

And further, invoking the provisions of sec. 939.63(1)(b) Wis. Stats., because the defendant committed this offense while using a dangerous weapon, the maximum term of imprisonment for the felony may be increased by not more than 5 years.

Count 3: ATTEMPT OPERATING A MOTOR VEHICLE WITHOUT OWNER'S CONSENT - PTAC, AS A PARTY TO A CRIME (As to defendant Keasean J Ellis-Brown)

The above-named defendant on or about Thursday, January 13, 2022, at 220 East Buffalo Street, in the City of Milwaukee, Milwaukee County, Wisconsin, as a party to a crime, attempted to intentionally take and drive a vehicle, a Ford Fusion, without the consent of the owner, CEH, contrary to sec. 943.23(2), 939.50(3)(h), 939.32, 939.05 Wis. Stats.

Upon conviction for this offense, an attempt to commit a Class H Felony, the defendants may be fined not more than Five Thousand Dollars (\$5,000), or imprisoned not more than three (3) years, or both.

Count 4: DRIVE OR OPERATE A VEHICLE WITHOUT OWNER'S CONSENT - PTAC, AS A PARTY TO A CRIME (As to defendant Keasean J Ellis-Brown)

The above-named defendant on or about Thursday, January 13, 2022, at 220 East Buffalo Street, in the City of Milwaukee, Milwaukee County, Wisconsin, as a party to a crime, did intentionally drive or operate a vehicle, a Volkswagen CC Sport, without the consent of the owner, KAVC, contrary to sec. 943.23(3), 939.50(3)(i), 939.05 Wis. Stats.

Upon conviction for this offense, a Class I Felony, the defendants may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than three (3) years and six (6) months, or both.

Count 5: CARRYING A CONCEALED WEAPON (As to defendant Keasean J Ellis-Brown)

The above-named defendant on or about Thursday, January 13, 2022, at 220 East Buffalo Street, in the City of Milwaukee, Milwaukee County, Wisconsin, not being a peace officer or other person defined in s. 941.23(2), did go armed with a concealed and dangerous weapon, a semi-automatic handgun, contrary to sec. 941.23(2), 939.51(3)(a) Wis. Stats.

Upon conviction for this offense, a Class A Misdemeanor, the defendants may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than nine (9) months, or both.

Count 6: BAIL JUMPING (FELONY) (As to defendant Keasean J Ellis-Brown)

The above-named defendant on or about Thursday, January 13, 2022, at 220 East Buffalo Street, in the City of Milwaukee, Milwaukee County, Wisconsin, having been charged with a felony and released from custody under Chapter 969 of the Wisconsin Statutes, did intentionally fail to comply with the terms of his bond, contrary to sec. 946.49(1)(b), 939.50(3)(h) Wis. Stats.

Upon conviction for this offense, a Class H Felony, the defendants may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

Count 7: DRIVE OR OPERATE A VEHICLE WITHOUT OWNER'S CONSENT - PTAC, AS A PARTY TO A CRIME (As to defendant Timonte Lashion Karroll-Robinson)

The above-named defendant on or about Thursday, January 13, 2022, at 2700 West State Street, in the City of Milwaukee, Milwaukee County, Wisconsin, as a party to a crime, did intentionally drive or operate a vehicle, a Volkswagen CC Sport, without the consent of the owner, KAVC, contrary to sec. 943.23(3), 939.50(3)(i), 939.05 Wis. Stats.

Upon conviction for this offense, a Class I Felony, the defendants may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than three (3) years and six (6) months, or both.

Count 8: ATTEMPT OPERATING A MOTOR VEHICLE WITHOUT OWNER'S CONSENT - PTAC, AS A PARTY TO A CRIME (As to defendant Timonte Lashion Karroll-Robinson)

The above-named defendant on or about Thursday, January 13, 2022, at 220 East Buffalo Street, in the City of Milwaukee, Milwaukee County, Wisconsin, as a party to a crime, attempted to intentionally take and drive a vehicle, a Ford Fusion, without the consent of the owner, CEH, contrary to sec. 943.23(2), 939.50(3)(h), 939.32, 939.05 Wis. Stats.

Upon conviction for this offense, an attempt to commit a Class H Felony, the defendants may be fined not more than Five Thousand Dollars (\$5,000), or imprisoned not more than three (3) years, or both.

Count 9: HARBORING OR AIDING A FELON - PTAC, AS A PARTY TO A CRIME (As to defendant Timonte Lashion Karroll-Robinson)

The above-named defendant on or about Thursday, January 13, 2022, at 220 East Buffalo Street, in the City of Milwaukee, Milwaukee County, Wisconsin, as a party to a crime, with intent to prevent the apprehension of a felon, did aid that person, and the offense committed by the felon being aided is a Class B felony, contrary to sec. 946.47(1)(a) and (2m)(a), 939.50(3)(g), 939.05 Wis. Stats.

