May	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Probst	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Reinke	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Roadt	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Vitale	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	Weigel	<input checked="" type="checkbox"/>				
		TOTAL		10	-		-



OFFICE OF THE CITY CLERK

Monica Schultz
City Clerk

414/302-8220
414/302-8207 (Fax)

City Hall
7525 West Greenfield Avenue
West Allis, Wisconsin 53214

mschultz@westalliswi.gov
www.westalliswi.gov

February 25, 2015

Dawn M. Clark
1750 S. 61 St.
West Allis, WI 53214

Dear Ms. Clark:

The Chairman of the License & Health Committee orders that you appear at their meeting on Tuesday, March 3, 2015, at 7:30 P.M. (during recess of the Common Council Meeting) in Room 128, West Allis City Hall, 7525 W. Greenfield Ave., regarding your 2014-2015 Class B Tavern Liquor License application no. 2172, for premises located at 5906 W. Burnham St.

Please note that 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
amn

Monica Schultz
City Clerk

/amn

Lindsey Guillard
- Lindsey called
non appear
out of town till
Christmas
1-6 appear request



OFFICE OF THE CITY CLERK

Monica Schultz
City Clerk

December 26, 2014

Lindsey Anne Guillermo, Agent
Beer Garden Entertainment, LLC
d/b/a The Drunken Duck
5906 W. Burnham St.
West Allis, WI 53219

Dear Ms. Guillermo:

The Chairman of the License & Health Committee orders that you appear at their meeting on Tuesday, January 6, 2015 at 6:00 P.M., in Room 128, West Allis City Hall, 7525 W. Greenfield Ave., regarding incidents, which occurred on October 5, 2014 & October 13, 2014.

This letter serves as a third request for you to appear. Should you fail to appear as scheduled, the Committee may issue a Summons & Complaint to suspend, revoke, or not renew your license to operate your establishment at 5906 W. Burnham St. The Committee requested you attend in person. You may bring Legal Counsel to advise you.

A copy of the incidents were previously supplied to you by e-mail on December 1, 2014.

Please be advised that 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
City Clerk

/amn
enclosure

cc: Lindsey Anne Guillermo (e-mail)
Attorney Pat Hessling (no enclosure)
Jason W. Wage (property owner, no enclosure)



VIA CERTIFIED MAIL

OFFICE OF THE CITY CLERK

December 5, 2014

Monica Schultz
City Clerk

Lindsey Anne Guillermo, Agent
Beer Garden Entertainment, LLC
d/b/a The Drunken Duck
5906 W. Burnham St.
West Allis, WI 53219

Dear Ms. Guillermo:

The Chairman of the License & Health Committee orders that you appear at their meeting on Tuesday, December 16, 2014, at 6:15 P.M., in Room 128, West Allis City Hall, 7525 W. Greenfield Ave., regarding incidents, which occurred on October 5, 2014 & October 13, 2014.

This letter serves as a second request for you to appear. Should you fail to appear as scheduled, the Committee may issue a Summons & Complaint to suspend, revoke, or not renew your license to operate your establishment at 5906 W. Burnham St. You may be represented by Legal Counsel only, if you are unable to attend.

A copy of the incidents was previously supplied to you by e-mail on December 1, 2014.

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
City Clerk

/amn
enclosure

cc: Lindsey Anne Guillermo (e-mail)
Hector Guillermo (no enclosure-Certified mail)
Jason W. Wage (no enclosure)



VIA CERTIFIED MAIL

OFFICE OF THE CITY CLERK

December 5, 2014

Monica Schultz
City Clerk

Hector E. Guillermo
5353 W. Beloit Rd., Apt. 5
West Milwaukee, WI 53214

Dear Mr. Guillermo:

The Chairman of the License & Health Committee orders that you appear at their meeting on Tuesday, December 16, 2014, at 6:15 P.M., in Room 128, West Allis City Hall, 7525 W. Greenfield Ave., regarding an incident, which occurred on October 13, 2014.

Should you fail to appear as scheduled, the Committee may issue a Summons & Complaint to suspend, revoke, or not renew your 2013-2015 Operator's License (bartender/sales clerk license) no. 15-156. A copy of the incident is enclosed.

