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21.



City of West Allis

Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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2013-0444 Report In Committee

Police Department Report involving Las Palmas, 1901 S. 60 St. (2013-2014 Class B Tavern License no. 1541, Dance Hall License no. 1543 and Instrumental Music License no. 1544 of ARH Enterprises, LLC, Hugo J. Juarez, Agent, Incident Date: June 24, 2013).

Introduced: 7/23/2013

Controlling Body: License & Health Committee

COMMITTEE RECOMMENDATION

POF

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
JUL 23 2013			Barczak	✓			
			Czaplewski	✓			
			Lajsic				
			May				
			Probst				
			Reinke				
			Roadt	✓			
			Sengstock				✓
			Vitale				
		Weigel	✓				
		TOTAL		4	0		1

SIGNATURE OF COMMITTEE MEMBER

Chair

Vice-Chair

Member

COMMON COUNCIL ACTION

PLACE ON FILE

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
AUG 06 2013			Barczak				✓
			Czaplewski	✓			
			Lajsic	✓			
			May	✓			
			Probst	✓			
			Reinke	✓			
			Roadt	✓			
			Sengstock	✓			
			Vitale	✓			
		Weigel	✓				
		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

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



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

July 12, 2013

Hugo Jose Juarez
A-R-H Enterprises, LLC
d/b/a Las Palmas
1901 S. 60 St.
West Allis, WI 53219

Dear Mr. Juarez:

The Chairman of the License & Health Committee orders that you appear at its meeting on Tuesday, July 23 2013, at 6:00 P.M. in the Common Council Chambers, West Allis City Hall, 7525 W. Greenfield Ave., regarding an incident on June 24, 2013 and your 2013-2014 Class B Tavern renewal application .

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

Sincerely,

Monica Schultz
amn

Monica Schultz
Assistant City Clerk

/amn

cc: Hugo Jose Juarez (home address, enclosure)
Cayetano Antonio Rivera (no enclosure)

2013-0444

VIOLATIONS/CALLS FOR SERVICE

6007 W. Burnham St., Las Palmas, Hugo J. Juarez, Agent
6007-13 W. Burnham St. and 1901 S. 60 St., 6005 W. Burnham St.
ARH Enterprises, LLC

<u>Final Action Date</u>	<u>File Number</u>	<u>Jacket Number</u>
	2013-0444	
07-01-13	2013-0382	11
05-07-12	2013-0147	12
06-19-12	2012-0150	18
06-07-11	2011-0300	35.
05-04-10	2010-0204	11

Carmen D. Lewis

04-07-09	2009-0130	16
11-5-08	2008-0662	9

Young W. Yun, Agent

06-07-05	2005-0356	12
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Prior to Legistar

06-04-02

06-04-02

Carmen D. Lewis

06-19-01

Las Palmas Report

	West Allis Police Department			Incident Report	
	Incident: Weapons Discharge				
	Incident Report Number: 13-005582	Between: Date - Time	And/At: Date-Time 6/24/13	01:58	
	Incident Location: 6007 W Burnham St;WA, West Allis, WI, 53219				
CFS Code-1: 5213	CFS Code-2: 4801	CFS Code-3: 5311A	Offense Code-4:		
CFS Code-5:	CFS Code-6:	CFS Code-7:	CFS Code-8:		
O	Name (Last, First, Middle) Monge, Noel	DOB: 12/29/1985	Race/Sex W/M		
Address: (Address, City, State, Zip) 1667 S 35 St, Milwaukee, WI, 53215			Home Phone Number (414) 643-0011		
Employer Cintas Uniform Delivery			Work Phone Number		
Employer Address 6200Blk/W Bluemound Ave			Cell Phone Number		
O	Name (Last, First, Middle) Matute, Edy B	DOB: 09/01/1981	Race/Sex O/M		
Address: (Address, City, State, Zip) 1614 W National Ave, Milwaukee, WI, 53204			Home Phone Number		
Employer			Work Phone Number		
Employer Address			Cell Phone Number		
<p>SUMMARY</p> <p>On 6/24/13 at 0158hrs officers were nearby Las Palmas, 6007 W Burnham St for shots being fired outside of the business. Edy B Matute, M/H 9/1/81, resisted officers on scene and was eventually placed into custody. Noel Monge, M/H 12/29/85, Luis Carlos Ruiz Navarro, M/H 5/27/82, and Juan P Sanchez, M/H 6/4/83, were all arrested and given local citations for Disorderly Conduct for their involvement in the physical fight outside of the business. A handgun was located in the parking lot of Burnham Bowl. Handgun casings fired from the weapon were located in front of Las Palmas, on the opposite side of the street. Adrian Sanchez, M/H 6/1/82, was later arrested and admitted to firing the weapon several times on scene. Sanchez was booked for Reckless Endangerment of Safety. Matute was booked for Disorderly Conduct, Resisting an Officer and Bailjumping. DA Set to review the case on 6/25/13 at 0830hrs. Local citations are set for 7/29/13 at 0830hrs.</p>					
Vehicle Information: (Year, Make, Model, Style, Color)					
License Number:	State:	Expiration Year:	Vin:	Insurance Company:	
Other Vehicle Information:				NCIC#	
Reporting Officer(s): Foy, Daniel			Payroll Number: 9903	Payroll Number:	Report Date:
Time Received: 01:58:59	Time Cleared: 03:20:33	Unit(s) Assigned: 310, 307, 311, 312, 313.		Pages: 1 Of 9	
Reviewed by: Manz, Tracy			Payroll Number: 9656	Copy To	

Date: 06/24/2013
 CFS Code-1: 5213
 Incident Report Number: 13-005582

West Allis Police Department

Continuation

Incident Report Number 13-005582	Incident Location: 6007 W Burnham St;WA, West Allis, WI, 53219	Incident Date: 06/24/2013
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NAMES

Offender-1

Sanchez, Adrian Nmi W/M-31 of 2406 S 20 St, Milwaukee,WI,53215
 DOB: 06/01/1982 DL: S522-0008-2201-00
 HT: 510 WT: 190 Hair: Black
 Eyes: Hazel Complexion: Light Brown
 Cell Phone:(414) 708-2176

Booking#: 13-002919

Case#	Charge	Description	Ct
13-005582	941.30(1)	1st-Degree Recklessly Endangering Safety1	

Offender-2

Sanchez, Juan P W/M-30 of 500 E Falls Blvd, 5121, Quincy,MA,02169
 DOB: 06/04/1983 DL: S72405985
 HT: 600 WT: 250 Hair: Black
 Eyes: Brown

Booking#: 13-002921

Case#	Charge	Description	Ct
13-005582	WA-947.01	Disorderly Conduct	1

Witness-1

Cueto Pena, Immer Abimael W/M-23 of 1833 S 5th St, Milwaukee,WI,53204
 DOB: 08/05/1989

Witness-2

Ruiz Navarro, Luis Carlos W/M-31 of 1538 W Walker St, Milwaukee,WI,53204
 DOB: 05/27/1982 DL: R2515238218701

Booking#: 13-002920

Case#	Charge	Description	Ct
13-005582	WA-947.01	Disorderly Conduct	1

West Allis Police Department**Continuation**Incident Report Number
13-005582Incident Location:
6007 W Burnham St;WA, West Allis, WI, 53219Incident Date:
06/24/2013**Contact-1**

Andino, Santos G W/M-73 of 1955 S 6 St, Milwaukee,WI
DOB: 08/13/1939
Cell Phone:(414) 861-2804

Witness-3

Ortega Padilla, Oscar R W/M-30 of 5606 W Beloit Rd;WA, West Allis,WI,53214
DOB: 03/14/1983 DL: O632-6568-3094-05
HT: 510 WT: 240 Hair: Black
Eyes: Brown
Cell Phone:(414) 975-8624

Contact-2

Juarez-Jose, Hugo W/M-32 of 2729 W Lincoln Ave, Milwaukee,WI,53215
DOB: 12/24/1980 DL: J226-3208-0464-09
HT: 505 WT: 145 Hair: Black
Eyes: Brown
Cell Phone:(414) 699-9131 Business Phone:(414) 329-9600

Contact-3

Sanchez, Ana W/F-28 of 1509 S 10TH ST, MILWAUKEE,WI,53204
DOB: 03/07/1985 DL: S522-0008-5587-07
HT: 509 WT: 150 Hair: Brown
Eyes: Brown
Home Phone:(414) 551-6404

Business

Las Palmas of 6007 W Burnham St, West Allis,WI,53219
Work Phone:(414) 329-9600

Contact-4

Rivera, Antonio C W/M-36 of 6007 W Burnham St, West Allis,WI,53219
DOB: 08/08/1976
Business Phone:(414) 329-9600 Cell Phone:(414) 292-5424

Witness-4

Cruz, Carlos R W/M-37 of 2109 W Bolivar Ave, 1, Milwaukee,WI,53219
DOB: 12/17/1975

Reporting Officer(s):
Foy, DanielID Number
9903

ID Number

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Cell Phone: (414) 813-2667

Witness-5

Wilson, Enoch L B/M-34 of 2720 N 54 St, Milwaukee,WI
DOB: 12/28/1978
Cell Phone: (414) 343-9677

Witness-6

Ruiz Navarro, Jose W/M-33 of 5606 W Beloit Rd;WA, West Allis,WI,53214
DOB: 08/22/1979
Cell Phone: (414) 975-8624

NARRATIVE

Officer Foy reports...

