



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
2013-0090	Report	Introduced
<p>Police Department Reports involving Quenchers, 7731 W. Becher St. (2012-2013 Class B Tavern License no. 1411, Dance Hall License no. 1455 and Instrumental Music License no. 1774 of Sportz Medicine, LLC, John J. Biwer, Agent, Incident Date: January 5, 2013).</p> <p>Introduced: 2/19/2013. Controlling Body: License & Health Committee</p>		

COMMITTEE RECOMMENDATION PLACE ON FILE

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
FEB 19 2013	<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"/>	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 type="checkbox"/>	Roadt	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Sengstock				<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Vitale				
		<input checked="" type="checkbox"/>	Weigel	<input checked="" type="checkbox"/>			
		TOTAL		4	0		1

[Handwritten Signature]

 Chair

 Vice-Chair

 Member

COMMON COUNCIL ACTION place on file

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
FEB 19 2013	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Barczak	<input checked="" type="checkbox"/>			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Czaplewski	<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 type="checkbox"/>	Reinke	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Roadt	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Sengstock				<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Vitale	<input checked="" type="checkbox"/>			
		<input checked="" type="checkbox"/>	Weigel	<input checked="" type="checkbox"/>			
		TOTAL		9			1

**STANDING COMMITTEES OF THE
CITY OF WEST ALLIS COMMON COUNCIL**

ADMINISTRATION & FINANCE

Chair: James W. Sengstock
Vice-Chair: Vincent Vitale
Thomas G. Lajsic
Michael P. May
Cathleen M. Probst

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Cathleen M. Probst
Daniel J. Roadt
Vincent Vitale



**City of West Allis
Police Department**

Liquor Establishment Violation

Date: 1/5/2013
To: Lieutenant Ed Benish
From: Officer James Plotkin

Violation Type

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

Incident #: 13-000176 N/A

Location: 7731 W. Becher St. N/A

Establishment Name: Quencher's Tavern N/A

Establishment License #: N/A

Establishment Owner: N/A

Owner Address: N/A

Violation(s): Battery 940.19(1) N/A

Offender: Russell L. Russell N/A

Offender Address: 2118 S. 79 St., #1, West Allis, WI 53219 N/A

Offender: Erik W. Horn N/A

Offender Address: 305 N. 95 St., Milwaukee, WI 53226 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:

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

Commanding Officer Signature: *Capt. Ron Versmit*

Reviewed by Deputy Chief Jerry Ponzi:

Copy forwarded to License and Health Committee: Date:



West Allis Police Department

Incident Report

Date: 01/06/2013

Incident: Simple Assault

Incident Report Number: 13-000176 Between: Date - Time: And/At: Date-Time: 1/5/13 23:48

Incident Location: 7731 W Becher St, 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:

Name (Last, First, Middle): Russell, Thomas L DOB: 06/16/1961 Race/Sex: W/M

Address: (Address, City, State, Zip) 2118 S 79 St, 1, West Allis, WI, 53219 Home Phone Number:

Employer: Work Phone Number:

Employer Address: Cell Phone Number: (414) 583-2591

Name (Last, First, Middle): Horn, Erik William DOB: 03/05/1974 Race/Sex: W/M

Address: (Address, City, State, Zip) 305 N 95 St, Milwaukee, WI, 53226 Home Phone Number: (414) 327-0474

Employer: Butterfield Trucking Work Phone Number:

Employer Address: , WAUKESHA, WI 53187 Cell Phone Number: (414) 573-8890

CFS Code-1: 1313

SUMMARY

Officer Plotkin reports... Assault. On 01-05-13 at approximately 2348 hrs, officers responded to 7731 W. Becher St., Quenchers, for a report of a trouble call. Investigation revealed Thomas L. Russell and Erik W. Horn were involved in a confrontation inside the above tavern, in which Russell struck Horn and Horn responded by striking Russell. Horn then left the scene in his vehicle, was stopped by police, and subsequently arrested for OWI, DWI13-008. Russell was transported to Froedtert Hospital for medical treatment. Both Russell and Horn subsequently did not wish to pursue charges against each other. A report will be completed to document this incident.