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

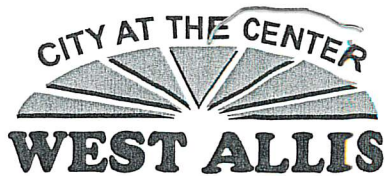
If you have any questions, please contact the Clerk's Office at (414) 302-8202.

Sincerely,

Monica Schultz
City Clerk

/amn
enclosure

cc: Lindsey Anne Guillermo (e-mail)
Hector Guillermo (enclosure-Certified mail)
Jason W. Wage (no enclosure)



OFFICE OF THE CITY CLERK

Monica Schultz
City Clerk

November 21, 2014

Lindsey Anne Guillermo, Agent
Beer Garden Entertainment, LLC
d/b/a The Drunken Duck
5906 W. Burnham St.
West Allis, WI 53219

Dear Ms. Guillermo:

The Chairman of the License & Health Committee orders that you appear at their meeting on Tuesday, December 2, 2014, at 6:00 P.M., in Room 128, West Allis City Hall, 7525 W. Greenfield Ave., regarding an incident, which occurred on October 5, 2014 & October 13, 2014.

A copy of the incident 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 Schultz
City Clerk

/amn
enclosure

cc: Lindsey Anne Guillermo (home enclosure)
Hector Guillermo (no enclosure)
Jason W. Wage (no enclosure)



City of West Allis
Police Department

Liquor Establishment Violation

Date: 10/5/2014
To: Lieutenant Jessica Johnson
From: Officer Carlson

Violation Type

- Tavern Violation
- Bartender Violation
- Restaurant Violation
- Liquor Store
- No Violation but the Incident is Liquor License Related

Incident #: 14-8817

N/A

Location: 5906 W. Burnham St

N/A

Establishment Name: Drunken Duck

N/A

Establishment License #: ~~14-1867~~

N/A

Establishment Owner:

N/A

Owner Address:

N/A

Violation(s): Disorderly Conduct

N/A

Offender: Jeffrey Gilbert

N/A

Offender Address: 1905 S 59 St, West Allis

N/A

Offender: Johnny Burnett

N/A

Offender Address: 2026 S. 29 St, Milwaukee, WI

N/A

Offender:

N/A

Offender Address:

N/A

Offender:

N/A

Offender Address:

N/A

Additional Offenders listed in Incident Report narrative: Yes No

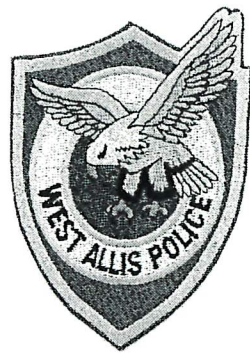
Reviewed by Commanding Officer: Lt Johnson

Copy of Incident Report Attached to Liquor Laws Violation Report: Yes N/A

Commanding Officer Signature:

Reviewed by Deputy Chief Robert Fletcher:

Copy forwarded to License and Health Committee: Date:



West Allis Police Department

Incident Report

Date: 10/05/2014

CFS Code-1: 1313

Incident Report Number:

14-008817

Incident:
Simple Assault

Incident Report Number:
14-008817

Between: Date - Time

And/At: Date-Time
10/5/14

02:15

Incident Location:

5906 W Burnham St;WA, West Allis, WI, 53219

CFS Code-1:
1313

CFS Code-2:

CFS Code-3:

Offense Code-4:

CFS Code-5:

CFS Code-6:

CFS Code-7:

CFS Code-8:

O

Name (Last, First, Middle)

Gilbert, Jeffery J

DOB:

09/24/1970

Race/Sex

W/M

Address: (Address, City, State, Zip)

1905 S 59 St, West Allis, WI, 53219

Home Phone Number

(414) 763-9660

Employer

Work Phone Number

Employer Address

Cell Phone Number

(414) 763-8850

V

Name (Last, First, Middle)

Gilbert, Jeffery J

DOB:

09/24/1970

Race/Sex

W/M

Address: (Address, City, State, Zip)