DISPATCH TO CALL/ARRIVAL ON SCENE

On 6/24/13 at 0158hrs officers responded to the area around Las Palmas, 6007 W Burnham St, for shots fired. Officers arrived on scene in a brief amount of time and advised that several individuals were fleeing the scene. I parked my vehicle at S 61 St/W Burnham St and observed four males in the parking lot of Burnham Bowl. Myself and PTO. Kaye then attempted to detain the four individuals involved.

RESISTING AN OFFICER

The two individuals in front of my squad immediately went to the ground. A third individual, later identified as Edy Matute, was with PTO. Kaye. This individual, refused to go to the ground as myself and Kaye continued to yell at him stating "get down on the ground!". Matute began to shout profanities at officers and did not move, keeping his hands at his sides and attempting to place them in his pockets.

Based upon the incident involving a recently used firearm, PTO. Kaye directed Matute to the ground, onto his stomach. Matute immediately began to try and roll his body in an attempt to get away from officers. Matute refused to place his hands behind his back or let officers control them. During this I detected strong resistive tension in Matute's arms while he shouted "fuck you" several times. Matute made several attempts to stand up while officers attempted to hold him to the ground. Matute was able to bring his arms underneath his body and push up from the ground. Matute was able to get himself to a four point position with his

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Foy, Daniel

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knees and hands on the ground.

Several active countermeasures were used in subduing Matute and he refused to cooperate with officers' demands. I used three focused strikes to the side of Matute's body in an attempt to stop Matute's active resistance. Eventually, I was able to secure Matute's right arm and brought it back behind his body. Matute was eventually placed into handcuffs with both hands, searched and placed into the back of my squad.

See PTO. Kaye's and Sgt. Porter's report regarding further information regarding the resisting arrest.

STATEMENT OF WITNESS - CARLOS CRUZ

I spoke with Carlos Cruz, current security officer at Las Palmas. Cruz stated he was working inside of the business when he began to observe a verbal argument taking place outside of the business, locating towards the street. Cruz exited the business and observed approximately 12-15 individuals, with the majority being Hispanic males between the ages of 20-40 yoa. Cruz stated he removed his baton from his belt and began to use it in an attempt to separate males from physically fighting.

Cruz stated he would place the baton on one individual threatening a physical fighting and use force to push them away. Cruz stated he did not strike anyone with his baton during the incident. When the altercation began to turn physical, Cruz removed the pepper spray from his holster and began to spray several individuals that were actively fighting with other parties. Cruz estimated he used his jet-stream pepper spray on approximately 5 individuals. Cruz stated his 4 oz. can of spray was nearly empty after the incident.

Cruz stated the use of pepper spray on the individuals seemed to have little to no effect upon anyone. At some point, Cruz observed a male standing on the north side of W Burnham St in the 6000 BLK. Cruz observed the male hold a firearm and fire the weapon, with the muzzle of the firearm facing towards the sky. Cruz believes the weapon was fired approximately 2-3 times. Cruz observed the male standing behind a older black Mercedes, which was located on scene. Cruz heard the male with the weapon state "chill out" and "get off my guys". Cruz gave a description of the male, stating he was wearing a Navy/White Plaid shirt, blue jeans, and casual black shoes. The male had short black hair, approximately 5'6, 160 pounds in his mid to late 30's. Cruz also described him as a Hispanic male.

After the shots were fired, Cruz stated he moved from his position in the road and moved towards the male with the firearm. Cruz stated he moved behind a vehicle and came onto the north sidewalk where the male was still standing and drew his weapon and pointed it towards him. Cruz shouted to the male, "drop the weapon!" Cruz advised he shouted this two times in English and two times in Spanish. Cruz

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stated the male did not react to his commands at all.

Cruz observed the male turn away from him and lower the handgun to the right side of his body. Cruz stated several associates of the male that fired the weapon began to state "let's go man" and begin to pass the firearm around. Cruz stated he observed this occur in the parking lot of the Burnham Bowl business. Cruz stated the individuals involved in the incident were regular bar patrons of the business. Cruz observed the individuals running away from the scene of the incident as officers arrived.

ON SCENE IDENTIFICATION

Cruz and Wilson were brought with officers to observe the individuals that were currently in police custody. I walked with Cruz and asked him if he could identify any of the individuals involved in the incident and what their role in the incident was. I illuminated the face of Matute, who was seated in the back of my squad. Cruz stated he believes Matute was one of the predominant aggressors that started the incident. Cruz also identified both parties located in the rear of PTO. Kaye's squad, stating both parties were involved in the incident.

CHECK OF CRUZ' WEAPON

I checked the weapon Cruz currently uses while he is working. I observed all three magazines and firearm and did not observe any missing ammunition. I did not have any reasonable suspicion to believe the weapon was recently fired.

STATEMENT OF WITNESS - OSCAR ORTEGA-PADILLA

See PTO. Tuschl's report regarding further information.

STATEMENT OF WITNESS - JOSE RUIZ

See PTO. Tuschl's report regarding further information.

STATEMENT OF CONTACT - SANTOS ANDINO

See PTO. Tuschl's report regarding further information.

STATEMENT OF WITNESS - ANA SANCHEZ

See PTO. Luedke's report regarding further information.

STATEMENT OF WITNESS - ENOCH WILSON

See PTO. Kaye's report regarding further information.

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06/24/2013**STATEMENT OF CONTACT - IMMER ABIMAEI CUETO PENA**

See PTO. Munoz' report regarding further information.

STATEMENT OF CONTACT - HUGO JUAREZ-JOSE

I spoke with Hugo Juarez-Jose inside of the bar at Las Palmas. Juarez is currently an employee of the business and was cleaning the inside by placing chairs on top of the tables when the incident began to occur outside. Juarez stated he did not observe the fighting, nor did he know who was involved. Juarez stated he heard gunshots but did not see who was holding the weapon at the time. After the gunshots occurred, Juarez stated he went to the ground inside the business and was told to stay away from the windows.

TRAFFIC STOP

See PTO. Luedke, Schweitzer and Binter's report regarding further information on the traffic stop involving Ana and Adrian Sanchez.

PROPERTY

I placed Matute's two cell phones on property under WAPD property #13-004621.

See Cpl. McNally's report regarding further information on the handgun and shell casings.

See PTO. Schweitzer's report regarding further information on the blood kit.

See PTO. Binter's report regarding further information on the confiscated T'shirt.

See Det. Pye's report regarding further information on the buccal swabs and photo array.

LOCATION OF FIREARM

See PTO. Kaye's report regarding further information.

BLOOD DRAW

See PTO. Schweitzer's report regarding further information on the blood draw pertaining to paperwork and the actual blood draw. See Sgt. Porter's report regarding the Intoximeter operation and results completed for

ARREST DECISIONReporting Officer(s):
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Based upon the statements given by Wilson and Cruz, I placed Matute into custody and transported him to the main station for booking.

See PTO. Said's report regarding further information on arrest decision of Luis Carlos Ruiz Navarro.

IN CUSTODY STATEMENT OF OFFENDER - NOEL MONGE

See PTO. Kaye's report regarding further information.