Upon conviction for this offense, a Class G Felony, the defendants may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

Count 10: FLEE OR ELUDE AN OFFICER (As to defendant Timonte Lashion Karroll-Robinson)

The above-named defendant on or about Thursday, January 13, 2022, at from the 2700 block of W. State Street to the area of 3034 N. 30th Street, in the City of Milwaukee, Milwaukee County, Wisconsin, while operating a motor vehicle on a highway, after having received a visual or audible signal from a traffic officer, federal law enforcement officer, or marked or unmarked police vehicle that the operator knew or reasonably should have known was being operated by a law enforcement officer, did knowingly flee or attempt to elude a traffic officer by increasing the speed of the vehicle in an attempt to flee, contrary to sec. 346.04(3), 939.50(3)(i) Wis. Stats.

Upon conviction for this offense, a Class I Felony, the defendants may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than three (3) years and six (6) months, or both.

And furthermore, invoking the provisions of Wisconsin Statute 343.31(3)(d)1, upon conviction the department shall revoke the defendant's operating privileges for 6 months.

And the defendant may also be subject to additional collateral consequences upon conviction, including revocation of operating privileges, assessment and treatment requirements, and future restrictions on operation of motor vehicles under Wisconsin Statute 343.31(1m).

Count 11: SECOND DEGREE RECKLESSLY ENDANGERING SAFETY (As to defendant Timonte Lashion Karroll-Robinson)

The above-named defendant on or about Thursday, January 13, 2022, at from the 2700 block of W. State Street to the area of 3034 N. 30th Street, in the City of Milwaukee, Milwaukee County, Wisconsin, did recklessly endanger the safety of others, contrary to sec. 941.30(2), 939.50(3)(g) Wis. Stats.

Upon conviction for this offense, a Class G Felony, the defendants may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

Count 12: OBSTRUCTING AN OFFICER (As to defendant Timonte Lashion Karroll-Robinson)

The above-named defendant on or about Thursday, January 13, 2022, at 2974 North 29th Street, in the City of Milwaukee, Milwaukee County, Wisconsin, did knowingly obstruct an officer, while such officer was doing an act in an official capacity and with lawful authority, contrary to sec. 946.41(1), 939.51(3)(a) Wis. Stats.

Upon conviction for this offense, a Class A Misdemeanor, the defendants may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than nine (9) months, or both.

Count 13: DRIVE OR OPERATE A VEHICLE WITHOUT OWNER'S CONSENT - PTAC, AS A PARTY TO A CRIME (As to defendant Dionta'e L Hayes)

The above-named defendant on or about Thursday, January 13, 2022, at 220 E. Buffalo Street, in the City of Milwaukee, Milwaukee County, Wisconsin, as a party to a crime, did intentionally drive or operate a vehicle, a Volkswagen CC Sport, without the consent of the owner, KAVC, contrary to sec. 943.23(3), 939.50(3)(i), 939.05 Wis. Stats.

Upon conviction for this offense, a Class I Felony, the defendants may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than three (3) years and six (6) months, or both.

Count 14: ATTEMPT OPERATING A MOTOR VEHICLE WITHOUT OWNER'S CONSENT - PTAC, AS A PARTY TO A CRIME (As to defendant Dionta'e L Hayes)

The above-named defendant on or about Thursday, January 13, 2022, at 220 East Buffalo Street, in the City of Milwaukee, Milwaukee County, Wisconsin, as a party to a crime, attempted to intentionally take and drive a vehicle, a Ford Fusion, without the consent of the owner, CEH, contrary to sec. 943.23(2), 939.50(3)(h), 939.32, 939.05 Wis. Stats.

Upon conviction for this offense, an attempt to commit a Class H Felony, the defendants may be fined not more than Five Thousand Dollars (\$5,000), or imprisoned not more than three (3) years, or both.

Count 15: HARBORING OR AIDING A FELON - PTAC, AS A PARTY TO A CRIME (As to defendant Dionta'e L Hayes)

The above-named defendant on or about Thursday, January 13, 2022, at 220 East Buffalo Street, in the City of Milwaukee, Milwaukee County, Wisconsin, as a party to a crime, with intent to prevent the apprehension of a felon, did aid that person, and the offense committed by the felon being aided is a Class B felony, contrary to sec. 946.47(1)(a) and (2m)(a), 939.50(3)(g), 939.05 Wis. Stats.