1905 S 59 St, West Allis, WI, 53219

Home Phone Number

(414) 763-9660

Employer

Work Phone Number

Employer Address

Cell Phone Number

(414) 763-8850

SUMMARY

On 10/05/14 at approximately 0215 hrs., I was driving eastbound on W. Burnham St. I heard loud shouting coming from the 1900 block of S. 59 St. As I turned southbound onto S. 59 St. I observed a large group of people in the middle of the street and they appeared to have just had a physical altercation/verbal argument. I seperated the parties and also observed a black Infinity vehicle drive away from the scene. The vehicle was stopped by Officer Said. Investigation revealed a physical altercation occurred between Jeffery J. Gilbert, Johnny L. Burnett, Dylan J. Gilbert, and Anita L. Bruno. Gilbert, Burnett, and Bruno were all arrested for disorderly conduct and provided with a local court date of 11/10/14 at 0830 hrs. A citation was mailed to Dylan Gilbert since he was not located on scene.

Vehicle Information: (Year, Make, Model, Style, Color)

License Number:

State:

Expiration Year:

Vin:

Insurance Company:

Other Vehicle Information:

NCIC#

Reporting Officer(s):

Carlson, Lete

Payroll Number:

9970

Payroll Number:

Report Date:

Time Received:

02:15:54

Time Cleared:

03:15:21

Unit(s) Assigned:

307, 311, 312, 313, 314,

Pages:

1 Of 6

Reviewed by:

Clementi, Todd

Payroll Number

1866

Copy To

West Allis Police Department

Continuation

Incident Report Number
14-008817

Incident Location:
5906 W Burnham St;WA, West Allis, WI, 53219

Incident Date:
10/05/2014

NAMES

Business

Drunken Duck
of 5906 W Burnham St
West Allis, WI, 53219
Cell Phone: (414) 460-9506

Contact

Kerner, Diana W/F-32
of 1509 s 30 st
Milwaukee, WI, 53207
DOB: 12/07/1981 DL: K656-1608-1947-01
HT: 502 WT: 120 Hair: Brown
Eyes: Hazel
Cell Phone: (608) 373-4939 Other Phone: (414) 982-9627

Offender-1

Burnett, Johnny L B/M-27
of 2026 S 29 St
Milwaukee, WI, 53215
DOB: 09/16/1987 DL: B653-4328-7336-03
HT: 511 WT: 240 Hair: Black
Eyes: Black Complexion: Black
Home Phone: (414) 416-7552 Cell Phone: (414) 322-1588

Booking#: 14-004686

Case#	Charge	Description	Ct
14-008817	947.01(1)	Disorderly Conduct Battery	1

Victim-1

Burnett, Johnny L B/M-27
of 2026 S 29 St
Milwaukee, WI, 53215
DOB: 09/16/1987 DL: B653-4328-7336-03
HT: 511 WT: 240 Hair: Black
Eyes: Black Complexion: Black
Home Phone: (414) 416-7552 Cell Phone: (414) 322-1588

Reporting Officer(s):
Carlson, Lete

ID Number
9970

ID Number

Pages:
2 Of 6

West Allis Police Department

Continuation

Incident Report Number 14-008817	Incident Location: 5906 W Burnham St;WA, West Allis, WI, 53219	Incident Date: 10/05/2014
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Booking#: 14-004686

Case#	Charge	Description	Ct
14-008817	947.01(1)	Disorderly Conduct Battery	1

Offender-2

Gilbert, Dylan James W/M-19
 of 1905 S 59 St;WA
 West Allis,WI,53219
 DOB: 09/28/1995 DL: G416-1709-5348-05
 HT: 601 WT: 170 Hair: Brown
 Eyes: Brown
 Home Phone:(414) 499-3567 Cell Phone:(414) 499-3089

Booking#: 14-004687

Case#	Charge	Description	Ct
14-008817	WA-947.01(1)	Disorderly Conduct Battery	1

Victim-2

Gilbert, Dylan James W/M-19
 of 1905 S 59 St;WA
 West Allis,WI,53219
 DOB: 09/28/1995 DL: G416-1709-5348-05
 HT: 601 WT: 170 Hair: Brown
 Eyes: Brown
 Home Phone:(414) 499-3567 Cell Phone:(414) 499-3089