Incident Report Number:

13-000176

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

License Number: State: Expiration Year: Vin: Insurance Company:

Other Vehicle Information: NCIC#

Reporting Officer(s): Plotkin, James . Payroll Number: 9576 Payroll Number: Report Date:

Time Received: 23:48:41 Time Cleared: 00:17:16 Unit(s) Assigned: 312, 315, 316, 317, 320, Pages: 1 Of 7

Reviewed by: Versnik, Ronald Payroll Number: 1343 Copy To:

West Allis Police Department

Continuation

Incident Report Number 13-000176	Incident Location: 7731 W Becher St, West Allis, WI, 53219	Incident Date: 01/05/2013
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NAMES

Employee

Roessger, Brad M W/M-35 of 2190 S 66 St, 3, West Allis, WI, 53219
 DOB: 12/29/1977 DL: r2600737746905
 HT: 602 WT: 238 Hair: Brown
 Eyes: Blue
 Cell Phone: (414) 687-2723

Witness-1

Lisser, Christopher R W/M-25 of 4080 S 65 St, Greenfield, WI, 53220
 DOB: 09/13/1987 DL: L2601168733308
 HT: 602 WT: 290 Hair: Brown
 Eyes: Blue
 Cell Phone: (414) 377-6827

Witness-2

Martinez, Joel Jay W/M-32 of 2137 S 77 St, 3, West Allis, WI, 53219
 DOB: 01/07/1980 DL: B9240273
 HT: 509 WT: 230 Hair: Brown
 Eyes: Brown Complexion: Medium Brown
 Cell Phone: (414) 750-3083 Home Phone: (414) 803-9283

Witness-3

Sexton, Nicole A W/F-29 of 5709 W Burnham St, 5, West Allis, WI, 53219
 DOB: 11/11/1983
 Home Phone: (414) 238-5686 Cell Phone: (414) 758-7666

Business

Quenchers of 7731 W Becher St, West Allis, WI, 53219

NARRATIVE

INITIAL OBSERVATIONS

Officer Plotkin reports... On 01-05-13 at approximately 2348 hrs, officers responded to 7731 W. Becher St., Quenchers, for a report of a trouble call, two males fighting. While enroute to this incident, dispatch provided one of the males involved in this incident had left the scene. A vehicle description, license

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7731 W Becher St, West Allis, WI, 53219Incident Date:
01/05/2013

plate, and last known direction of travel, was provided via radio associated with this male who had left and officers located and stopped this vehicle and male in the 7900 blk of W. Rogers St. This male was identified as Erik W. Horn. Horn provided an on scene statement regarding this incident and was subsequently taken into custody for OWI. See DWI13-008 for further information.

Upon my arrival on scene, I made contact with the other male associated with this fight, Thomas L. Russell, inside the above establishment. Russell was lying on the floor inside the above establishment, just inside the front entry door, and was being treated by WAFD rescue personnel. Russell had an approximate 1/4 inch laceration on his left nose which was bleeding and had swelling around his nose and left eye. Russell had a fair amount of blood on his face from the above nose laceration. I did not observe any further apparent injuries to Russell at that time. I spoke with Russell during this time. Russell appeared very disoriented upon my initial contact with him. Russell became more oriented as time passed on scene. It is to be noted Russell refused some of the medical interventions WAFD rescue personnel offered to him while being treated on scene.

Officers Binter and Molthen also responded to the scene and spoke with several independent witnesses to this incident, including the above establishment bar tender, identified as Brad M. Roessger. Investigation revealed Roessger called police regarding this fight. In addition to Roessger being spoken with by police regarding this incident, witnesses Christopher R. Lisser, Joel J. Martinez, and Nicole A. Sexton, were also spoken with by police on scene by Officers Binter and Molthen.

ON SCENE STATEMENT OF THOMAS L. RUSSELL (OFFENDER)

Thomas L. Russell was initially very disoriented upon my initial contact with him. Russell stated that he did not know where he was, who he was with, or what had happened this evening. Russell later began regaining his orientation as to where he was and recalled being at the above tavern drinking this evening. Russell stated that he had come to the above tavern to watch the Packer football game and to have a few drinks. Russell stated he could not recollect any problems while at the above establishment and had no recollection of a confrontation with anyone at the above establishment.

Russell was unable to provide any further information regarding this incident at that time.

Russell was subsequently transported to Froedtert Hospital by WAFD rescue personnel for medical treatment.

ON SCENE STATEMENT OF ERIK W. HORN (OFFENDER)Reporting Officer(s):
Plotkin, James .ID Number
9576

ID Number

Pages:
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See Office Gold's supplemental report for information regarding Erik W. Horn's on scene statement. See DWI13-008 for further information concerning Horn's OWI arrest.

STATEMENT OF BRAD M. ROESSGER (EMPLOYEE/WITNESS)

See Office Molthen's supplemental report for information regarding Brad M. Roessger's witness statement.

STATEMENT OF CHRISTOPHER R. LISSER (WITNESS)

See Office Molthen's supplemental report for information regarding Christopher R. Lisser's witness statement.