IN CUSTODY STATEMENT OF OFFENDER - ADRIAN SANCHEZ

See PTO. Schweitzer's report regarding further information.

IN CUSTODY STATEMENT OF OFFENDER - LUIS CARLOS RUIZ NAVARRO

See PTO. Said's report regarding further information.

IN CUSTODY STATEMENT OF OFFENDER - JUAN P SANCHEZ

See PTO. Luedke's report regarding further information.

IN CUSTODY STATEMENT OF OFFENDER - EDY MATUTE

On 6/24/13 at 0459hrs in Interview Room B, I read Matute his Miranda Rights from WAPD Directive 42.016. In response to waiver questions, Matute stated he understood his rights and agreed to speak with me at the time. PTO. Munoz from West Milwaukee PD was also present to translate the interview. The Miranda Rights were read in English and Spanish, and a paper form was provided, although Matute indicated he is not able to read. Matute stated was willing to answer questions because "he was clean".

In response to questions, Matute stated he traveled to Las Palmas earlier in the night by cab. Matute denies that he was drinking with anyone at the bar. Matute admitted to drinking alcohol but stated he was sitting in the corner of the business not bothering anyone. Matute believes an argument started between him and several other individuals because he is "Honduran" and not "Mexican". Matute stated he was attempting to leave the business when he walked out the door and was immediately attacked by other individuals that he was unable to identify.

Matute stated he did not know any of the individuals who were helping him during the incident but recognizes some of them from his work. Matute stated he is a car mechanic and often runs into people during work that he recognizes. Matute stated was unable to see anyone with the gun and has no idea where the gun came from. Matute stated he normally wears bifocal glasses in order to help him see, and he

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was not wearing them at the time of the incident.

The interview concluded at 0515. The interview was recorded using WAPD Olympus Digital Voice Recorder #P14. The interview was stored on WAPD Memory Card P10 #6. I placed the memory card in an envelope and secured it in the ID Bureau drawer.

BOOKING

Matute was mugged/printed for the following charges to be referred to the DA's office: Resisting an Officer under 946.41(1), Disorderly Conduct 947.01(1), and Bail Jumping 946.49(1) (a) based upon an Absolute Sobriety stipulation for bail for DA court case 2013CT000865.

See PTO. Schweitzer's report regarding further information on Adrian Sanchez booking procedure.

Luis Carlos Ruiz Navarro, Juan Sanchez and Noel Monge were all booked for local citation for disorderly conduct. They signed their PR bonds and were given local court dates of 7/29/13 at 0830hrs.

CASE DISPOSITION

DA set to review the cases for Matute and Adrian Sanchez on 6/25/13 at 0830hrs. Ruiz Navarro, Monge, and Juan P Sanchez were given local citations and given a local court date of 7/29/13 at 0830hrs.

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Supplementary Report

Incident Report Number 13-005582	Incident Location: 6007 W Burnham St;WA, West Allis, WI, 53219	Incident Date: 06/24/2013
New Incident:	Original CFS Code - 1:	New CFS Code - 1 : New CFS Code - 2:

NARRATIVE

Cpl. McNally reports...

ARRIVAL

On 06-24-13 at 0158 hrs, I responded to 6007 W. Burnham St. for a report of shots fired. On arrival, Sgt. Porter advised he had located shell casings in the 6000 block W. Burnham St. I responded to this location and assisted in locating the casings. I located a total of six .40 caliber Winchester shell casings all laying in the parking lane on the north side of W. Burnham St. in the 6000 block. I marked each casing with an orange cone so they were not disturbed. The casing lying in the roadway furthest to the east was labeled #1. Each casing there after was labeled in sequential order in a clockwise pattern.

PHOTOGRAPHS

The following photographs were taken with WAPD digital camera S48, digital media card S48-2:

1. Overview of the shell casings in the 6000 block W. Burnham St. (facing West)
2. Same as #1 (facing North West)
3. Close up of shell casing #1 inside the cone marker
4. Overview of the shell casings in the 6000 block W. Burnham St. (facing East)
5. Same as #4 (facing South)
6. Address where the firearm was located, 6016 W. Burnham St.
7. Overview of where the firearm was located
8. Close up of where the firearm was located
9. Same as #8
10. Close up of the firearm after it was made safe
11. Cover sheet

The digital media card was sealed in an envelope and secured in the WAPD property room.

CHAIN OF CUSTODY

Officer Kaye made the firearm safe on scene and collected the firearm in a paper bag. After transporting the firearm back to the WAPD, Officer Kaye turned the firearm over to me to be placed on property. The firearm is a black .40 caliber Beretta Px4 Storm Serial #PZ37603.

Reporting Officer(s): McNally, Ryan	Payroll Number: 9439	Payroll Number:	Report Date: 06/24/2013
Reviewed by: Versnik, Ronald	Payroll Number 1343	Copy To:	1 Of 2

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NCIC CHECK

WAPD dispatch checked the firearm serial number through NCIC and it was not listed as stolen.

PROPERTY

The following items were placed on WAPD property #13-004619:

1. Black .40 caliber Beretta Px4 Storm with magazine, (3) .40 caliber Winchester S&W bullets from the magazine packaged separately in an envelope, and (1) .40 caliber Winchester S&W bullet from the chamber packaged separately in an envelope.
2. (6) .40 caliber Winchester S&W bullet casings packaged separately in envelopes

The items were secured in locker #16 of the WAPD property room.

Reporting Officer(s):
McNally, Ryan

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9439

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Supplementary Report

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New Incident:	Original CFS Code - 1:	New CFS Code - 1 : New CFS Code - 2:

NARRATIVE

Officer Tuschl reports...

INITIAL RESPONSE

On 06/24/13 at about 0158hrs I responded to Las Palmas, located at 6007 W. Burnham St for a report of shots fired. While traveling to the call I was advised by W.A.P.D Dispatch that West Milwaukee PD had stopped several parties that were involved in this altercation outside Las Palmas. West Milwaukee PD had stopped these parties in the front yard of 5606 W. Beloit Rd and I responded to that location to assist in investigating this incident.

Once I arrived on scene I initially made contact with Oscar R. Ortega- Padilla (who was identified by his Wisconsin Driver's License) about what he observed during this incident.

ON-SCENE STATEMENT OF OSCAR R. ORTEGA-PADILLA- WITNESS

During my interview of Oscar he claimed to speak very little English and had the odor of intoxicants on his breath.

Oscar stated he was at Los Palmas tonight with friends. Oscar stated before they all left the bar, a friend (unknown on who) had to use the restroom, so he waited inside until his friend finished. Oscar said once his friend finished using the restroom they walked outside and observed two groups "fighting". Oscar admitted one of the groups involved in the fight was a group of friends he had came to Los Palmas with. I asked Oscar if he knew what both sides were fighting about and he claimed "no". All Oscar could say was the "other group was yelling at us". Oscar stated at one point a security guard at Los Palmas pepper sprayed the area, in an attempt to break up the fight.

Oscar stated a short time later he heard gunshots but was unable to provide a description on who was firing off the gun. Oscar said he did hear "four gun shots" but had no idea who the party was shooting at. I spoke with Oscar a little bit more about a potential description of the offender and he still claimed to have no idea. Oscar believed the guy that fired off the gun was "across the street" from him, so he was unable to get a description. However, Oscar indicated he did see "gang signs" being flashed but denied that anyone he knew belonged in one.

ON-SCENE STATEMENT OF JOSE RUIZ- NAVARRO- WITNESS

Reporting Officer(s): Tuschl, Robert .	Payroll Number: 9590	Payroll Number:	Report Date: 06/24/2013
Reviewed by: Versnik, Ronald	Payroll Number 1343	Copy To:	1 Of 2

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After speaking with Oscar I made contact with Jose Ruiz- Navarro (who was identified by his Wisconsin Driver's License) outside 5606 W. Beloit Rd. When I first observed Jose I observed he was using a "hose" to wash his face off. Jose indicated he had been pepper sprayed while outside Los Palmas but denied being involved in the fight. I attempted to speak with Jose about this incident, however he stated he spoke very little English.