Booking#: 14-004687

Case#	Charge	Description	Ct
14-008817	WA-947.01(1)	Disorderly Conduct Battery	1

Offender-3

Bruno, Anita L W/F-40
 of 1711 S 58 St;WA
 West Allis,WI,53214
 DOB: 03/09/1974 DL: B6500127458908

West Allis Police Department

Continuation

Incident Report Number 14-008817	Incident Location: 5906 W Burnham St;WA, West Allis, WI, 53219	Incident Date: 10/05/2014
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HT: 506 WT: 140 Hair: Brown
 Eyes: Hazel
 Cell Phone: (262) 794-6627 Other Phone: (414) 810-4225

Booking#: 14-004684

Case#	Charge	Description	Ct
14-008817	WA-947.01(1)	Disorderly Conduct Battery	1

Victim-3

Bruno, Anita L W/F-40
 of 1711 S 58 St;WA
 West Allis, WI, 53214
 DOB: 03/09/1974 DL: B6500127458908
 HT: 506 WT: 140 Hair: Brown
 Eyes: Hazel
 Cell Phone: (262) 794-6627 Other Phone: (414) 810-4225

Booking#: 14-004684

Case#	Charge	Description	Ct
14-008817	WA-947.01(1)	Disorderly Conduct Battery	1

NARRATIVE

Officer Carlson reports...

INITIAL OBSERVATIONS

On 10/05/14 at approximately 0215 hrs., I was driving eastbound on W. Burnham St. I heard loud shouting coming from the 1900 block of S. 59 St. As I turned southbound onto S. 59 St. I observed a large group of people in the middle of the street. They appeared to have just had a physical altercation/verbal argument.

I observed a M/W later identified as Jeffrey J. Gilbert, 09/24/70, standing in the road yelling, "Get them Niggers!" I also observed 3 females on the east side of S. 59 St. standing near the curb. I later identified the females as Anita L. Bruno, F/W, 03/09/74, Diana Kerner, F/W, 12/07/81, and Martina Flores, F/W, 12/16/80.

Reporting Officer(s): Carlson, Lete	ID Number 9970	ID Number	Pages: 4 Of 6
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West Allis Police Department

Continuation

Incident Report Number
14-008817

Incident Location:
5906 W Burnham St;WA, West Allis, WI, 53219

Incident Date:
10/05/2014

As I got out of the squad I observed individuals run southbound. I also observed a M/W, later identified as Dylan J. Gilbert, M/W, 09/28/95, without a shirt, standing in the middle of the road near Jeffrey Gilbert. Dylan Gilbert grabbed his sweatshirt and walk towards the residence located at 1905 S. 59 St. I told Jeffrey Gilbert, who was continually screaming and yelling profanities in the middle of the street, to back up and go sit on the sidewalk.

While separating individuals I also observed a black Infinity sedan drive away from the curb and head southbound from the scene. As Officer Said arrived on scene, I informed him to stop the vehicle because it may have been involved in the altercation.

ON SCENE STATEMENT OF ANITA L. BRUNO

On scene, I made contact with Anita L. Bruno, F/W, 03/09/74, who I observed standing near the curb amongst two other females. Bruno stated she and her friends, Kerner and Flores were leaving Drunken Duck to head to her residence when they heard yelling. Bruno saw two males arguing with each other and Bruno attempted to separate them. The older W/M kept yelling, "Get the nigger!"

Bruno then attempted to separate the parties. During Bruno's attempt at separating the parties, she believed an older W/M(Jeffrey Gilbert) attempted to throw a punch towards the right side of her face. Bruno also observed an unknown F/W wearing a pink sweatshirt yelling at everyone to "Just leave!" Bruno was moderately intoxicated when I spoke to her and wasn't able to recall much information regarding the incident.

STATEMENT OF DIANA KERNER

While on scene, I spoke to Diana Kerner, F/W, 12/07/81, who had left the bar with Bruno and Flores. Kerner stated she also heard the female screaming from the 1900 block of S. 59 St. but was not sure what was being yelled. Fearing for the female's safety she, Flores and Bruno walked over to where the screaming was coming from.

Kerner attempted to separate the parties who were loudly arguing with eachother. Kerner did not see a physical fight occur. Kerner did observe an older M/W(Jeffrey Gilbert) attempt to hit Bruno during the incident.