STATEMENT OF JOEL J. MARTINEZ (WITNESS)

See Office Binter's supplemental report for information regarding Joel J. Martinez' witness statement.

STATEMENT OF NICOLE A. SEXTON (WITNESS)

See Office Binter's supplemental report for information regarding Nicole A. Sexton's witness statement.

INTERVIEW-ERIK W. HORN (OFFENDER)

Following the completion of the above on scene investigation, in an effort to give medical staff an opportunity to assess and treat Russell, and in an effort to give Russell time to potential recollect the chain of events associated with this incident this evening, I responded back to the station to speak with Horn in more depth regarding this incident.

While at the station, I observed redness to the back of Horn's head. The outline of this redness was roughly in the shape of a human sized fist. I also observed swelling in the entire area of the above outline. Horn also had a fresh abrasion on his right ring finger knuckle which had been previously lightly bleeding. I did not observe any other apparent injuries to Horn at that time.

On 01-06-13 at approximately 0033 hrs., I interviewed Erik W. Horn in the common area of the WAPD booking room. Officers A. Cerqua, Lentz, and myself were present for this interview. No one else was present in the booking room during this interview. I read Horn his Miranda rights from WAPD Directive 42.016 (adult), and he stated that he understood his rights and would speak to me about this matter without an attorney present. The interview was recorded on an Olympus DS-2200 Digital Voice Recorder (Recorder# P7), using audio media card# P7-2. The following is a synopsis of that interview:

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Erik W. Horn stated in summary that he got hit while walking out and he hit back. Horn elaborated on this and stated he was hit a couple of times on the back of the head, Horn hit back, the person Horn hit fell to the floor, and Horn walked out. Horn stated he was trying to avoid any problems with this person. Horn stated he had never seen the above person he was involved in the above confrontation with before.

Horn stated the above redness to his head was a result of being struck on the back of the head by the above person in which he was involved in the incident with this evening. Horn stated he was sitting on the south end of the bar counter at the above establishment this evening, arrived at 1930 hrs and was in the process of leaving when this incident occurred. Horn stated he was talking to a female he knew from highschool while at the above establishment and began walking out of the tavern with her to go their separate ways just prior to this incident.

Horn stated the above male in which he was subsequently involved in a confrontation with began talking to the female he was with as they were near the above establishment front entry door. Horn stated this male said "fuck you" to this female, made other obscene statements to her, and subsequently pushed her. Horn stated this male then struck him two to three times all on the back of the head. Horn stated he then turned to this male, hit this male once on the jaw with a right closed fist, this male fell down, and Horn walked out of the tavern. Horn stated he then left in an effort to diffuse the incident.

Horn stated the above female in which he was with was Carrie Smithword, F/W, 38 yoa, 509, 280, who was wearing a white blouse and blue jeans.

Interview ended at approximately 0042 hrs.

The audio media card was later sealed in a Digital Media Card Envelope, and placed in the Digital Media Card Slot in the Forensic and Technical Services Bureau as evidence.

Following this interview, Horn stated that he did not wish to pursue any charges against this other male, Russell, nor did he have any interest in Russell being prosecuted for his actions this evening.

PHOTOGRAPHS

While on scene, at the station, and at Froedtert Hospital, I took photos documenting this incident. The photos were taken with a Canon Powershot digital camera (Camera #S11), and recorded on a digital media card (media card# S11C). The photos are as follows:

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Plotkin, James .ID Number
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Russell injuries overview. Russell facial injuries overview. Redness/swelling to back of Horn's head. Redness/swelling to back of Horn's head. Horn's hands and abrasion to right ring finger knuckle (hand backs). Abrasion to Horn's right ring finger knuckle (close). Horn's hands (palms). Russell facial injuries. Russell nose laceration (close). Cover sheet
The media card was placed in a Digital Media Card Envelope, and the envelope secured in the Digital Media Card Slot in the Forensic and Technical Services Bureau as evidence.

CONTINUED STATEMENT OF THOMAS L. RUSSELL (OFFENDER)

Upon completing the above interview with Horn, I responded to Froedtert Hospital to follow up with Russell. Upon arrival, I spoke with Russell further regarding this incident.

Russell stated that he could recollect more regarding this incident at that time. Russell stated he was sitting at the north end of the bar counter at the above establishment drinking with a friend, Scott, no further information. Russell stated he came to the above establishment to watch the Packer football game and to have a drink on 01-05-13 at approximately 1900 hrs. Russell stated he met his friend Scott at the above tavern. Russell stated approximately 30 minutes prior to the above incident, Scott was involved in a confrontation with someone at the tavern and subsequently left. Russell stated he did not personally know anyone else at the above tavern this evening.

