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City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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2013-0197 Report Introduced

Police Department Report involving Brooklyn's, 9440 W. National Ave. (2012-2013 Class B Tavern License no. 1301, Tavern Special Entertainment License no. 1302 and Dance Hall License no. 1303 of Cugino's Entertainment, LLC, Dominic T. LaLicata, Agent, Incident Date: March 2, 2013)

Introduced: 4/16/2013

Controlling Body: License & Health Committee

COMMITTEE RECOMMENDATION

PDF

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
			Barczak	✓			
			Czaplewski	✓			
			Lajsic				
			May				
			Probst				
	✓		Reinke				
		✓	Roadt	✓			
			Sengstock	✓			
			Vitale				
			Weigel	✓			
			TOTAL	5	0		

SIGNATURE OF COMMITTEE MEMBER

[Handwritten Signature]

Chair

Vice-Chair

Member

COMMON COUNCIL ACTION

PLACE ON FILE

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
APR 16 2013	✓	✓	Barczak	✓			
			Czaplewski	✓			
			Lajsic	✓			
			May	✓			
			Probst	✓			
			Reinke	✓			
			Roadt	✓			
			Sengstock	✓			
			Vitale	✓			
			Weigel	✓			
			TOTAL	10			

**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

PUBLIC WORKS

Chair: Gary T. Barczak
Vice-Chair: Martin J. Weigel
Michael J. Czaplewski
Rosalie L. Reinke
Daniel J. Roadt

SAFETY & DEVELOPMENT

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. Sengstock
Martin J. Weigel

ADVISORY

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



West Allis Police Department

Incident Report

Date:

03/02/2013

CFS Code-1: 1313

Incident Report Number:

13-001857

Incident:
Simple Assault

Incident Report Number: 13-001857	Between: Date - Time 3/2/13 02:22	And/At: Date-Time 3/2/13 03:00
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Incident Location:
9442 W National Ave, West Allis, WI, 53227

CFS Code-1: 1313	CFS Code-2: 3542	CFS Code-3: 4801	Offense Code-4: 5311
CFS Code-5:	CFS Code-6:	CFS Code-7:	CFS Code-8:

O	Name (Last, First, Middle) Malave, Milarix	DOB: 06/13/1991	Race/Sex W/F
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Address: (Address, City, State, Zip) 3651 S 89 St, Milwaukee, WI, 53228	Home Phone Number (414) 312-1467
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Employer	Work Phone Number
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Employer Address	Cell Phone Number (414) 530-1544
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V	Name (Last, First, Middle) LaLicata, Dominic T	DOB: 10/16/1974	Race/Sex W/M
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Address: (Address, City, State, Zip) W218N5535 Taylors Woods Dr, Menomonee Falls, WI, 53051	Home Phone Number
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Employer	Work Phone Number (414) 545-1550
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Employer Address	Cell Phone Number (414) 758-0726
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SUMMARY

Controlled Substance, Disorderly Conduct, Resisting, OWI: On 03/02/2013 at 0301hrs, Officers responded to 9442 W. National Ave, Brooklyn's, for a report of a trouble call regarding a female causing a disturbance at the bar. I arrived on scene and spoke with the owner, Dominic LaLicata M/W 10/16/74, who stated a employee, Milarix Malave F/W 06/13/1991, was causing a disturbance. LaLicata stated he sent Malave home early because she fell asleep on stage, he stated she appeared intoxicated. As they were escorting Malave out of the bar, she began creating a disturbance, hit several bouncers and the owner in the face and groin. Malave left the scene prior to Officers arrival. As I was speaking with LaLicata, Malave drove on scene. Malave appeared highly intoxicated and was subsequently arrested for OWI. Upon searching Malave I located approximately 38 pills in a gold key chain pill container. While in booking Malave became extremely uncooperative and resistive. Malave kicked Officers and tried punching

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

License Number:	State:	Expiration Year:	Vin:	Insurance Company:
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Other Vehicle Information:	NCIC#
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Reporting Officer(s): Schneider, Druscilla	Payroll Number: 9823	Payroll Number:	Report Date:
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Time Received: 03:01:41	Time Cleared: 03:07:50	Unit(s) Assigned: 314	Pages: 1 Of 7
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Reviewed by: Manz, Tracy	Payroll Number 9656	Copy To
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West Allis Police Department

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officers. She was placed in a cell and held until sober. She was issued municipal citations for DC and Resisting. She was given an order in slip for SIU on 03/18/13.