Upon conviction for this offense, a Class G Felony, the defendants may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

Count 16: BAIL JUMPING (FELONY) (As to defendant Dionta'e L Hayes)

The above-named defendant on or about Thursday, January 13, 2022, at 220 East Buffalo Street, in the City of Milwaukee, Milwaukee County, Wisconsin, having been charged with a felony and released from custody under Chapter 969 of the Wisconsin Statutes, did intentionally fail to comply with the terms of his bond, contrary to sec. 946.49(1)(b), 939.50(3)(h) Wis. Stats.

Upon conviction for this offense, a Class H Felony, the defendants may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

Count 17: OBSTRUCTING AN OFFICER (As to defendant Dionta'e L Hayes)

The above-named defendant on or about Thursday, January 13, 2022, at 2952 North 28th Street, in the City of Milwaukee, Milwaukee County, Wisconsin, did knowingly obstruct an officer, while such officer was doing an act in an official capacity and with lawful authority, contrary to sec. 946.41(1), 939.51(3)(a) Wis. Stats.

Upon conviction for this offense, a Class A Misdemeanor, the defendants may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than nine (9) months, or both.

Count 18: BAIL JUMPING (FELONY) (As to defendant Dionta'e L Hayes)

The above-named defendant on or about Thursday, January 13, 2022, at 2952 North 28th Street, in the City of Milwaukee, Milwaukee County, Wisconsin, having been charged with a felony and released from custody under Chapter 969 of the Wisconsin Statutes, did intentionally fail to comply with the terms of his bond, contrary to sec. 946.49(1)(b), 939.50(3)(h) Wis. Stats.

Upon conviction for this offense, a Class H Felony, the defendants may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

Probable Cause:

Complainant, Scott Schmitz, is a City of Milwaukee Police Detective and bases this complaint upon his own personal knowledge of the investigation as well as on reports drafted by fellow members of the Milwaukee Police Department, which Detective Schmitz knows to be reliable.

On January 13, 2022, an off duty Milwaukee Police Detective, identified as AW, was shot multiple times inside the Shake Shack restaurant located at 220 E. Buffalo Street, City and County of Milwaukee.

AW was taken to Froedert Hospital where he underwent emergency surgery. The surgeon stated that one of the bullets narrowly missed AW's heart. At the time he was shot, AW had put himself on duty in order to assist with an ultimately intervene in an attempted car theft, as described in this complaint.

Law enforcement interviewed numerous witnesses who described the events leading up to the shooting, as well as the shooting itself, including CEH. CEH stated that she works as a Door Dash driver. CEH stated that she had a food order to pick up at Shake Shack located at 220 E. Buffalo Street. CEH stated that she parallel parked her Ford Fusion on the south side of the restaurant. CEH stated that she had her three children with her and that before she got out of the car, her children asked to use the restroom. CEH turned off her car and exited, walking into the Shake Shack to ask if her children could use the restroom. As she was asking, the staff told her that someone was taking something out of her car. CEH looked and saw a Black male running from her car and getting into a silver car stopped at the intersection. CEH said that this person got into the front passenger seat and then the car turned north on Water Street. CEH stated that while outside, a Shake Shack employee told her that a phone was on the ground. CEH went outside and checked on her children and also saw an iPhone with a black case on the ground by the front driver's side bumper of her car. CEH stated that she picked up the phone and that her daughter told her that the suspect got into the front driver's seat, looked back, and said "oh fuck," when he noticed the children.

CEH stated that she went back into Shake Shack and asked an employee if she should call the police. CEH noticed that the phone she picked up was ringing repeatedly, the display showing numbers starting with 414-319. She could not recall the rest of the numbers. CEH noticed that there was a male, later determined to be AW, looking out the window after hearing what happened. CEH put the phone in her left coat pocket. She then noticed a Black male walk into Shake Shack. She described him as 6'00 to 6'01 with a thin build, medium complexion and wearing a black hooded sweatshirt with print across the front. CEH stated that he appeared to be listening for something. CEH stated that this individual turned to her and demanded his cell phone. The suspect grabbed her and pushed her against the wall. He reached into her front left pocket and removed the phone. CEH described that he had her in a bear hug and tried lifting her up to slam her to the ground. CEH stated that the White male, later determined to be AW, said something about the Police and grabbed the suspect off of her. CEH stated that AW was saying, "stop, Police!" CEH stated that the officer was attempting to wrestle the suspect to the ground and got him to the ground. CEH stated that the officer had him on the ground and was on top of the suspect. CEH stated that she saw the suspect reaching for his waistband and that the store employees were yelling for her to get behind the counter. CEH started running and heard 2 gunshots and then a brief pause, then three additional shots. CEH ran into the backroom.