Russell stated while at the above tavern, he consumed three vodka and lemonade drinks. Russell stated this was "way more" than he normally drinks.

Russell stated while seated at the above bar counter, a male approached him and told him to turn his hat around. Russell stated he did not know what this male was talking about. Russell stated this male subsequently "got in" his face, grabbed him, Russell pushed this male, and had "no idea" what had happened after that. Russell was unable to describe this male to any degree of certainty.

Russell was unable to provide any further information regarding this incident at that time.

Russell stated his right ankle was injured during this incident and it was causing him pain. Russell stated his nose and left eye were also painful. I did not observe any outward signs of injury to this ankle. I did not observe any additional injuries to Russell than described in INITIAL OBSERVATIONS. Russell stated he did not possess insurance coverage to be treated at Froedtert Hospital. Russell stated he was refusing all treatment at this hospital as a result.

Russell stated that he did not wish to pursue any charges against this other male, Horn, nor did he have any interest in Horn being prosecuted for his actions this

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Supplementary Report

Incident Report Number 13-000176	Incident Location 7731 W Becher St, West Allis, WI, 53219	Incident Date 01/05/2013
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New Incident:	Original CFS Code - 1:	New CFS Code - 1:	New CFS Code - 2:
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NARRATIVE

Officer Molthen reports:

INITIAL CALL

On 01/05/13 at approximately 2348 hrs, I responded to Quenchers Bar 7731 W. Becher St., in regards to two males physically fighting. Dispatch advised that the WAFD Med Unit was responding for one male who appeared to be knocked unconscious as a result of the fight. Upon arrival, I spoke with the bartender Brad M. Roessger (M/W, 12/29/77), and Chris R. Lissner (M/W, 09/12/87).

OFFICER OBSERVATIONS

As I entered the bar I observed a M/W lying on the floor by the entrance on the North side of the bar. He was being attended by the WAFD Med Unit. He was bleeding from a cut that he had on his nose. I also observed blood on the carpet that was a few feet away from him.

STATEMENT OF BRAD ROESSGER - WITNESS

I spoke with bartender Brad Roessger who stated he was standing towards the back of the bar, when he observed two males engaged in an argument. The two males were later identified as Thomas L. Russell (M/W, 06/16/61), and Erik W. Horn (M/W, 03/05/74). He told me that he observed Russell throw the first two punches at Horn missing him with both punches. Horn then threw one punch hitting Russell in the face knocking him to the ground. Roessger advised me that Horn then turned and walked out of the bar and did not return. I asked Roessger if he knew what the argument was about and he told me he did not know.

STATEMENT OF CHRIS R. LISSNER - WITNESS

I spoke with bar patron Chris Lissner who stated he had been talking with Russell all night. He observed Russell arguing with Horn over a female. The next thing Lissner knows is Horn punched Russell in the face knocking him unconscious. Horn then walked out of the bar not to return.

Reporting Officer(s) Molthen, Bernie	Payroll Number 9475	Payroll Number:	Report Date 01/06/2013
Reviewed by Versnik, Ronald	Payroll Number 1343	Copy To	1 Of 1

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Supplementary Report

Incident Report Number 13-000176	Incident Location 7731 W Becher St, West Allis, WI, 53219	Incident Date 01/05/2013	
New Incident:	Original CFS Code - 1:	New CFS Code - 1:	New CFS Code - 2:
NARRATIVE			
Officer Gold Reports...			
VEHICLE IN MOTION			
<p>On 01/05/13 at approx. 2348hrs. I responded to Quenchers for a fight. On arrival Officer Binter was speaking with witness who provided the offenders license plate of WI Ltk#JL4532. DOT showed the license plate listing to a silver pickup truck which did not match the witness's description. While I was stopped on the side of the road in a fully marked City of West Allis squad car, the witness advised Officer Binter that the dark colored Dodge minivan now driving by the tavern W/B is the offender's vehicle.</p> <p>I immediately drove after the Dodge as it was now turning N/B on S. 79 St. from W. Becher St. I caught up to the Dodge bearing WI Ltk#JL5432 as it turned W/B on W. Rogers St. and performed a traffic stop on it. I radioed dispatch advising of the traffic stop and Officer Cato responded to assist.</p>			
PERSONAL CONTACT			
<p>I made contact with the vehicle and asked the driver who was the only occupant if he knew why I stopped him. The driver stated no and I told him I stopped him because he was involved in the fight at Quenchers. The driver then responded that he was the victim and he was assaulted. As I spoke with the driver I detected a moderate odor of intoxicants emitting from his breath, his eyes were red and glassy and his speech was slurred.</p> <p>With Officer Cato now on scene, I asked the driver to exit the vehicle so that I could speak with him further about the incident. Once outside the vehicle, the driver identified himself with a WI Photo DL as Erik W. Horn M/W 03/05/74. Erik stated he was at the tavern this evening with a female named "Kerry" and while at the tavern a male party who claimed to be a retired MPD Vice Officer was acting weird towards him. Erik stated they exchanged some words throughout the night and the bartender told him that this male party is mental. Erik stated at one point he left the tavern to smoke a cigarette and when he came back inside more words were exchanged with the unknown party. Erik did state that this unknown party told him, "I'm gonna kill you...I'm MPD Vice Squad." Erik stated he had enough and decided to leave and while doing so a male party who appeared to be the unknown party's friend punched him in the back of the head. Erik stated he flew into the poker machine and after regaining himself, he punched the male party in the face.</p>			
Reporting Officer(s) Gold, Timothy	Payroll Number 9589	Payroll Number	Report Date 01/06/2013
Reviewed by Versnik, Ronald	Payroll Number 1343	Copy To	1 Of 2