LACK OF CONSENT

Bruno did not give Jeffrey Gilbert consent to attempt to punch her on the right side of her face.

ARREST DECISION/BOOKING

Reporting Officer(s):
Carlson, Lete

ID Number
9970

ID Number

Pages:

5 Of 6

West Allis Police Department

Continuation

Incident Report Number 14-008817	Incident Location: 5906 W Burnham St;WA, West Allis, WI, 53219	Incident Date: 10/05/2014
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Based on Jeffrey Gilbert's statement of Bruno punching him, Bruno was arrested for disorderly conduct. I transported Bruno to the substation for booking. I issued Bruno a citation for disorderly conduct and informed her the local court date was 11/10/14 at 0830 hrs.

STATEMENT OF ANITA L. BRUNO

I placed Bruno into Interview room A of the substation. I Mirandized Bruno and she agreed to provide a statement without the presence of an attorney. The interview was recorded on a memory card and turned over to FTSB. The following is a statement Bruno provided:

Bruno stated she and her friends were at the Drunken Duck at 0045 hrs this evening. Bruno and her friends left the bar at 0210 and began to walk eastbound on the northside of W. Burnham St. towards her residence. As Bruno and her friends were approaching the 1900 block of S. 59 St, she heard a female screaming. Bruno believed the female was in trouble so she quickly walked over to where the screaming was coming from.

As Bruno turned southbound on S. 59 St., she observed a lot of M/W's. Bruno did not observe a physical altercation occurring. Bruno did observe an older M/W, and younger M/W (wearing a hoodie and had brown hair) arguing with eachother. Both the older and younger male were standing approximately a foot apart from eachother. Bruno did not observe the female screaming as she walked over to the two males. Bruno did observe a female wearing a pink sweatshirt and was told by her to "Just leave".

Bruno then stepped between the two males and placed her arms up in order to separate them. At this point, the older male yelled at her and swung his fist towards her. Due to her alcohol consumption, Bruno was unsure if she was hit by him or not. The younger male then took his hoodie off and Bruno continued to tell both men to stop fighting. Bruno did not observe any F/B or M/B individuals during the altercation. Bruno did say that the older male kept yelling the word "Nigger!"

ARREST OF DYLAN GILBERT

Since Dylan J. Gilbert was not located on scene, but was involved in the altercation. A citation was mailed to Dylan Gilbert.

CASE DISPOSITION

A large argument/physical altercation occurred in the 1900 block of S. 59 St. amongst numerous parties. Bruno, Dylan Gilbert, Jeffrey Gilbert and Johnny Burnett were arrested and given local citaiton for disorderly conduct.

Reporting Officer(s): Carlson, Lete	ID Number 9970	ID Number	Pages: 6 Of 6
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West Allis Police Department

Supplementary Report

Incident Report Number 14-008817	Incident Location: 5906 W Burnham St;WA, West Allis, WI, 53219	Incident Date: 10/05/2014
New Incident:	Original CFS Code - 1: 5311	New CFS Code - 1 : New CFS Code - 2:

NARRATIVE

Sgt. Kempinski reports...

DISPATCH TO CALL/ARRIVAL ON SCENE

On 10/05/2014 at approximately 0215hrs I responded to S. 58th St. and W. Burnham St. after Officer Carlson had advised dispatch that she was out with several people fighting in the street at that location.

When I arrived on scene a male party (later identified as Jeffrey J. Gilbert, M/W, 09/24/1970) was standing in the middle of the road with no shirt on and yelling. I exited my squad car and asked Gilbert to get out of the street, which he did. Gilbert advised me that he lives at 1905 S. 59th St. I had Gilbert, who was extremely agitated and yelling, to sit down on the front porch so I could speak to him about what happened. A female, later identified as Gilbert's girlfriend (Michelle L. Mish, F/W, 09/15/1972), was also yelling from the front porch. I asked her to also sit so I could obtain a statement from her and get everyone to calm down.

STATEMENT OF WITNESS- Michelle L. Mish (09/15/1972)

As officers spoke with Gilbert I began speaking with Mish. Mish stated that she was inside the residence when she heard a commotion from outside. When she came out of the door of the house she saw her son, Dylan, and a black male rolling around on the sidewalk. Her boyfriend, Jeffrey, was also involved in the altercation and she believed he was trying to get it seperated.