Reporting Officer(s): Schneider, Druscilla	ID Number 9823	ID Number	Pages: 2 Of 7
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West Allis Police Department

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Incident Report Number
13-001857

Incident Location:
9442 W National Ave, West Allis, WI, 53227

Incident Date:
03/02/2013

NAMES

Victim

Wellen, Robert M W/M-47 of 8862 S Oakwood Dr, Oak Creek, WI, 53154
DOB: 12/02/1965
Cell Phone: (414) 762-0381 Cell Phone: (414) 915-1838

NARRATIVE

Officer Schneider Reports:

INITIAL CALL FOR SERVICE

On 03/02/2013 at 0222hrs, I responded to 9442 W. National Ave, Brooklyn's, for a report of a possible trouble call regarding a female being combative and refusing to leave the night club. I arrived on scene and spoke with the owner/caller, Dominic LaLicata M/W 10/16/74, who advised the female had left prior to my arrival.

CONTACT WITH DOMINIC LALICATA

Dominic stated the female who was causing a disturbance was an employee at Brooklyn's. Dominic stated the female's name is Milarix Malave F/W 06/13/1991. Dominic provided me a photo copy of her driver's license and her employment information. Dominic stated Milarix has been working on and off as a dancer for the past three years.

Dominic said Milarix had a drink at the bar and she appeared intoxicated. He stated Milarix "passed out," while dancing on stage. Dominic told Milarix she had to leave and she refused. Dominic said they began to escort Milarix out of the bar and she became combative. He said Milarix tried kicking several of the bouncers and she smacked him in the face. Dominic and the bouncers eventually got Milarix out of the bar and she walked to her vehicle and drove off.

Dominic wanted to pursue charges against Milarix for causing a disturbance at the nightclub. Dominic was able to provide me with a description of Milarix and the vehicle. As I was taking this information down Dominic stated, "She's back." I looked up toward the parking lot and observed a gray, Cadillac; pull into a parking space, in the southeast corner of the parking lot, off of W. Lincoln Ave. Sgt. Porter and myself approached the vehicle. The vehicle was parked diagonally in the parking stall and the tail end of the vehicle was sticking into the driving

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Schneider, Druscilla

ID Number
9823

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lane.

PERSONAL CONTACT

As I was approaching the vehicle, I observed a female, matching the description Dominic gave, exit the vehicle. I made contact with her and she identified herself as Milarix Malave. I asked Milarix if she was working tonight and she stated, "yes." I asked her what happened at the club and she said, "They kicked me out."

I asked Milarix why she came back and she stated, "I needed to get my purse." I asked Milarix where she went and she stated, "I went to my boyfriend's house on S. 89 St. / W. Wollmer Rd." I asked Milarix if there was a disturbance tonight at the bar and she stated, "Well no, my 'House Mom' was upset with me." Milarix stated she was tired and everyone thought she was intoxicated.

I asked Milarix how much she had to drink tonight and she stated, "I only had one." I asked her what she had and she stated, "I don't know." I asked Milarix if she took any medications or drugs and she stated no. As I was talking with Milarix her speech was heavily slurred. Her eyes were red and glassy and her appearance was sluggish. I asked Milarix if she would be willing to do SFSTs and she stated, "Yes." Milarix conducted SFSTs and was subsequently arrested for OWI.

SEARCH INCIDENT TO ARREST / PROPERTY

Prior to conducting SFSTs, I observed Milarix holding a set of keys. On a key ring I observed a gold key chain pill container. Once Milarix was placed under arrest I began to search the vehicle and checked the pill container. Inside the container I observed 4 different types of pills. I brought the pills back to WAPD to be identified and placed on property.