CEH then left the backroom to check on her kids and observed the officer shot on the ground. CEH stated that he kept repeating the license plate and mentioned that it was an out of state plate. CEH stated that the officer told the first responding officer the plate number and that he fired through the glass. CEH stated that he was allowed to see her kids and that her daughter mentioned that the suspect lost a sandal while running. CEH also showed officers her car parked on the north side of E. Buffalo Street.

Law enforcement interviewed LNA who stated that she is a nurse and was present at the address of 220 E. Buffalo Street to pick up food. LNA stated that she was crossing the street, walking towards the Shake Shack when she could see two individuals in what appeared to be an argument inside the restaurant. LNA stated that two men were arguing - one was AW and the other was described as a

Black male wearing a black hooded sweatshirt with writing on the front, dark colored sweatpants and tan flip flops. LNA stated that as she approached the restaurant she observed who is later determined to be AW holding the Black male around the upper portion of his body. LNA stated that she saw the Black male holding a semi-automatic pistol in his right hand. LNA stated that she heard one or more gunshots. LNA stated that she ducked down, observed the suspect run past her and then heard more gunshots come from inside the restaurant. LNA stated that the suspect continued to run away eastbound and then fired his gun in the air 3-4 times after the gunshot came from inside the Shake Shack. LNA stated she waited a few seconds before approaching the restaurant. LNA stated that as she did, she observed a silver or light colored blue four door sedan drive quickly out of the parking lot at 224 E. Buffalo and proceed eastbound in the same direction as the suspect was running.

LNA stated that she entered the restaurant and observed AW laying inside with a handgun in his right hand. LNA stated that she approached and rendered aid. LNA stated that the officer explained that the suspect shot him and that he saw the license plate and asked her to copy it down. LNA stated that she observed gunshot wounds to the officer's lower back and to the middle portion of his abdomen. LNA copied the plate number in her phone and instructed the staff at the Shake Shack to call 911.

Law enforcement interviewed GSL, who stated that she works at the business located at 207 E. Buffalo Street and that her desk is next to windows that face E. Buffalo Street. GSL stated that she heard one gunshot that caused her to look up and then three more shots. GSL observed a suspect running east and described that person as a Black male, skinny, wearing a black ski mask, a black sweatshirt with hood down, a red undershirt and armed with a black Glock type handgun. She stated that when the suspect was running he had his right hand behind him and he wasn't looking while he was shooting. GSL stated that the suspect didn't turn around and look at where he was shooting until he stopped shooting.

MPD PO William Hanney was the first responding officer. PO Hanney stated that at approximately 2:12pm, he was driving north near the 400 block of N. Water Street when he heard the dispatch of an officer shot at the Shake Shack at 220 E. Buffalo Street. When he arrived at the Shake Shack, he observed the lower portion of glass on the southern wall broken by apparent gunfire. PO Hanney entered the restaurant and observed AW lying on the floor to the east of the main entrance. AW identified himself to PO Hanney as a Milwaukee Police Detective. PO Hanney observed that AW was holding a black semi-automatic handgun and that he had a Detective badge near his waist. PO Hanney observed two civilians kneeling near AW, putting pressure on his abdomen. PO Hanney also noticed a female yelling about her children in a car. PO Hanney stated that AW described the suspect that shot him as a Black male and that AW showed PO Hanney a license plate number he had typed into his cellphone. PO Hanney observed the plate number was Idaho B358U. PO Hanney broadcast the plate number. PO Hanney also observed 3 fired casings near AW as well as a fired bullet on the floor.

MPD PO Charles Seelow rode in the ambulance with AW to the hospital. PO Seelow observed that there were 2 bullet jacket fragments on AW's lap. PO Seelow also observed that AW had a gunshot wound to his abdomen between his chest and belly button. PO Seelow observed slight bleeding and that there was a burn mark, as if AW had been shot at very close range. The burn mark was on AW's t-shirt. PO Seelow stated that when AW was admitted, medical staff indicated that they saw a total of four gunshot wounds – two to his abdomen, one to his groin and one to his back. PO Seelow stated that AW was able to tell him that during the incident, he saw a car pull up and got the license plate. AW stated that a suspect came up to a lady and was demanding that she give him his phone back.