Mish was only able to provide a description of one of the subjects involved as a male black, Gray Sweatshirt Black Male approximately 6ft 4 inches tall. Mish did not know where the male went after the fight was broken up. Mish stated that several females were also involved in the fight and one of the females punched her husband as he was trying to seperate the fight.

Mish looked across the street where Officer Carlson was speaking with three females and identified one in a black Nike sweatshirt as the female who punched her husband. This female (Anita L. Bruno, F/W, 03/09/1974) was later arrested after Jeffrey Gilbert also identified her as hitting him in the face.

ARREST DECISIONS

Based on self admission as well as witness statements that Jeffrey Gilbert was intentionally signing a song with racial remarks in it in an attempt to get a

Reporting Officer(s): Kempinski, Michael J.	Payroll Number: 9604	Payroll Number:	Report Date: 10/06/2014
Reviewed by: Kempinski, Michael J.	Payroll Number: 9604	Copy To:	1 Of 2

West Allis Police Department

Continuation

Incident Report Number
14-008817

Incident Location:
5906 W Burnham St;WA, West Allis, WI, 53219

Incident Date:
10/05/2014

reaction from several subjects in the area, as well as his participation in the fight on the street he was arrested for Disorderly Conduct.

Based on statements confirming that he was in the original fight and then fled on foot when the police arrived a citation for Disorderly Conduct will be mailed to Dylan Gilbert.

Based on statements that she was in the physical altercation as it developed, Anita L. Bruno (03/09/1974) was arrested for Disorderly Conduct.

Based on information that he was in the verbal and eventual physical altercation, Johnny L. Burnett (09/16/1987) was arrested for Disorderly Conduct.

Reporting Officer(s):
Kempinski, Michael J.

ID Number
9604

ID Number

Pages:
2 Of 2

West Allis Police Department

Supplementary Report

Incident Report Number 14-008817	Incident Location: 5906 W Burnham St;WA, West Allis, WI, 53219	Incident Date: 10/05/2014	
New Incident:	Original CFS Code - 1: 5311	New CFS Code - 1 :	New CFS Code - 2:
<p>NARRATIVE</p> <p>Officer Schmidt reports:</p> <p><u>CALL FOR SERVICE</u></p> <p>On 10/05/14 at approximately 0215 hrs, officers responded to a reported bar fight originating from the Drunken Duck, 5906 W. Burnham St. The physical altercation proceeded with several parties on the sidewalk in front of 1905 S. 59 St. Upon arrival, I was requested to speak with a party, later identified as Jeffery J. Gilbert (m/w, 09/24/70), who was involved in the physical altercation.</p> <p><u>STATEMENT - JEFFERY J. GILBERT</u></p> <p>Jeffery stated he was at the Drunken Duck, when the song "Black Widow" came on in the bar. Jeffery advised he was familiar with the lyrics of the song, as he had sang the lyrics to his children in the past who would laugh at him, when a group of approximately three (3) black males walked past him. The verse in the song came on, which read "Like a black widow, baby," and Jeffery sang the words out loud. Jeffery stated the unknown black males must have suspected he was talking to them, along with misheard the words coming out of his mouth, because the parties confronted him shouting, "What'd you say?"</p> <p>Jeffery stated he was only singing the words to the song and attempted to calm the situation down, but he believed the unknown subjects were looking to cause some type of trouble, because they would back away. The confrontation proceeded toward Jeffery's residence, 1905 S. 59 St., when the same group of black males, "jumped" Jeffery's son, Dylan J. Gilbert (m/w, 09/28/95). Jeffery continued and added Dylan was knocked down on the sidewalk, and the unknown parties began punching Dylan, despite him not being involved in any way. Jeffery advised he entered the physical altercation on the sidewalk, in an attempt to protect his son, by pulling the subjects off of Dylan.</p> <p>Jeffery stated when pulled one of the subjects off of Dylan, he remembers tearing part of the hood on his grey hooded sweatshirt off. Jeffery described the subject as a black male, approximately six (6) feet tall, larger build, wearing a light grey hooded sweatshirt. The male subject described above was later identified as Johnny L. Burnett (m/b, 09/16/87), who was in a vehicle leaving the area as officers were responding where a traffic stop was initiated. Jeffery was unable to provide descriptions on the other male subjects involved.</p>			
Reporting Officer(s): Schmidt, Kevin	Payroll Number: 9964	Payroll Number:	Report Date: 10/06/2014
Reviewed by: Kempinski, Michael J.	Payroll Number 9604	Copy To:	1 Of 2