I identified the following pills by using Drugs.com:

7 Pills Cyclobenzaprine Hydrochloride 5mg
8 Pills Topiramate 25mg
14 Pills Topiramite
9 Pills Setaline Hydrochloride 50 mg

The pills were packaged separately, sealed and placed inside a secure locker in the property.

BOOKING INFORMATION

Milarix was transported to WAPD to be booked for OWI, Disorderly Conduct and Possession of a Controlled Substance. Due to Milarix's combative and resistive behavior in booking, she was issued an additional citation for resisting.

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IN CUSTODY INTERVIEW OF MILARIX MALAVE

On 03/02/13 0447hrs, I read Milarix her Miranda rights as they are written according to WAPD standard, 42.016. Milarix stated she understood her rights and was willing to answer questions at this time.

The following is a brief summary of the interview I conducted with Milarix.

Milarix was working tonight at Brooklyn's and she arrived there at approximately 2030hrs. Milarix stated she was supposed to work until close. I asked her if she had anything to drink and she stated she had a shot of Jagermeister. I asked her if anyone asked her leave the bar and she stated, "No one asked me to leave." Milarix stated the 'House mom' was upset with her because she appeared intoxicated and Milarix said she was tired.

Milarix stated the 'house mom' would not talk to her. She was asking her questions but she would not answer. Milarix was attempting to grab her property and was dragged out of the bar, by bouncers. I asked Milarix if she kicked anyone and she stated, "I kicked a door." I asked Milarix if she kicked anyone in the groin or between the legs and she stated no. I asked her if she hit anyone in the face and she said no.

I asked Milarix if she attempted to go back inside and grab her stuff; she stated that the bouncer put her in a choke hold and she could not. I asked Milarix where she went after she left the bar and she stated, "by my friends." I asked if she drove there and she responded, "No they were waiting in the parking lot, by the cars." Milarix then went off on a tangent about how I illegally towed her vehicle.

Milarix stated the bouncers pushed her out of the bar and did not ask her to leave. The bouncers threw her purse out on the street. Milarix picked up her belongings, walked to her car and put them in it. Milarix was walking back to the bar as Officers pulled up. I asked Milarix if she owned the gold pill container attached to her keys. Milarix stated it was not her pill container and she did not know what was in there. I showed Milarix the keys I took from her and asked if they were her keys and she said yes. Milarix stated her friend Robert's keys were attached to her keys. I asked her why that was and she did not have a reason. I asked Milarix who Robert was and she stated, "Don't worry about it."

The interview was recorded with an Olympus digital audio recorder, memory card P14-4. The memory card was put in an envelope and the envelope was placed inside a secure drawer inside the property room.

RESISTING

I completed all the OWI paperwork and began to explain them to Milarix. I started by re-explaining the citation to Milarix. Milarix became upset and stated, "I didn't do anything, why am I getting this citation?" "I was not't 'operating' a

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Schneider, Druscilla

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motor vehicle; I was not't even in the car." I informed Milarix she could come to court and contest the citation and I explained to her when she could do that.

I began to explain the PR bond to Milarix and she stated, "What is that?" I re-explained it and she stated, "What, I am not signing that I am mentally retarded." Milarix began to get louder. I attempted to explain to Milarix again and she pretended not to hear me. I asked Milarix if she would sign the form and she replied no. I wrote refused on the PR bond. I explained the second citation to Milarix in regarding to operating w/o a valid license and she yelled, "I was not driving." I told Milarix to keep her voice down and not to shout. I explained the second PR bond to her and she stated 'What?" I repeated it again and she said, "I don't understand why I need to sign that?" I asked her if she was going to sign it and she said she was not going to sign any form.

I explained the informing the accused form to Milarix and the refusal paperwork. I informed Milarix she there will be a voluntary hearing in regards to her refusing the chemical test. Milarix stated, 'I didn't refuse a test, when did I do that?" I informed Milarix; she refused the test when we were at the hospital. Milarix stated, 'We didn't go to the hospital." I informed her we went there and she stated, 'You're wrong."