PO William Hanney broadcast the suspect vehicle description as follows: a gray car with Idaho plate of KB358U. Through investigation, the vehicle was determined to be a 2009, light blue Volkswagen CC Sport with Idaho registration plate KB358U and VIN# - WVVHL73C19E523055. This vehicle was stolen on January 10, 2022, from the address of 62W13520 Sunburst Drive, Menomonee Falls, Wisconsin. The owner of the Volkswagen, identified as KAVC, told the Menomonee Falls Police Department that she was outside at approximately 7:23 am on January 10, 2022, at the above location and observed her blue 2009 Volkswagen Passat 4 door vehicle identification #WVVHL73C19E513055 parked outside. It was running with the keys inside it. KAVC stated she went back inside and when she walked back outside at 7:30 am, her vehicle was missing. KAVC stated she did not consent to anyone to take or drive.

This description of the vehicle was broadcasted citywide. The Volkswagen was first observed by PO Thomas Kotnik in the area of W. Lisbon Avenue and N. Sherman Boulevard. PO Kotnik was off duty and in his personal vehicle at the time, having just left work around 2:30 pm. He was listening to broadcasts about the incident and began looking for the Volkswagen. PO Kotnik had been driving around for about 15-20 minutes when he saw the Volkswagen driving west on Lisbon Avenue and turn right on N. Sherman Boulevard. PO Kotnik broadcast his observations and a description of the driver as a Black male, approximately 18 years old with a 3 inch afro style haircut. PO Kotnik later identified Timonte Karroll-Robinson as the driver of the Volkswagen at the time he saw it.

At approximately 2:56pm, MPD Lieutenant James Hutchinson, while operating in an undercover capacity and vehicle, observed the Volkswagen and broadcasted that the Volkswagen was at a stoplight at N. 20th Street and W. State Street. MPD POs Ryan Miller and Joshua Heder, while operating a fully marked Milwaukee Police Department squad car, observed the Volkswagen traveling eastbound on W. State Street. In the area of W. State Street and N. 17th Street, City of Milwaukee, POs Miller and Heder activated their squad's emergency lights and siren to attempt a traffic stop. The Volkswagen increased speed to flee. They were able to get behind the vehicle and activate both their emergency lights and siren in an attempt to stop the Volkswagen. The Volkswagen increased speed in an attempt to flee police. The Volkswagen turned eastbound on W. Highland Boulevard at high speeds. The Volkswagen made an illegal right turn in front of a motorist in lane two traveling northbound on N. 17th Street as well as a Milwaukee County Transit Bus that was stopped at a bus stop.

On W. Highland Boulevard, MPD POs Allen Tenhaken and Thomas Ozelie took over as primary in pursuit as the Volkswagen traveled at speeds of approximately 90 miles per hour. The Volkswagen travelled north on N. 10th Street, disregarding the red light at that intersection. The Volkswagen then disregarded the posted stop sign at W. Juneau Avenue and continued northbound to W. Winnebago Street also disregarding the stop sign at that intersection. The Volkswagen disregarded the red lights at the intersections of W. Winnebago and N. 12th Street and N. 13th Street. The vehicle continued westbound on W. Vliet Street to N. 30th Street. MPD PO Nicholas Carstedt took primary in the pursuit as the Volkswagen reached speeds in excess of 100mph on W. Vliet Street. The Volkswagen disregarded the red light at N. 20th Street and W. Vliet Street; the stop signs at N. 30th Street and W. Cherry and W. Lisbon Streets; the stop signs at N. 30th Street and W. Brown, W. North, W. Center, W. Fond du Lac and W. Locust Streets. PO Carstedt lost visual of the Volkswagen in the area of N. 30th Street and W. Burleigh Street. Approximately 2 minutes later, Milwaukee County District Attorney's Office Investigator Steve Strasser broadcasted that two suspects were running in the 2800 block of W. Chambers Street.

MPD Sergeants Christopher Elser and Nikhom Lee located those two suspects, Diontae Hayes and Timonte Karroll-Robinson, at N. 29th Street and W. Chambers Street. The sergeants ordered Hayes and Karroll-Robinson at gun point to surrender. Both subjects fled on foot. Diontae L. Hayes was arrested at the address of 2952 N. 28th Street. Hayes was in possession of approximately 14.15 grams of suspected marijuana. Hayes was wearing a black Adidas sweatshirt with white stripes and black Adidas sweatpants, with a pair of green and orange Boost shoes. Hayes was arrested after running from Sergeant Lee as the sergeant was yelling for Hayes to “stop, Police!” Karroll-Robinson was arrested at the address of 2974 N. 29th Street. Karroll-Robinson had a box of 9mm ammunition, that was missing a few live rounds, in his left jacket pocket. Karroll-Robinson had on a black hooded sweatshirt, black Adidas pants and a pair of white and grey Air Jordan shoes.