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Continuation

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Erik stated he then left the tavern and got into his vehicle which was parked on S. 78 St. Erik stated he then drove past the tavern and at that point I began following him and pulled him over.

Erik stated he had six beers between 7:30pm and midnight.

After speaking with Erik, Officer Cerqua who was working an OWI Grant took over the investigation.

Reporting Officer(s): Gold, Timothy	ID Number 9589	ID Number	Pages: 2 Of 2
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Supplementary Report

Incident Report Number: 13-000176	Incident Location: 7731 W Becher St, West Allis, WI, 53219	Incident Date: 01/05/2013
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New Incident:	Original CFS Code - 1:	New CFS Code - 1:	New CFS Code - 2:
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NARRATIVE**CALL FOR POLICE/ARRIVAL ON SCENE**

On 01/05/13 at approximately 2348 hours, officers responded to Quenchers (7731 W. Becher St.) regarding two males engaged in a physical fight. Dispatch advised a Med Unit was responding for one of the males who appeared to be knocked unconscious as a result of the fight. I responded on scene and I made contact with Chris R. Lisser (M/W, DOB 09/13/87) on the sidewalk approximately a half a block east of the tavern.

Lisser stated the other subject involved in the fight had fled the scene prior to officers' arrival. Lisser was able to obtain the license plate JL4532 to the vehicle the potential offender fled in. Lisser advised the vehicle was a Dodge minivan dark in color. As I was standing on the sidewalk I observed a black van traveling westbound in the 7700 block of W. Becher St. Lisser stated, "Yeah that's it." Other people across the street also called out, "Officer that is the van!" Officer Gold was just pulling up to the tavern and I advised him the van just drove by him.

ON-SCENE STATEMENT-JOEL J. MARTINEZ-WITNESS

I entered the bar and made contact with Joel J. Martinez (M/W, DOB 01/07/80) who had a towel pressed against the head of Thomas L. Russell (M/W, DOB 06/16/61). Russell was sitting up on the ground on the north side of the bar near the front entrance. I observed a cut on the nose of Russell which was bleeding and blood on the carpet just a few feet away from him. Martinez stated Russell pushed a M/W, later identified as Erik Horn (M/W, DOB 03/05/74). Horn punched Russell in the face once (1) causing him to fall to the floor and not get back up. Afterwards Horn left the bar. Martinez got a towel from behind the bar and placed it on the open cut on Russell's face to stop the bleeding. Martinez believed Russell was 'knocked out' as a result of the punch.

ON-SCENE STATEMENT-NICOLE A. SEXTON-WITNESS

I made contact with Nicole A. Sexton (F/W, DOB 11/11/83) who was seated at a table a few feet away from the incident. Sexton stated she saw Russell and Horn engaged in a verbal argument for along period of time; although she could not hear the conversation. Sexton stated she observed Russell push Horn and attempt to punch him twice (missing both times). Horn attempted to leave when Russell punched him in the chest. As Horn was backed in towards the slot machines Russell was able to punch Horn in the face. Horn punched Russell in the face causing him to fall to the ground. Horn walked out of the bar and did

Reporting Officer(s): Binter, Lucas	Payroll Number: 9821	Payroll Number:	Report Date: 01/06/2013
Reviewed by: Versnik, Ronald	Payroll Number: 1343	Copy To:	1 Of 2

West Allis Police Department

Continuation

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13-000176

Incident Location:
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Incident Date
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not return.

END OF SUPPLEMENTAL

Reporting Officer(s):
Binter, Lucas

ID Number
9821

ID Number

Pages:
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