Jose stated he came outside the bar and was planning on getting in his motor vehicle to leave. Jose said when he came outside he was suddenly pepper sprayed due to an altercation that was happening. Jose again denied being involved in the fight and claims he was sprayed as soon as he exited the bar. Jose said when he came outside he did observe one of his friends, "Martin" (unknown on exact identity) was "arguing with someone". Jose did not know what they were arguing about. Jose stated during the altercation he did hear "two to three" gunshots but was unable to provide a description on who fired the shots. Jose had no idea who this person was firing at or why. I asked Jose what happened to "Martin" and he stated he got into his motor vehicle and drove away. Jose did not know who Martin was arguing with.

ON-SCENE STATEMENT OF SANTOS G. ANDINO- CONTACT

After speaking with those parties I cleared 5606 W. Beloit Rd and made contact with the other Officers at Los Palmas. While at that location, Officers were approached by a M/H (later identified his Wisconsin Driver's License as Santos G. Andino M/H 08/13/39) who stated he was here to pick up "Edy". I then spoke with Santos further about what he meant. Santos stated he received a phone call from Edy saying he was arrested by the Police Department and he needed to come pick him up near 60th and Burnham. I asked Santos if Edy's last name was Matute and he stated yes.

Santos stated he is familiar with Edy because he works with him at an auto body shop near 16th and W. National Ave. Santos stated he was friend with Edy and has known him for awhile. I asked Santos if Edy told him why he was arrested tonight and he stated "no". Santos stated he did not inquire any further and came here to simply pick Edy up. I asked Santos if Edy drove a black Escalade and he stated "yes". I asked Santos if Edy owned a gun, but he did not know.

Santos stated Edy had called him on two occasions from the following phone number: 414-484-4518. Santos stated he called him at 0231hrs and then at 0255hrs. Santos had no further information to provide about this incident.

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Tuschl, Robert .ID Number
9590

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West Allis Police Department

Supplementary Report

Incident Report Number 13-005582	Incident Location: 6007 W Burnham St;WA, West Allis, WI, 53219	Incident Date: 06/24/2013
New Incident:	Original CFS Code - 1:	New CFS Code - 1 : New CFS Code - 2:

OTHER NAMES

Sanchez, Adrian Nmi W/M-31 of 2406 S 20 St, Milwaukee,WI,53215
 DOB: 06/01/1982
 HT: 510 WT: 190 Hair: Black
 Eyes: Hazel Complexion: Light Brown
 Cell Phone:(414) 708-2176

West Allis Police Department of 11301 W Lincoln Ave, West Allis,WI,53227
 Business Phone:(414) 302-8000

PROPERTY LIST

Seq#	Reason	Make/Model	Description/Serial#	Quan/Value
13-004619				
1	EVI	Beretta	Black .40 cal Beretta Px4 Storm w/ magazine, 3 bullets from magazine, 1 bullet from chamber	1.000 \$575.00 [Recovered]
40		PZ37603		
2	EVI		(6) .40 caliber Winchester S&W bullet casings	1.000 \$1.00 [Recovered]

Reporting Officer(s): McNally, Ryan	Payroll Number: 9439	Payroll Number:	Report Date: 06/24/2013
Reviewed by: Versnik, Ronald	Payroll Number 1343	Copy To:	1 Of 1

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Supplementary Report

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NARRATIVE

Officer L. Binter reports:

CALL FOR POLICE

On 06/24/13 at approximately 0158 hours, officers responded to Las Palmas (6007 W. Burnham St.) for a possible disturbance. Dispatch advised Las Palmas security confirmed shots were fired outside of the tavern. While enroute dispatch advised West Milwaukee Police Department were out at S. 56 St. and W. Beloit St., with parties matching the possible offender who shot the handgun. I responded on scene and cleared shortly afterwards and made contact with Crystal M. Zehe (F/W, DOB 12/12/80) of 1812 S. 61 St., who called 911 regarding the shots fired.

ON-SCENE STATEMENT-CRYSTAL M. ZEHE-CONTACT

I made contact with Zehe on the front porch of her residence who was sitting next to Michael D. Berrios (M/W, DOB 04/14/68). Zehe stated she heard 5 distinct gun shots coming from the bar. Zehe pointed towards Las Palmas and stated that is where I heard the shots come from. Zehe stated she was inside of her residence and did not see anything. Afterwards, Zehe and Berrios heard lots of 'commotion' in the alley and believe people ran northwest.

TRAFFIC STOP

While I was on scene (1812 S. 61 St.) Officer Luedke called out a traffic stop on a 2002 Envoy Sport Utility, silver in color, WI REG ARYNJR, VIN 1GKDT13S922359936, in the 6500 block of W. Burnham St. I responded there and made contact with Officer Schweitzer who was speaking to Adrian Sanchez (M/H, DOB 06/01/82) (Officer Schweitzer informed me Sanchez admitted to shooting the gun). I asked Sanchez where the firearm was located. Sanchez stated, "The gun is by the bowling alley in the corner of the building near the parking lot. It is a .40 caliber, Beretta, black in color, and it is still loaded. It has however many are left after I shot it off. " I relayed this information over the air and Officer Kaye replied he located it.

Sanchez gave me permission to search the vehicle and a Levis teal green shirt was located on the floor of the driver side passenger foot well (there was information the person that shot the firearm in front of the tavern was wearing a teal/green shirt). I showed the shirt to Sanchez and asked him if he was wearing it when he shot the gun off. Sanchez stated, "Yes, I was wearing it." I took photographs of the shirt and its location prior to removing it from the vehicle and securing it in my squad car.

Reporting Officer(s): Binter, Lucas	Payroll Number: 9821	Payroll Number:	Report Date: 06/24/2013
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PHOTOGRAPHS

On 06/24/13, I was asked to take several photographs regarding shots fired called at Las Palmas (6007 W. Burnham St). I used a West Allis Police Department Cannon Power Shot camera with media disk (S26F). I took the following photographs:

It should be noted: The 2002 Envoy Sport Utility, silver in color, WI REG ARYNJR, VIN 1GKDT13S922359936, is the vehicle Adrian Sanchez was located in parked in the 6500 block of W. Burnham St. The 2004 Nissan Titan XE/SE/LE Pickup, black in color, WI REG JB4243, VIN 1N6AA07B44N541969, is the vehicle Adrian Sanches drove to Las Palmas and shot the firearm off next to.

- 01) Rear of vehicle bearing WI REG ARYNJR facing west
- 02) Levis shirt, teal in color, located driver side passenger foot well, in vehicle bearing WI REG ARYNJR
- 03) Overview of Levis shirt, teal in color, in vehicle bearing WI REG ARYNJR
- 04) Front of vehicle WI REG ARYNJR facing east
- 05) Address placard of 6502 which vehicle bearing WI REG ARYNJR was parked in front of
- 06) Rear of vehicle bearing WI REG JB4243 facing west
- 07) close up of WI REG JB4243
- 08) Overview of vehicle bearing WI REG JB4243 facing north
- 09) Overview of vehicle bearing WI REG JB4243 facing east
- 10) Overview of vehicle bearing WI REG JB4243 south
- 11) Overview shot from the tailgate of the vehicle, showing where casing where recovered, in relation to Las Palmas to the southeast
- 12) Overview shot from the tailgate of the vehicle showing where casing where recovered, in relation to Las Palmas to the southeast
- 13) Location where the casings where recovered
- 14) Overview shot where casings were located in relation to the vehicle

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Binter, Lucas

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- 15) Overview shot of where casings were recovered in relation to the vehicle
- 16) Address placard of 6016 which vehicle bearing WI REG JB4243 was parked next to
- 17) W.A.P.D face sheet.

The media disk was later placed in the Forensic and Technical Services Bureau for safekeeping.

PROPERTY

- 01) Levis shirt, teal in color, worn by person shooting firearm.

END OF SUPPLEMENTAL

Reporting Officer(s):
Binter, Lucas

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New Incident:	Original CFS Code - 1:	New CFS Code - 1 : New CFS Code - 2:

OTHER NAMES

Sanchez, Adrian Nmi W/M-31 of 2406 S 20 St, Milwaukee,WI,53215
 DOB: 06/01/1982
 HT: 510 WT: 190 Hair: Black
 Eyes: Hazel Complexion: Light Brown
 Cell Phone:(414) 708-2176

PROPERTY LIST

Seq#	Reason	Make/Model	Description/Serial#	Quan/Value
13-004620				
1	CON		Levis shirt, teal in color, worn by person shooting firearm in street	1.000 \$1.00

[Recovered]

Reporting Officer(s): Binter, Lucas	Payroll Number: 9821	Payroll Number:	Report Date: 06/24/2013
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NARRATIVE

Officer Schweitzer reports...