West Allis Police Department

Continuation

Incident Report Number

14-008817

Incident Location:

5906 W Burnham St;WA, West Allis, WI, 53219

Incident Date:

10/05/2014

Jeffery advised there was a group of three (3) females with the male subjects that were also involved in the physical altercation. Jeffery stated the females that officers were speaking with across the street were the ones also present during the altercation. Jeffery pointed toward the female wearing the black Nike sweatshirt, and stated something to the effect of, "she punched me in the face." Jeffery advised while he was pulling the subjects off of his son, he was punched in the face a single time by the subject he was pointing at, later identified as Anita L. Bruno (f/w, 03/09/74). Jeffery advised the punch caused discomfort, but he did not want to seek any form of medical treatment.

Officers requested to speak with his son, Dylan, who was no where to be seen. Jeffery initially advised he believed his son had gone back inside the residence, but later informed officers he observed his son fleeing the area on foot. Jeffery believed his son would have ran away because he has had negative police contacts in the past, and would probably want to avoid additional contact. Jeffery reiterated several times throughout my contact with him that the attack on Dylan was unprovoked, he was not a racist, and the only reason he stepped in to the fight was to protect his son.

LACK OF CONSENT

Jeffery advised he did not give anyone consent to physically assault him in any way, more specifically, to be punched a single time in the face by a party later identified as Bruno.

ARREST DECISION

After obtaining statements from all parties on scene, as well as speaking with other officers, the decision was made several parties would be arrested for disorderly conduct, one of whom was Jeffery. Officers informed Jeffery he was being placed under arrest for disorderly conduct, and he became highly uncooperative as he began to shout "nigger!" and "cunt!" several times while officers were attempting to place him in the back of a squad. In addition, Jeffery continuously shouted, "fuck yourself," to officers.

Jeffery was later brought back to the station for processing, where he was booked under #14-004685 and issued corresponding municipal court citation for DC. Once in the booking room of the West Allis Police Department, I informed Jeffery of his Miranda Warnings, who had previously declined to speak with me regarding this incident, stating he had nothing further to say.

Reporting Officer(s):

Schmidt, Kevin

ID Number

9964

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West Allis Police Department

Supplementary Report

Incident Report Number 14-008817	Incident Location: 5906 W Burnham St;WA, West Allis, WI, 53219	Incident Date: 10/05/2014
New Incident:	Original CFS Code - 1:	New CFS Code - 1: New CFS Code - 2:

NAMES

Offender

Burnett, Johnny L B/M-27
of 2026 S 29 St
Milwaukee,WI,53215
DOB: 09/16/1987 DL: B653-4328-7336-03
HT: 511 WT: 240 Hair: Black
Eyes: Black Complexion: Black
Home Phone:(414) 416-7552 Cell Phone:(414) 322-1588

Booking#: 14-004686

Case#	Charge	Description	Ct
14-008817	WA-947.01	Disorderly Conduct	1

NARRATIVE

Officer L. Binter reports:

CALL FOR POLICE

On 10/05/14 at approximately 0215 hours, Officer Carlson called out over the air there was a bar fight in progress in the 5800 block of W. Burnham St. As I was responding Officer Said calls out a traffic stop in the 5900 block of W. Beloit Rd., with a 2003 Infiniti G35, 4DR, blue in color, WI REG 501UST, VIN JNKCV51E13M014801. I responded to assist Officer Said and information was soon gathered the vehicle was involved as well as the passengers inside. Officers made contact with Burnett who was seated in the passenger seat.