Officers located the Volkswagen unoccupied and running in front of the address of 3034 N. 30th Street, in the alley. The Volkswagen was searched and officers located a brass FC Luger brand 9mm spent casing between the driver’s seat and driver’s door; a FC Luger brand 9mm casing on the driver’s floorboard; a FC 9mm Luger brand spent casing near the center console cup holder and a brass WIN brand 9mm unfired cartridge on the front passenger seat. A digital scale, burnt cigarillo butts and quantities of marijuana were also located in the vehicle, along with an arm sling (Karroll-Robinson had a cast on his arm when he was arrested).

A search of the area around the Shake Shack revealed a beige color Adidas “Yeezy” brand size 10 right shoe (a sandal), along with several CGI and FC brand Luger 9mm casings. There were three bullet strikes observed to the south side of the building next to the sidewalk – two to the metal outcropping between the Shake Shack and the business to the east and one to the lower window of the Shake Shack. These items were located on the sidewalk just south of the Shake Shack, in front of the next business to the east. Law enforcement also located a deformed bullet in the alley that runs south from Buffalo Street. Further, another bullet strike was observed in the business across the street and one on a sign attached to a traffic signal pole at the intersection of E. Buffalo Street and N. Water Street.

A bullet fragment was located, 249 N. Water Street, at the business across the street from the Shake Shack. At the time of the shooting, there were numerous people in that business. Witnesses that that location reported that they heard a noise, like something hitting the window. Officers noted that the first front window of the business was partially shattered. The bullet fragment was found between the double pane glass windows.

Inside of the Shake Shack, law enforcement recovered casings, bullets and bullet fragments. There was also a beige colored “Yeezy” shoe, matching the one found outside. Of the casings recovered, one was determined to be the same brand that is issued to members of the Milwaukee Police Department. Four additional CGI and FC brand 9mm casings were located inside the restaurant. AW’s department issued firearm, handcuffs and a plastic ID holder were located inside the restaurant.

Video surveillance was obtained and reviewed. Surveillance footage from the business as 250 N. Water Street depicts the front of the Shake Shack on N. Water as well as the intersection with E. Buffalo. The footage shows the following:

- At 14:05:56 a blue Ford Fusion pulls next to a parked vehicle on E. Buffalo and parallel parks. A female, later identified as CEH, exits and walks into the Shake Shack;

- At 14:06:53, a silver vehicle pulls alongside the vehicle parked in front of the Ford Fusion. The driver of the silver vehicle can be seen wearing a black colored top with white stripes down the sleeves. At 14:07:02, this vehicle speeds off westbound on E. Buffalo Street, turning northbound on N. Water Street;
- At 14:07:28, CEH exits the Shake Shack, followed by who is later identified as AW. They walk around the Ford Fusion and then go back inside;
- At 14:08:22 the same silver vehicle is seen driving eastbound on E. Buffalo from N. Water Street;
- At 14:09:42, a subject dressed all in black enters the Shake Shack. At 14:10:00 the same silver vehicle is seen travelling westbound on E. Buffalo Street. It stops prior to the intersection where it remains stationary for a few seconds;
- At 14:10:25, AW exits the Shake Shack and appears to be looking at the silver vehicle's license plate;
- At 14:11:20, AW can be seen moving quickly from left to right through the restaurant window and a struggle can be seen;
- At 14:11:38, multiple people can be seen exiting the Shake Shack and running;
- At 14:11:45, a muffled gunshot can be heard as a subject dressed all in black runs from the store and eastbound along the sidewalk. Four additional gunshots can be heard as he's running.

Surveillance video from inside the Shake Shack was obtained. The footage, described as Dining #1, depicts the following:

- At 14:10:03, CEH is seen standing in line alongside the cashier. The suspect, Keasean Ellis-Brown, is seen standing in line several feet away from CEH. Ellis-Brown is wearing a black face mask, black hooded sweatshirt, maroon underwear, black pants, and cream colored slippers;
- At 14:11:15, Ellis-Brown approaches CEH who is still standing by the window;
- At 14:11:20, Ellis-Brown lunges toward CEH. AW enters the screen;
- At 14:11:22, AW tackles Ellis-Brown and directs him onto the ground;
- At 14:11:26, AW is on top of Ellis-Brown. CEH can be seen disengaging from Ellis-Brown and AW;
- At 14:11:35, Ellis-Brown's slipper comes off of his left foot;
- At 14:11:39, a black handgun can be seen in Ellis-Brown's hand as he is on the ground struggling with AW;
- At 14:11:42, AW removes his pistol from his holster and tracks Ellis-Brown;
- At 14:11:47, Ellis-Brown can be observed running from the Shake Shack, on the sidewalk with his gun in his right hand and a phone in his left hand;
- At 14:11:46, Ellis-Brown, who is now wearing only one slipper, appears to direct his gun toward N. Water Street and the gun appears to discharge;
- At 14:11:47, AW repositions himself as he is laying on the ground and tracks Ellis-Brown with his gun, who is running past him outside on E. Buffalo Street;
- At 14:12:17, AW receives medical attention for injuries suffered from the gunshot wounds.