I explained the Disorderly Conduct citation to Milarix and she became even more upset. She was shouting and refused to sign the citation. Milarix was unable to have someone pick her up, so she had to be placed in a cell. I provided Milarix with an orange shirt and told her she needed to take her zip up sweatshirt off and her black lace negligee. Milarix went into the cell and put the orange shirt on top of her black negligee.

I informed Milarix that she needed to take the black negligee off and she responded, "No this is my bra." At this point Officer Luedke was in booking to assist because she heard yelling. I informed Milarix again she needed to take her undershirt off. She responded, "It is and I am not taking it off." Milarix began to push on the cell door with her forearm to get out of the cell. Officer Luedke pushed her back and stated, "Take off your undershirt."

Milarix became outraged and began to yell at Officers. She stated, 'Don't you fucking push you cunt." I yelled at Milarix to stop shouting and she stated, 'Fuck you cunt." As she said this she was pointing her finger at me and stated, 'Don't fucking touch me." I told Milarix she had to take her undershirt off or we were going to do it for her and she said, 'Fuck you."

I directed Milarix onto the cot in the cell. Milarix began to try and pull away from Officers and tried swinging at Officers. Officer Luedke and I held Milarix down and she continued to try and move. I could feel Milarix's arms tensing up and she was attempting to rotate her arm to pull away. Milarix also tried to lift her head off of the cot. Milarix was shouting at officers stating, "Fuck you," "This

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is fucking abuse," "You better watch yourself, "I will put a hit out on you."

I called for Officer Kaye to come into the cell to assist in cutting off Milarix's undershirt. Officer Kaye came into the cell. As he began to cut off the negligee Milarix began to kick at Officer Kaye. Milarix kicked Officer Kaye twice in the lower body. When she began to do this I delivered several hand strikes to Milarix's shoulder blade.

Milarix's black negligee was cut off and removed. Milarix was told to remain on the cot until Officers left the cell. Milarix shouted, "Fuck you!" "I am going to fuck you up." As she shouted I could feel Milarix continue to tense up and try to lift her body off of the cot. I told Milarix to remain on the cot or she would be tased. She yelled, "I don't fucking care, I have been taser before." Officer Kaye advised he had his taser pointed at her and we began to let off of Milarix. Milarix remained on the cot and we left the cell.

CASE DISPOSITION

Milarix was taken into custody for OWI and disorderly conduct. Search of Milarix revealed she was in possession of a controlled substance and she was given an SIU order in date of 03/18/13. Milarix was combative with officers in booking and received an additional citation for resisting. Milarix remained at the station until someone sober picked her up.

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Schneider, Druscilla

ID Number

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Supplementary Report

Incident Report Number 13-001857	Incident Location: 9442 W National Ave, West Allis, WI, 53227	Incident Date: 03/02/2013
New Incident:	Original CFS Code - 1:	New CFS Code -1 : New CFS Code - 2:

NARRATIVE

Officer Luedke reports...

RESISTING

On 3/2/13 at about 0500hrs, I went into the WAPD booking room because I could here a woman shouting and went to see if any officer needed assistance. As I entered booking I observed P.O. Schneider attempting to book Milarix Malave (F/W 06/13/91) for OWI. Milarix was being very argumentative and refused to sign any forms for P.O. Schneider. Milarix asked the same questions over and over again and was not following P.O. Schneider's instructions. For example, P.O. Schneider had to ask Milarix to take her rings off half a dozen times before Milarix complied.

P.O. Schneider walked Milarix over to Cell #8 and instructed her to remove the black lace negligee she was wearing and replace it with a prisoner shirt. Milarix walked into the cell and put the prisoner shirt on over her negligee. P.O. Schneider told Milarix she needed to remove the black negligee and Milarix ignored the instructions. Milarix proceeded to repeatedly ask P.O. Schneider if she could make a phone call and P.O. Schneider told Milarix she could use the phone once she changed her clothing.