INITIAL CALL FOR SERVICE

On 06/24/13 at approximately 0158 hrs, I responded to Los Palmas, 6007 W Burnham St, for a confirmed shots fired call. I arrived on scene and was used as perimeter squad. I parked my marked WAPD squad car at W Burnham St/S 63 St, with my emergency lights activated. I was cleared as a perimeter squad and roamed in the area to look for suspects involved with the shooting.

LOCATION OF OFFENDER

At approximately 0240 hrs, Officer Leudke located a silver 2002 GMC Envoy, WI-REG plate, ARYNJR, with two Hispanic occupants, parked at approximately W Burnham St/S 65 St, facing westbound. I arrived to assist Officer Leudke in questioning the two occupants of the vehicle. I made contact with the passenger of the vehicle, later identified by WI/DL as, Adrian Sanchez, M/W, 06/01/82.

ON-SCENE STATEMENT

I asked Adrian what he was doing in a parked vehicle on the side of the road. Adrian advised he was involved in the fight that occurred at Los Palmas a little while ago. At this time, I asked Adrian to step out of the vehicle. I asked Adrian if I could pat him down for any weapons. Adrian said that was fine. I asked Adrian if he was involved in the altercation that happened inside Los Palmas. Adrian advised he was not involved in any fights inside the bar. Adrian advised he went outside to his vehicle at approximately 0130 hrs, to call his wife because he had consumed too much alcohol to drive home. Adrian's cellphone was almost dead so he had to charge it. Adrian's vehicle was parked on the northside of W Burnham St, across the street from Los Palmas. While waiting for his cellphone to charge, Adrian observed multiple parties fighting outside of Los Palmas. I asked Adrian how many people were fighting. Adrian advised approximately ten people were engaged in a fight.

I asked Adrian what he did after he observed the people fighting. Adrian said he reached into the center console of his truck, a Nissan pick up truck and grabbed a 40 caliber Beretta. Adrian observed the parties who were engaged in the fight start running towards him. At this time, Adrian lifted his gun into the air and fired approximately four to five shots into the air. After firing the gun off, Adrian observed armed security guards from Los Palmas, running towards his direction, with their guns pointed at him. Adrian advised he was scared the security guards were going to shoot him so he started running.

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westbound on W Burnham St. I asked Adrian what he did with his gun after starting to run away from the scene. Adrian stated he threw the gun near the parking lot of Burnham Bowl (6016 W Burnham St). I asked if he threw the gun in the parking lot or by the building. Adrian said he threw the gun by the corner of the building. Officers later located the firearm, on the south center side of Burnham Bowl. (See Officer Kaye's Supplemental Report).

I asked Adrian if he consumed any alcohol tonight while at Los Palmas. Adrian stated earlier in the evening he consumed approximately two Patron tequila shots. After consuming the tequila shots, Adrian consumed three mixed tequila drinks throughout the rest of the evening. I asked Adrian what time he stopped drinking. Adrian said he had his last drink around 0130 hrs. I asked Adrian why he did not stay on scene to talk to officers. Adrian stated he was afraid he would get into trouble for shooting his gun off. I asked Adrian if at anytime while he was holding his gun if he ever pointed it anyone. Adrian stated he never pointed his gun at anyone at anytime. I asked Adrian if he was wearing different clothing when he fired his gun into the air. Adrian stated he had a light blue button down shirt on. I asked why he changed his shirt. Adrian said because his wife's vehicle has extra shirts and he was hot from running in the alleys. Officer Binter was also on scene and asked Adrian for consent to search the vehicle. Adrian said yes officers could search the vehicle.

ARREST

At approximately 0250 hrs, Adrian was placed into custody. Adrian was conveyed back to the West Allis Police Department for the booking process.

CONSENT TO SEARCH FORM (BLOOD/BREATH)

On 06/24/13 at approximately 0407 hrs, while at the West Allis Police Department, I read the Consent to Search Form to Adrian and Adrian stated that he would submit to blood and breath test. Adrian initialed over the "yes" box indicating he consented to a blood and breath test. I conveyed Adrian to Aurora West Allis Medical Center for a blood draw.

BLOOD DRAW INFORMATION

On 06/24/13 at approximately 0437 hrs, a blood sample was taken from Adrian by Kristen Lacefield-May of Aurora West Allis Medical Center. The paperwork was completed and the blood sample was turned over Officer Schweitzer. The blood sample was transported over to the West Allis Police Department and placed on property with WAPD # 13-004623.

OBSERVATION INFORMATION

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Schweitzer, Adam

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On 06/24/13 at approximately 0455 hrs, at the West Allis Police Department, I began observing Adrian and certify that he did not smoke, regurgitate, vomit, or drink alcoholic beverages for twenty minutes prior to the time this breath specimen was taken.

INTOXIMETER OPERATOR REPORT

See Sgt Porter's Supplemental Report

IN-CUSTODY STATEMENT

On 06/24/13 at approximately 0551 hrs, inside Interview Room A inside the Booking Room, I read Adrian Sanchez his Miranda Warning. Adrian advised he understood his rights and agreed to make an in-custody statement without an attorney present. The in-custody interview was recorded with WAPD Digital Media Recorder P15, with Digital Media Card #P11-6. The following is a summary of the in-custody interview and is not a verbatim account of the interview. For a verbatim account of the interview, please refer back media card #P11-6.

I asked Adrian if he fired a gun tonight. Adrian stated he did fire a gun tonight. I asked Adrian what happened. Adrian advised approximately 30 minutes before Los Palmas closed he went to his truck to charge his cellphone and call his wife for a ride home. Adrian was inside his truck and turned around to see a large fight outside of Los Palmas. Adrian stated parties involved in the fight started to run towards his truck. Adrian became afraid for his safety and grabbed his gun from the center console of his truck. I asked what kind of gun he owns. Adrian advised he owns a 40 caliber black Beretta. I asked Adrian why he grabbed his gun. Adrian said he thought to himself that if he got punched and knocked out that a firearm would be accessible to anyone involved in the fight.

I asked Adrian what he did after he grabbed his gun from the center console. Adrian said he shot approximately 4-5 rounds off into the air. After firing the gun 4-5 times, Adrian observed the security guards from Los Palmas running towards him with their guns drawn. I asked Adrian what he did after seeing the armed security guards. Adrian stated he threw the gun across the street from Los Palmas, which he thinks was a bowling alley. I asked Adrian if he ever shot his gun off while running away. Adrian stated he never shot his gun after the first time. I asked Adrian if he ever handed the gun to anyone else after he shot it off. Adrian said he was the only one who handled the gun.

I asked Adrian how much alcohol he consumed tonight while at Los Palmas. Adrian stated he drank approximately two Patron Tequila shots and approximately three mixed tequila drinks. I asked if he drank short or tall mixed drinks. Adrian stated he drank three tall drinks. I asked Adrian what he did after he threw his gun. Adrian stated he ran west on W Burnham St and took his first right onto S 61 St and ran into the alley. Adrian stated he called

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Schweitzer, Adam

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his wife and told her she needed to come and pick him up at Los Palmas. I asked Adrian why he did not stay on scene so he could talk to officers right away. Adrian stated he was either planning on going to the police station by his house or going to tell officers on scene what happened at Los Palmas.

I asked Adrian if he changed his shirt after he met with his wife. Adrian stated once his wife arrived he changed his shirt. I asked what kind of shirt he was wearing when he shot his gun off. Adrian advised he was wearing a long sleeve button up shirt. I asked Adrian if he changed his shirt because he did not want the police to find him. Adrian stated he did not change his shirt in order to hide from the police. I again asked Adrian if he shot his gun tonight. Adrian stated he fully admits to shooting his gun off tonight. Adrian stated he was never trying to endanger anyone's life. Adrian stated he shot the gun off with his right hand.

The interview concluded at approximately 0609 hrs.

BOOKING

Adrian was booked with WAPD Booking # 2013002919 for 1st Degree Recklessly Endangering Safety. The Milwaukee County DA will review this incident on 06/25/13 at approximately 0830 hrs.