On January 13, 2022, Hayes provided a *Mirandized* statement to Detectives Brian Maciejewski and Michael Flannery. Hayes stated the following: he was the front passenger of a Volkswagen and that

“Timonte” had picked him up near 72nd and Carmen just after lunchtime. Hayes identified “Timonte” as Karroll-Robinson. Hayes denied knowing that the Volkswagen was stolen. Hayes said that after Karroll-Robinson picked him up, they went over to the area of Fond Du Lac and Capitol, where they picked up “Key,” who got into the backseat. At this point, Karroll-Robinson is driving, Hayes is in the front seat and “Key” is in the back. Hayes stated that they ended up near downtown at the request of “Key.” Hayes identified “Key” through a photo identification procedure as Keasean Ellis-Brown. Hayes described Ellis-Brown as Black male with a medium complexion, 18 years of age, “afro style haircut,” and skinny, wearing a black hooded sweatshirt, black Adidas pants and some brown “slides” (sandals) with a black full face mask and a black handgun.

Hayes stated that once they went to the area of Shake Shack on E. Buffalo at Ellis-Brown’s request. Further, that Ellis-Brown asked Karroll-Robinson to stop the car near a blue Ford Fusion and that Ellis-Brown got out. Hayes stated that this car was parked on Buffalo Street and that Ellis-Brown jumped in the driver’s seat but then realized that there were kids in the car. Hayes stated that Ellis-Brown dropped his phone in the Ford Fusion. Hayes stated that when Ellis-Brown realized that he lost his phone, he told Karroll-Robinson to call it in an attempt to locate it. Hayes stated that Ellis-Brown told Karroll-Robinson to drive back around so he could get his phone. Hayes stated that Ellis-Brown walked into the Shake Shack and that Hayes could see a white female in the restaurant. Hayes stated that Karroll-Robinson drove around the block because Ellis-Brown was taking too long. Hayes stated that Karroll-Robinson drove the car around and as they were on N. Broadway turning onto Buffalo, he heard about 8 gunshots. Hayes stated that they saw Ellis-Brown running east on Buffalo Street towards the Volkswagen. Hayes stated that Ellis-Brown got in the car and Karroll-Robinson drove off.

Hayes stated that while in the car, Ellis-Brown told them that he “tussled” with an undercover cop while in Shake Shack trying to get his phone back from the white female. Hayes stated that Ellis-Brown never said anything about shooting the cop. Hayes stated that Ellis-Brown did not have his sandals anymore. Hayes stated that they drove Ellis-Brown back to his house near Fond Du Lac and Capitol Drive (later identified as 4819 W. Capitol Drive). Karroll-Robinson then drove Hayes back to his residence in the area of 26th and Locust but that he was arrested by the police near 29th and Chambers. Hayes stated that he ran but Karroll-Robinson did not because he had recently been shot. Hayes stated that Ellis-Brown is really Karroll-Robinson’s friend.

Karroll-Robinson provided a *Mirandized* interview to Detectives Joshua Nemeth and Ryan Bergemman on January 14, 2022. Karroll-Robinson stated that he was picked up at his residence by “Ray” in the Volkswagen and that “Ray” was the driver. Karroll-Robinson stated that they drove over and picked up “Lil A,” who Karroll-Robinson identified as Diontae Hayes in a photo procedure. Karroll-Robinson also stated that “Sean” was in the car and identified “Sean” as Keasean Ellis-Brown through a photo identification procedure. Karroll-Robinson stated that “Ray” was the driver, Hayes was the front seat passenger and that he was in the back seat with Ellis-Brown. Karroll-Robinson admitted to being downtown and admitted pulling over to the side of the street. That Ellis-Brown exited the back seat and approached a vehicle, coming back a short time later. Karroll-Robinson stated that they drove away and that Ellis-Brown informed them that he left his phone behind so they drove back. Karroll-Robinson denied knowing that Ellis-Brown entered the Shake Shack. Karroll-Robinson stated that he heard a single gunshot and that several minutes later Ellis-Brown returns to the Volkswagen and says that he was shot at. Karroll-Robinson denied knowing that Ellis-Brown had a gun. Karroll-Robinson stated

they dropped Ellis-Brown off at his residence and confirmed it was 4819 W. Capitol Drive. Karroll-Robinson stated they drove away and then were arrested near 29th and Chambers.