At this point I was standing on the other side of the cell door, observing Milarix through the window. Milarix walked up to the door and tried to push the door open. I opened the cell door and placed my left hand on Milarix' chest and told her to get away from the door and to get her shirt on. Milarix instantly became enraged and got into a defensive stance by blading her body and tensing her arms. Milarix stepped up to me and stated, "Don't you ever fucking touch me!" Milarix proceeded to call P.O. Schneider and I "fucking cunts" and was not complying with our orders to calm down and change her shirt. P.O. Schneider grabbed Milarix by the shoulders and directed her to the cot inside the cell. I grabbed Milarix' right arm and shoulder and held her down in an attempt to get her under control. Milarix thrashed her body from side to side and continuously tried to free her arm from my hold.

While attempting to subdue Milarix, P.O. Schneider and I repeatedly instructed her to stop resisting. Milarix continued to try and pull her arms free while shouting, "I'm gonna fucking kick your ass!" While struggling with her, Milarix tried to swing at me with her right fist but was unsuccessful because I had a hold of it. I delivered 4-5 knee strikes to Milarix' right abdomen, while telling her to stop resisting. Milarix tried to kick me several times at which point P.O. Schneider and I asked for more officers to assist.

Reporting Officer(s): Luedke, Erin	Payroll Number: e19899	Payroll Number:	Report Date: 03/04/2013
Reviewed by: Versnik, Ronald	Payroll Number 1343	Copy To:	1 Of 2

West Allis Police Department

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P.O. Kaye entered the cell and attempted to gain control of Milarix' legs because she was trying to kick P.O. Schneider and myself. I told P.O. Kaye to get his Taser out and informed Milarix if she did not stop fighting with us she would be tased. Milarix replied by stating, "Go ahead and fucking tase me! I've been tased like 20 times!" At this point several other officers entered the cell and P.O. Schneider and I were able to safely disengage from Milarix and exit the cell.

Please refer to P.O. Kaye's and P.O Schneider's supplemental reports for further details on their involvement in this incident.

Reporting Officer(s):
Luedke, Erin

ID Number
e19899

ID Number

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Supplementary Report

Incident Report Number 13-001857	Incident Location: 9442 W National Ave, West Allis, WI, 53227	Incident Date: 03/02/2013
New Incident:	Original CFS Code - 1:	New CFS Code - 1: New CFS Code - 2:

NARRATIVE

PO Kaye Reports:

On 03/02/13 at approximately 0500hrs, I was in the West Allis PD booking room getting prisoners ready to be transported to CJF. While I was in the booking room PO Schneider was booking a Milarix Malave (F/W 06/13/91) for DWI.

During my time in the booking room I observed Milarix to be intoxicated. Milarix was agrementative with PO Schneider about everything PO Schneider asked her to do. Milarix refused to sign forms.

While PO Schneider and PO Luedke were attempting to put Milarix in Cell #8, they were attempting to have Milarix to take off her black lace negligee. Milarix refused to take the negligee. Milarix was told several times by officers to take the negligee off but refused. Milarix became agitated with officers using profanities. Officers had to physically hold down Milarix on the bed in Cell #8. I assisted by securing Milarix's legs. Milarix was resisting officers at this point, trying to get up. I eventually went to get a scissors. While PO Schneider and PO Luedke held Milarix down, I cut off Milarix's black lace negligee. While I was cutting off the negligee, Milarix kicked me multiple times in the lower body. Due to Milarix's continued resistive episode I delivered two knee strikes to Milarix's left upper leg.

The negligee was removed and officers left the cell.

Reporting Officer(s): Kaye, Jacob	Payroll Number: 9904	Payroll Number:	Report Date: 03/03/2013
Reviewed by: Versnik, Ronald	Payroll Number 1343	Copy To:	1 Of 1

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Supplementary Report

Incident Report Number 13-001857	Incident Location: 9442 W National Ave, West Allis, WI, 53227	Incident Date: 03/02/2013
New Incident:	Original CFS Code - 1: 3542	New CFS Code - 1 : New CFS Code - 2:

NARRATIVE

Officer Foy reports...