End of Supplemental Report

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NARRATIVE

INITIAL CALL FOR SERVICE

On 6/24/13 at about 0158hrs, I responded to the area of 6007 W Burnham St for a shots fired call that occurred outside of Las Palmas. Once in the area I parked my squad at S 63 and W Lapham St to set up a perimeter for an unknown suspect that may have fled on foot. After several minutes all perimeter squads were cleared and I began searching the area for suspicious persons. Shortly after, Officer Bintor called out over the radio he was speaking with a witness who stated a hispanic male was seen running from S 61 St and W Burnham St through the alley way and he may have been involved in the Las Palmas incident.

CONTACT WITH OFFENDER: ADRIAN SANCHEZ

I began searching the alleys between W Mitchell St and W Burnham from S 61 St to S 66 St. After checking the industrial area just west of S 66 St I observed a vehicle, a silver 2002 GMC Envoy bearing license plate ARYNJR (WI Reg) parked in the 6500 block of W Burnham St facing west As I passed the vehicle, traveling eastbound on W Burnham St from S 66 St, I observed a hispanic female in the driver seat and a hispanic male in the front passenger seat. I turned my squad around at S 65 St and ran the license plate through NCIC. The plate listed the registered owner as Adrian Sanchez (M/H 6/1/82) with a last known address of 2406 S 20 St, Milwaukee. At this point officers had not identified the shooter, the license plate did not list to a local address and the vehicle was occupied by two hispanics. This led me to believe one or both occupants may have been at Las Palmas earlier in the evening. Finding this suspicious I initiated a traffic stop and waited for back up to arrive before approaching the vehicle.

Officer Schweitzer arrived on scene and we approached the vehicle. I made contact with the driver, identified via WI/DL as Ana G. Sanchez (F/H 11/18/84). Who stated she picked up her husband, Adrian, who was seated in the front passenger seat, because he had too much to drink at the bar and needed a ride home. I asked Adrian if he was at Las Palmas earlier int he evening and he said he was.

At this point Officer Schweitzer asked Adrian to step out of the vehicle and I asked the same of Ana. The parties were separated and I gathered the

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following statement from Ana.

ON SCENE STATEMENT OF ANA G. SANCHEZ

Ana stated she got a call from her husband at about 0145hrs, saying he had too much to drink and he needed her to pick him up. Ana agreed to pick him up in front of Las Palmas. Ana said she received another call from Adrian several minutes later telling her to pick him up a couple houses north on S 60 St from W Burnham St on the west side. Ana said she drove to this location and observed Adrian standing in a front yard of a home. Adrian got into the vehicle, a silver 2002 GMC Envoy, bearing WI license plate ARYNJR, and instructed Ana to drive him to his truck, a black pick up truck, at S 61 St and W Burnham St. Ana said when they drove past the truck, there was a squad car parked next to it so they drove west a couple blocks and parked in the 6500 block of W Burnham St. Ana said Adrian wanted her to wait with him until the "cops left" so he could drive his truck home. Ana believed Adrian was worried about drinking an driving and did not want to get caught by police.

I asked Ana if Adrian mentioned anything about the shooting that took place outside of Las Palmas. Ana initially said he did not say anything about the incident and then later stated Adrian told her there was a huge fight at the bar and he took off running after he heard several gunshots. I asked Ana if Adrian owned a gun and she said he did and he has his Conceal and Carry Permit. I asked Ana if Adrian usually carried his firearm with him and she said almost always has the gun, a black handgun, with him. Ana said Adrian also carries his firearm when he is drinking. I asked Ana what Adrian was wearing when he left the house and she a said he was wearing the plaid shirt that was currently in the back seat of their vehicle. Ana said Adrian took the blue and white plaid shirt off when he got into her vehicle. I asked Ana who Adrian went to the bar with and she said he went alone to meet up with his cousin, Juan P. Sanchez (M/H 6/4/83) and friends. Ana insisted she did not know anything about who fired the gunshots and stated Adrian is a good person who has never been in trouble before.

IN CUSTODY STATEMENT OF JUAN P. SANCHEZ

I spoke with Juan P. Sanchez (M/H 6/4/83) in interview room A of booking on 6/24/13 at about 0411hrs. Here I read Juan his Miranda rights to which he stated he understood and agreed to answer questions regarding this incident. Juan stated at bar close, about 0145hrs, he exited the bar with an unknown female and proceeded to walk across W Burnham St to the parking lot near Burnham Bowl . Juan said there was a loud commotion and heard a couple gunshots. Juan said he did not see the person who fired the gun and did not who was all involved in the physical fight that preceded the shots fired. Juan said he walking across the street when all of a sudden he was ordered by a WAPD officer to get on the ground. Juan was later arrested for Disorderly

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Conduct as two security guards on scene identified him as being involved in the physical altercation that led up to the gunshots.

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NARRATIVE**PO Kaye Reports:**

On 06/24/13 at approx. 0158hrs, I was stopped at the red light on W Burnham St at W Beloit Rd, when I heard 5 - 8 loud noises (Which I believed to be gun shots) from the area of S 60 St/W Burnham St, near/outside of Las Palmas Restaurant. I proceeded to the area where the possible gun shots occurred.

Upon arrival I observed a large group of about 10 to 15 individuals in the middle of the road of the 6000Blk of W Burnham St, who appeared to be fighting. There were several individuals on the south side of W Burnham St on the sidewalk just outside of Las Palmas. I was unable to make out any description of any of the individuals fighting as I parked my squad approx. 100 feet away and could only make out silhouettes. It appeared the crowd dispersed when they realized I had arrived due to my activated overhead emergency lights. I exited my vehicle, drew my weapon, and proceeded west on W Burnham St on the north sidewalk.

I observed a Las Palmas Security officer (Carlos R. Cruz M/U 12/17/75) on the north sidewalk of W Burnham St as I approached the area where the fight had occurred. I asked Carlos if there were gun shots fired to which he stated there was. I proceeded towards the area in which the gun shots were fired. At this point everyone in the area was either running or walking away from the scene. I observed a black vehicle (I believed to be a truck or SUV), leaving the scene west on W Burnham St. This vehicle was parked on W Burnham St, just in front of where the gunfire occurred. I was unable to get a license plate number.

I approached several individuals (5 - 6) in the parking lot of Burnham Bowl. I yelled for them to stop, to which they did not but rather continued to walk away from me. I ran towards the group of individuals, told them to stop, and pointed my firearm at them. Three of the individuals stopped, two or three took off running north on S 61 St and/or north in the alley between S 61 St/S 60 St.

RESISTIVE EPISODE

I approached Edy B. Matute (M/U 09/01/81) who was one of the individuals who stopped in the parking lot of Burnham Bowl. I began to order Edy to the ground at gunpoint. Edy did not comply with my orders to get on the ground, but rather became argumentative with me. I ordered Edy to the ground several more times to which he did not comply. Edy had his hands above his head initially but when he began to argue with me he dropped his hands. I was directly to Edy's left, so I could not see his right hand as he put his hands

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down to his side.

I was approx. 6 - 8 feet away from Edy and due to Edy's uncooperativeness, his argumentative state, the fact he dropped his hands, and the nature of the call, I holstered my firearm and directed Edy to the ground. Once on the ground PO Foy arrived at my location. While Edy was on the ground he began to resist PO Foy and myself and would not let us place him into handcuffs. Edy would not go to his stomach or put his hands behind his back but rather attempted to roll his body back and forth, and would not give officers his hands behind his back. Edy resisted officer efforts to place his hands behind his back and held them in close to his chest. I delivered 3 - 5 knee strikes to Edy's front torso area in attempts to create disfunction and gain control of Edy. Edy continued to resist officer efforts to place him in handcuffs and tried to get up by pushing his body up off the ground with his arm. I delivered 2 -3 focused hand strikes to the left side of Edy's face as he continued to resist. Edy was forced back onto the ground with his stomach on the ground and placed into handcuffs.

Edy was taken to PO Foy's squad car.

CONTACT/STATEMENT - NOEL MONGE (Offender)

Noel was one of the individuals who stopped when I ordered them to. While ordering Edy to the ground, Noel went to the ground himself and laid there until officers were able to gain control of Edy. After Edy was handcuffed, I went to Noel's location, and placed him into handcuffs.