A search warrant was executed at the address of 4819 W. Capitol Drive. The residence had video surveillance inside. Law enforcement reviewed the video from inside the residence. At 2:42pm, Keasean Ellis-Brown can be seen entering the back door of the residence. He is wearing a black sweatshirt with writing on it, black pants and black socks. He is not wearing shoes. When compared to the video from the Shake Shack, this is the same sweatshirt that the shooter from the Shake Shack is wearing. At 3:56pm, Ellis-Brown can be seen leaving the residence with another individual, both of them carrying bags containing items and shoes. Ellis-Brown is now wearing different clothing, but he still has on the red underwear he can be seen wearing in the Shake Shack video of the shooting.

It is common in Milwaukee for groups of individuals, such as described in this complaint, to work in concert with each other to steal vehicles. These vehicles are stolen for the purpose of joyriding; in order to sell to other individuals involved in crime, such as drug dealers and armed robbers; or are used to commit additional crimes, such as stealing other vehicles and/or committing burglaries.

These groups of auto thieves use common techniques to effectuate their crimes and these offenses often involve planning and surveillance. It is common for actors committing auto thefts to use an already stolen vehicle as transportation to a target area, where the group will search for other vehicles to steal. These areas tend to be near main thoroughfares and are commonly at businesses where vehicle owners/drivers leave their vehicles unattended with the keys. Once a vehicle has been targeted to steal, the passenger(s) in the already stolen vehicle will quickly exit the vehicle they arrived in and get in the unattended vehicle to drive it away. In these circumstances, it is common that those in the already stolen vehicle along with those stealing the secondary vehicle are all aware that they are engaged in vehicle thefts. The members of the group who remain in the original stolen vehicle act as lookouts and/or are implicit in the planning and execution of stealing the secondary vehicle.

This complaint is further based upon a review of the Wisconsin Circuit Court Access Program (CCAP) which reflects that Dionta'e Hayes was charged in Milwaukee County Case Number 2021CF4403 with the felony offense of Resisting an Officer causing Substantial Bodily Harm/Soft Tissue Injury in violation of Wisconsin Statutes section 946.41(2r) on October 21, 2021. Hayes was also charged with the misdemeanor offense of Operating Motor Vehicle without Owner's Consent in violation of Wisconsin Statutes section 943.23(4m). On October 22, 2021, Hayes made his initial appearance in front of a Court Commissioner, who determined the conditions and terms of Hayes' release, ordering that Hayes be subjected to terms and conditions of bond pursuant to Wisconsin Statutes Chapter 969, including that Hayes not commit any further crimes. As of today's date, Hayes is still subject to those terms and conditions of bond.

CCAP further reflects that Keasean J. Brown (DOB: 1/2/03) (Ellis-Brown listed as an alias) was charged in Milwaukee County Case Number 2021CF4484 with the felony offenses of Fleeing/Eluding an Officer and 2nd Degree Recklessly Endangering Safety in violation of Wisconsin Statutes sections 346.04(3) and 941.30(2) on October 28, 2021. Ellis-Brown was also charged with the misdemeanor offense of Resisting or Obstructing an Officer in violation of Wisconsin Statutes section 946.41(1). On October 28, 2021, Ellis-Brown made his initial appearance in front of a Court Commissioner, who determined the conditions and terms of Ellis-Brown's release, ordering that Ellis-Brown be subjected to terms and conditions of bond pursuant to Wisconsin Statutes Chapter 969, including that Ellis-Brown not commit

any further crimes. As of today's date, Ellis-Brown is still subject to those terms and conditions of bond.

Certified court records relative to both open cases have been requested and will be e-filed and incorporated into this complaint when available.

****End of Complaint****

Electronic Filing Notice:

This case was electronically filed with the Milwaukee County Clerk of Circuit Court office. The electronic filing system is designed to allow for fast, reliable exchange of documents in court cases. Parties who register as electronic parties can file, receive and view documents online through the court electronic filing website. A document filed electronically has the same legal effect as a document filed by traditional means. You may also register as an electronic party by following the instructions found at <http://efiling.wicourts.gov> and may withdraw as an electronic party at any time. There is a \$ 20.00 fee to register as an electronic party. If you are not represented by an attorney and would like to register an electronic party, you will need to contact the Clerk of Circuit Court office at 414-278-4120. Unless you register as an electronic party, you will be served with traditional paper documents by other parties and by the court. You must file and serve traditional paper documents.

Criminal Complaint prepared by Megan M. Newport.