ON-SCENE STATEMENT-JOHNNY L. BURNETT-OFFENDER

Burnett stated as he was leaving the Drunken Duck (5906 W. Burnham St.) with his girlfriend Migdalia L. Cucuta (F/H, DOB 12/28/79), a 'tall white guy', later identified as Jeffery J. Gilbert (M/W, DOB 09/24/70), started yelling out racial slurs. Burnett stated the slurs were 'black ass nigger' and 'nigger' said repeatedly at them. Burnett stated a smaller male who appeared to be Jeffery's son, later identified as, Dylan James Gilbert (M/W, DOB

Reporting Officer(s): Binter, Lucas	Payroll Number: 9821	Payroll Number:	Report Date: 10/06/2014
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Continuation

Incident Report Number 14-008817	Incident Location: 5906 W Burnham St;WA, West Allis, WI, 53219	Incident Date: 10/05/2014
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09/28/95), also started to join in and become aggressive following Jeffery's lead.

At this time Burnett's vehicle was parked in front of the Gilbert household and the scene was becoming tenser. Burnett stated he placed Cucuta in the vehicle and informed her we are in West Allis. Burnett explained he meant West Allis is overwhelmingly white and he wanted to get out of here before any trouble started.

As Burnett was walking back around to the passenger side of the vehicle to leave Jeffery and Dylan attacked him after he yelled back at them for the prior insults. As a result of the physical altercation Burnett's sweatshirt got ripped up although he was able to get away. Burnett got back in the vehicle and Cucuta drove away from the residence where they were stopped by the police shortly afterwards.

Sergeant Kempinski arrived on scene and was given a synopsis of Burnett and Cucuta statements. Sergeant Kempinski advised to place Burnett under arrest for Disorderly Conduct based on information gained on scene. Burnett was placed in handcuffs, placed in the rear of Officer Said's squad car, and transported to West Allis Police Department for booking.

END OF SUPPLEMENTAL (for an unknown reason the bold font was not able to be turned off)

Reporting Officer(s): Binter, Lucas	ID Number 9821	ID Number	Pages: 2 Of 2
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West Allis Police Department

Supplementary Report

Incident Report Number 14-008817	Incident Location: 5906 W Burnham St;WA, West Allis, WI, 53219	Incident Date: 10/05/2014
New Incident:	Original CFS Code - 1: 5311	New CFS Code - 1 : New CFS Code - 2:

NARRATIVE

Officer Said reports...

TRAFFIC STOP / CONTACT WITH MIGDALIA L. CUCUTA (F/U, 12-28-79) and JOHNNY L. BURNETT (M/B, 9-16-87)

On 10-6-14 at approximately 0215 hrs, Squad 399 responded to the area of S 59 St / W Burnham Ave for a report of an officer observing fight in progress. As I arrived on Officer Carlson pointed to dark colored infinity pulling away from the scene and asked that I stop the vehicle due the fact that persons involved entered the vehicle and were leaving. I observed the dark colored vehicle pull away from a parking spot on the shoulder of S 59 St., on the west side of the road and drive southbound towards W Beloit Rd. I conducted a traffic stop on the vehicle in the 5900 block of W Beloit Rd., 2003 Infiniti G35, 4 door, Dark Blue, WI/Reg. 501-UST, Vin # JNKCV51E13M014801.

I approached the vehicle and found the driver to be female with her shirt / blouse opened exposing her undergarments and the male passenger, had a ripped sweat shirt at the neck. I asked if they were involved in the fight which had just taken place and they stated that they had seen something, but wished to have no part in the ordeal and tried to leave.

For further statements of Burnett see Officer Binter's supplemental report...

I made contact with the driver, Cucuta. Cucuta said she was inside the tavern, The Drunken Duck when some male at the establishment tried to buy her a drink. As they tried to leave the same male / white followed and exchanged words with Cucuta's boyfriend, Burnett, making racial statements. Cucuta was not able to remember the exact nature or words, but remembered only that it was racial. Burnett told Cucuta to get inside the vehicle and Burnett went to the back of the vehicle to confront some males as they came to the vehicle. Cucuta was not able to add anything further. I asked if Cucuta was involved in the fight at anytime and she stated that she was not.

I transported Burnett to the WAPD where he was booked and processed regarding this incident for Disorderly Conduct. It was also learned that Burnett was on probation and the agent number specified was called and a message was left regarding the incident.

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