Noel stated he did not know what was going on. Noel said he was drunk and having a good time. Noel advised he did not know anything about a fight or gunshots and that he did not do anything wrong. I asked Noel several different times what had happened in reference to the fight and the gunshots to which he stayed with his original account of what happened. I placed Noel in the back of my squad car.

Noel and Juan had the same basic story on scene.

CONTACT/STATEMENT - JUAN P. SANCHEZ (Offender)

Juan was one of the individuals who stopped when I ordered them to. While ordering Edy to the ground, Juan went to the ground himself and laid there until officers were able to gain control of Edy. After Edy was handcuffed, I went to Juan's location, and placed him into handcuffs.

Juan stated he did not know what was going on. Juan said he was drunk and having a good time. Juan advised he did not know anything about a fight or gunshots and that he did not do anything wrong. I asked Juan several different times what had happened in reference to the fight and the gunshots to which he stayed with his original account of what happened. I placed Juan in the back

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Kaye, Jacob

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of my squad car.

Juan and Noel had the same basic story on scene.

ON SCENE STATEMENT - ENOCH L. WILSON

Enoch is a security officer for Las Palmas. Enoch explained he was inside Las Palmas when the incident initially occurred. Enoch stated the fight started right in front of the enter/exit door (On W Burnham St) of Las Palmas and moved into the middle of W Burnham St. Enoch advised the fight was between two groups of people. Enoch said there was approx. 15 individuals involved in the fight.

Enoch stated his partner, Carlos, was the first one outside and attempted to break up the fight. Enoch said Carlos used his OC spray in attempts to disperse the crowd of individuals fighting. Enoch explained when he arrived to Carlos's location, Carlos had begun spraying his OC spray. Enoch advised he was "hit" by Carlos's OC spray and immediately disengaged from the fight.

Enoch explained he walked back toward Las Palmas as he could not see because he had just been OC sprayed. Enoch stated this is when he heard the gun shots being fired. Enoch did not see who fired the gun.

Las Palmas Security are usually armed security. I asked Enoch if he had a firearm to which he stated he does not carry a firearm. Enoch had a holster on his right hip but no firearm.

Enoch identified Noel and Edy as being involved in the fight. Carlos identified Noel, Juan, and Edy as being involved in the fight.

STATEMENT - ANTONIO C. RIVERA

Antonio is the owner/manager of Las Palmas. Antonio stated he did not see anything or know who was involved in the incident. Antonio did not have any working video cameras so there was no video of the incident.

LOCATION OF FIREARM

PO Schweitzer indicated he was out with the offender, Adrian Sanchez, who admitted to shooting the gun. PO Schweitzer advised officers the firearm was left next to the exterior wall of Burnham Bowl.

I located the firearm up against the south facing wall of Burnham Bowl near a downspout in a sunken-in blacktop hole. The firearm was a black and silver semi-automatic pistol. The firearm was not on safe but rather the safety was in the fire position. I made the firearm safe by placing the firearm on safe, removed the magazine, and removed a round from the chamber. I took pictures of the firearm as it lay (Before I touched the firearm) and later collected the firearm as evidence. After taking the firearm back to the station to be

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placed on property, I turned the firearm over to CPL McNally who placed it on property.

ARREST DECISION

Based on the fact Noel and Juan were involved in a physical altercation in which Las Palmas Security had to break up the fight using OC spray and lead to the discharge of a firearm, Noel and Juan were arrested for local Disorderly Conduct.

Based on the fact Edy was involved in a physical altercation in which Las Palmas Security had to break up the fight using OC spray and lead to the discharge of a firearm and the fact Edy resisted officers, Edy was arrested for state Disorderly Conduct and Resisting an Officer.

IN CUSTODY STATEMENT - NOEL MONGE (OFFENDER)

On 06/24/13 at approx 0409hrs, I interviewed Noel in Detective Interview Room B of the WAPD booking room. I read Noel his Miranda rights 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# P8), using audio media card# P8-2. The following is a synopsis of that interview:

Noel explained he was at Las Palmas with Juan Sanchez. Noel said he arrived on 06/23/13 between 2100 - 2130hrs. Noel stated he stayed until bar close. Noel indicated he drank too much and was intoxicated. Noel stated when he left Las Palmas he went across the street (W Burnham St) by the bowling alley (Burnham Bowl) and was on his cell phone calling a cab. Noel advised he did he was not involved in the fight and did not see people fighting. Noel stated he did not hear or see gunshots.

Interview ended at approximately 0419hrs. 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.

END OF SUPPLEMENT

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Kaye, Jacob

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OTHER NAMES

Matute, Edy B W/M-31 of 1614 W National Ave, Milwaukee,WI,53204
 DOB: 09/01/1981
 HT: 506 WT: 150 Hair: Black
 Eyes: Brown Complexion: Fair
 Other Phone:(262) 880-3065 Other Phone:(262) 880-3065

West Allis Police Department of 11301 W Lincoln Ave, West Allis,WI,53227
 Business Phone:(414) 302-8000

PROPERTY LIST

Seq#	Reason	Make/Model	Description/Serial#	Quan/Value
=====				
13-004621				
1	EVI	Apple	Cell phone - iPhone	1.000 \$800.00 [Recovered]
2	EVI	Samsung	Samsung Cell phone	1.000 \$50.00 [Recovered]

Reporting Officer(s): Foy, Daniel	Payroll Number: 9903	Payroll Number:	Report Date: 06/24/2013
Reviewed by: Versnik, Ronald	Payroll Number 1343	Copy To:	1 Of 1

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OTHER NAMES

West Allis Police Department of 11301 W Lincoln Ave, West Allis, WI, 53227
 Business Phone: (414) 302-8000

PROPERTY LIST

Seq#	Reason	Make/Model	Description/Serial#	Quan/Value
13-004623				
1	EVI		Blood Kit Adrian Sanchez 1st Degree RES, 13-005582	1.000 \$0.00 [Recovered]

Reporting Officer(s): Schweitzer, Adam	Payroll Number: 9905	Payroll Number:	Report Date: 06/24/2013
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OTHER NAMES

Sanchez, Adrian Nmi W/M-31 of 2406 S 20 St, Milwaukee,WI,53215
 DOB: 06/01/1982
 HT: 510 WT: 190 Hair: Black
 Eyes: Hazel Complexion: Light Brown
 Cell Phone:(414) 708-2176

Matute, Edy B W/M-31 of 1614 W National Ave, Milwaukee,WI,53204
 DOB: 09/01/1981
 HT: 506 WT: 150 Hair: Black
 Eyes: Brown Complexion: Fair
 Other Phone:(262) 880-3065 Other Phone:(262) 880-3065

West Allis Police Department of 11301 W Lincoln Ave, West Allis,WI,53227
 Business Phone:(414) 302-8000

PROPERTY LIST

Seq#	Reason	Make/Model	Description/Serial#	Quan/Value
13-004630	1	EVI	Buccal sample obtained from Andrian Sanchez	1.000 \$0.00 [Recovered]
13-004631	1	EVI	Buccal sample taken from Edy Matute	1.000 \$0.00 [Recovered]
13-004640	1	EVI	Photo array depicting Adrian Sanchez	1.000 \$0.00 [Recovered]
13-004641	1	EVI	Photo array depicting Edy Matute	1.000 \$0.00 [Recovered]

NARRATIVE

DETECTIVE PYE REPORTS

Reporting Officer(s): Pye, Nicholas .	Payroll Number: 1832	Payroll Number:	Report Dat.: 06/24/2013
Reviewed by: Botsch, Christopher	Payroll Number 9001	Copy To:	1 Of 2

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On this date, I was assigned to assist the patrol division with this investigation. It had been explained to me that the shooter in this case, Adrian Sanchez, had admitted that the firearm belonged to him and was fired by him and him alone. An uninvolved witness had reported that another offender in this fight, Edy Matute, had been seen firing the handgun.

I went to the booking area and removed Sanchez from the cell and asked him if he was the only one who fired and or touched the handgun on this date and he stated that he was. I explained to him the witness account and he stated that no one else handled his handgun today. I asked Sanchez for consent to obtain a buccal sample from him and he agreed and signed a consent form.

Using a WAPD provided buccal collection kit, I collected a buccal sample from Sanchez. This sample was then placed on property #13-004630.

I asked Sanchez to interperet for me for the purposes of collecting a consensual buccal sample from Matute. Sanchez agreed and reaffirmed that he does not know Matute and has never seen him prior to this incident.