DISPATCH TO CALL/ARRIVAL ON SCENE

O 3/2/13 at approximately 0223hrs officers responded to Brooklyn's, 9442 W National Ave for a report of a highly intoxicated female refusing to leave the business. Officers arrived on scene shortly after the female suspect left. The female suspect then returned to the parking lot across the street where officers met with her at the time.

STATEMENT OF VICTIM - ROBERT WELLEN

I spoke with Robert Wellen on scene. Wellen stated he is currently employed with Brooklyn's as a bouncer. Wellen stated he assisted other employees in escorting a highly intoxicated female out of the business. Wellen stated the female was so unruly he was forced to place her into a "full nelson" position in an attempt to control her. (This position involves raising the individuals arms above their head essentially locking them into place)

Wellen stated at one point, the female he was escorting out bit him on his left forearm while in the lock. Wellen let go of her at that point and she turned around and hit him on the right side of his head. I observed a recent bite mark on Wellen's forearm with torn skin and bleeding. Wellen advised he would be willing to come to court and testify to the incident.

STATEMENT OF VICTIM - DOMINIC LALICATA

I spoke with Dominic LaLicata outside of the business in relation to the incident. LaLicata stated the female has been working at the business on and off for the past 3 years. LaLicata stated he spoke with the female earlier in the night where she told him she was "clean". LaLicata decided to let her dance for the night. LaLicata knows the female has had a drug addiction in the past.

LaLicata stated at one point in the night, the female fell on stage due to what LaLicata suspects to be drug use. LaLicata then assisted the female in gathering her items and then walking her out. LaLicata stated he attempted to pull the female out of the business at the entrance and the female turned and swung her arms out, striking him in the nose. LaLicata attempted to speak with the female, but to no avail. LaLicata believes the female may have consumed drugs prior to the incident taking place. LaLicata advised he would be willing to come to court and testify to the incident.

Reporting Officer(s): Foy, Daniel	Payroll Number: 9903	Payroll Number:	Report Date: 03/03/2013
Reviewed by: Versnik, Ronald	Payroll Number 1343	Copy To:	1 Of 2

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LACK OF CONSENT

Both Wellen and LaLicata stated to me they did not consent to being hit or bitten by the female.

Reporting Officer(s): Foy, Daniel	ID Number 9903	ID Number	Pages: 2 Of 2
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West Allis Police Department

Supplementary Report

Incident Report Number 13-001857	Incident Location: 9442 W National Ave, West Allis, WI, 53227	Incident Date: 03/02/2013
New Incident:	Original CFS Code - 1:	New CFS Code - 1 : New CFS Code - 2:

OTHER NAMES

Malave, Milarix W/F-21 of 3651 S 89 St, Milwaukee, WI, 53228
 DOB: 06/13/1991
 HT: 502 WT: 124 Hair: Brown
 Eyes: Brown Complexion: Light Brown
 Cell Phone: (414) 530-1544 Cell Phone: (414) 881-1462

PROPERTY LIST

Seq#	Reason	Make/Model	Description/Serial#	Quan/Value
13-001690				
1	SEI		7 Pills of Cyclobenzaprine hydrochloride 5mg; round orange pills	7 \$0.00
			[Recovered]	
2	SEI		8 pills Topiramate 25mg; small round white pills	8 \$0.00
				[Recovered]
3	SEI		14 pills of Topiramate: oval white	14 \$0.00
				[Recovered]
4	SEI		9 pills Sertaline Hydrochloride 50 mg; blue oval	14 \$0.00
			[Recovered]	[Recovered]
5	EVI		Gold key chain container, which contained pills	1 \$0.00
				[Recovered]

Reporting Officer(s): Schneider, Druscilla	Payroll Number: 9823	Payroll Number:	Report Date: 03/02/2013
Reviewed by: Versnik, Ronald	Payroll Number: 1343	Copy To:	1 Of 1