I removed Matute from the cell and explained through Sanchez' interpretation my desire to collect a buccal sample from Matute for the purpose and determining if he had handled or touched the firearm involved in this incident. Matute, who does speak broken english, consented to the buccal and signed a consent form.

Using a WAPD provided buccal collection kit, I collected a buccal sample from Matute. This sample was placed on property #13-004631.

PHOTO ARRAY

The security guard, Carlos Cruz, from the Las Palmas bar came to WAPD to view 2 photo arrays.

I had generated one photo array depicting the offender, Adrian Sanchez and a second photo array depicting Edy Matute. Det Carr showed Cruz both arrays asking if he could identify the "man with the gun" in this incident. In the first array, he was unable to identify anyone.

In the second array, he did identify Matute as the person that was very drunk and started the fight in the bar. He explained that Matute is a regular at the bar but WAS NOT armed with a gun.

The photo array depicting Adrian Sanchez was placed on property #13-004640.

The photo array depicting Edy Matute was placed on property #13-004641.

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NARRATIVE**Sgt. Porter reports:**

On 06/24/13 at about 0200hrs I responded to the 6000blk of W Burnham St for a large fight in the street and a report of shots being fired. I arrived on scene with Officer Kaye and observed several individuals running in various directions from the middle of the street. Office Kaye focused on three individuals in the Burnham Bowl parking lot and was soon assisted by Officer Foy. Two of the individuals went to the ground as ordered but the third (Edy Matute) would not. As Matute became more argumentative he began to lower his hands, which forced Officer Kaye to take him to the ground. Officer Foy came to assist and I covered the other two parties with a long gun.

While Officer Kaye and Officer Foy were attempting to take Matute into custody, I observed Matute struggling on the ground with them and pull his arms away from Officer Kaye's attempts to handcuff him. Once Matute was placed in custody, Officer Foy handcuffed the other two individuals.

Officer Schneider and I cleared the immediate area and were unable to locate anyone else involved in the incident. An initial perimeter was established, however it was soon apparent that more officers were needed on scene and at 56/Beloit where West Milwaukee PD was out with several parties who were involved.

LOCATION OF SHELL CASINGS

After insuring the immediate area was safe I and other officers began to check the scene for evidence. I soon located several shell casings on the north side W Burnham St just south of Burnham Bow. Six .40 caliber shells were located in close proximity on the street. Squads were positioned to protect the area and I handed Officer McNally orange evidence cones to place over the casings for photographs and protection purposes.

ADDITIONAL FOLLOW UP

Officers checked the area and did not locate any damage that may have been caused by the fired rounds. Offices also verified that there were no security cameras inside or outside the bar.

INTOXIMETER TEST

On 06/24/13 at about 0515hrs I met with Officer Schweitzer in the booking room to conduct an Intoximeter for Adrian Sanchez. Sanchez was signed a

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consent form allowing officers to obtain a sample of his breath in relation to this case.

Officer Schweitzer informed me that he observed Sanchez for the 20-minute observation period, which began at 0455hrs. I gave Sanchez a basic instruction of the Intoximeter test. Sanchez stated that he understood and had no questions. At 0517, Sanchez gave his first accepted breath sample of .033. At 0521hrs, Sanchez gave his second accepted breath sample of .033. His reported value was .33. I explained the breath test to Sanchez and provided him with a copy of the results. Sanchez stated that he did not have any questions.

During my contact with Sanchez I detected a mild odor of an intoxicant on his breath.

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NAMES

Offender

Ruiz Navarro, Luis Carlos M-31 of 1538 W Walker St, Milwaukee,WI,53204
 DOB: 05/27/1982 DL: R2515238218701

Booking#: 13-002920

Case#	Charge	Description	Ct
13-005582	WA-947.01	Disorderly Conduct	1

NARRATIVE

Officer Said reports...

INITIAL OBSERVATIONS

On 6/24/13 at 0158 hrs Squad314 responded to the area nearby Las Palmas, 6007 W Burnham St for shots being fired outside of the business. While driving to the location dispatch advised that West Milwaukee had stopped a number of hispanic males running eastbound on W Beloit Rd in the 5600 block. I arrived at this location and made contact with an hispanic male wearing a white sleeveless shirt who identified himself as Martin Ordunda Lunda (m/w, 10-10-82).

ON SCENE STATEMENT OF MARTIN ORDUNDA LUNDA (M/W, 10-10-81)

The following is a summary of the statements made to me by Lunda while on scene:

(Lunda was not confident in his ability to speak with me and asked that his friend, who was not involved in the incident, Luis A. Herrera (m/w, 2-6-83) help translate. Herrera stated he lives at the residence of 5606 W Beloit Rd, which we were currently standing in front of, and he was woken by his friends who had run to the home because they were seeking safety from gun shots. Herrera was willing to help translate and this statement is synopsis of the information relayed to me from Herrera.)

Lunda stated he was at Las Palmas, 6007 W Burnham St, this evening and he arrived at the tavern at approximately 1145 pm, 6-23-13. Lunda stated at bar close, at or around 2:30 am, 6/24/13. Everyone began to move outside and he

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went outside to wait for a ride.

Lunda stated as he came outside he witnessed one of his friend's, Luis Carlos Ruiz-Navarro, was having trouble with a group of people (approximately 6-7). Lunda said suddenly a fight ensued and shortly after there were gun shots. Lunda said he only heard two gun shots. Lunda was not able to observe who had the gun at any point.

Lunda stated he then became scared, and began to run until he was stopped by police in front of the residence where we were speaking.

ON SCENE STATEMENT - LUIS CARLOS RUIZ- NAVARRO (M/W, 5-27-82)

The following is a summary of statements made to me on scene by Ruiz-Navarro:

Ruiz-Navarro stated he was at Las Palmas, 6007 W. Burnham St this evening and upon exiting the bar at bar close he encountered male parties fighting with his friends. Ruiz-Navarro stated he saw his friend's fighting so he went to help.

Ruiz-Navarro stated he was not sure why the fight started, but he thought it might be because some of the other parties involved were not Mexicans, like himself. He was not sure where they were from.

Ruiz-Navarro stated shortly after he came outside and the fighting began there were gunshots. Ruiz-Navarro was not able to observe who had the gun at any time during the incident.

ARREST DECISION

Due to the fact that Luis Carlos Ruiz-Navarro was identified as a party who was actively involved in the original fight he was placed under arrest for Disorderly Conduct.

TRANSPORT / BOOKING

Ruiz-Navarro was transported to the WAPD Booking Room, where he was fingerprinted, photographed and processed for the above offense, under booking # 13-002920.

IN CUSTODY INTERVIEW - LUIS CARLOS RUIZ-NAVARRO (M/W, 5-27-82)

On 6/24/13 at approximately 042 hrs., I interviewed Luis Carlos Ruiz-Navarro in Interview Room A of the WAPD Detective Bureau. I read Ruiz-Navarro 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

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DS-2200 Digital Voice Recorder (Recorder# P10), using audio media card# P8-1. The following is a synopsis of that interview:

Ruiz-Navarro stated he was at Las Palmas, 6007 W Burnham St for karaoke singing with his friends and brother. Ruiz-Navarro believed he arrived at the tavern at sometime between 11pm-12am on 6/23/13. Ruiz-Navarro was drinking at the tavern, but he had also had drinks at his residence before arriving at the bar.

Ruiz-Navarro stayed at the bar until bar close, at or around 2:30 am, when security began to usher people outside. Ruiz-Navarro went outside and observed there was a large group of people outside he began fighting someone, but he was hit first.

Ruiz-Navarro said he was able to identify one of the parties as male hispanic, who works at a muffler shop in the area of S 16 St / W National Ave. Ruiz-Navarro believed the male was from a different country due to his spanish dialectic differences. Ruiz-Navarro stated he himself is from Mexico and he was sure the other party was from another spanish speaking country where the spanish is different.

Ruiz-Navarro was not able to give any further descriptors of the male party who he believed punched him.

One of the parties arrested, Edy Matute, was found be a mechanic a the address of 1614 W National Ave, and is from Honduras.

Interview ended at approximately 0431 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.

CITATION

Ruiz-Navarro was issued a municipal citation for Disorderly Conduct, Fighting, citation # M13002901.

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