

FILED
01-13-2022
John Barrett
Clerk of Circuit Court
2022CF000168
Honorable David
Borowski-12
Branch 12

STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY

STATE OF WISCONSIN

Plaintiff,

DA Case No.: 2022ML000407

Court Case No.:

vs.

CRIMINAL COMPLAINT

EDWARDS, ANTOINE ZEBADIAH
913 EAST KILBOURN AVENUE
MILWAUKEE, WI 53202
DOB: 10/22/1980

Defendant(s).

For Official Use

THE BELOW NAMED COMPLAINANT BEING DULY SWORN, ON INFORMATION AND BELIEF STATES THAT:

Count 1: FELONY MURDER

The above-named defendant on or about Sunday, January 2, 2022, at 5120 West Capitol Drive, in the City of Milwaukee, Milwaukee County, Wisconsin, did cause the death of NHB, while committing burglary while armed with a dangerous weapon (943.10(2)(a)), contrary to sec. 940.03 Wis. Stats.

Upon conviction for this offense, a Felony, the defendant may be imprisoned for not more than 15 years in excess of the maximum term of imprisonment provided by law for Burglary While Armed With a Dangerous Weapon, which is a Class E felony carrying a maximum penalty of 15 years imprisonment. Adding 15 years to the underlying 15 years results in a maximum penalty of 30 years imprisonment.

Count 2: INTENTIONALLY CONTRIBUTING TO THE DELINQUENCY OF A CHILD AND DEATH IS A CONSEQUENCE

The above-named defendant on or about Sunday, January 2, 2022, at 5120 West Capitol Drive, in the City of Milwaukee, Milwaukee County, Wisconsin, did intentionally encourage or contribute to the delinquency of a child, and death was a consequence, contrary to sec. 948.40(1) and (4)(a), 939.50(3)(d) Wis. Stats.

Upon conviction for this offense, a Class D Felony, the defendant may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than twenty five (25) years, or both.

Count 3: POSSESSION OF A FIREARM BY A FELON

The above-named defendant on or about Monday, January 10, 2022, at 913 East Kilbourn Avenue, in the City of Milwaukee, Milwaukee County, Wisconsin, did possess a firearm, having been convicted of a felony in this state, contrary to sec. 941.29(1m)(a), 939.50(3)(g) Wis. Stats.

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

Probable Cause:

I am a City of Milwaukee law enforcement officer and base this complaint on my own investigation and on the written and oral reports of fellow officers:

First Response and Cause of Death:

On January 2, 2022, at about 10:13 PM, police responded to a shooting at the Burger King restaurant at 5120 W. Capitol Drive, Milwaukee. Upon arrival they found the 16-year-old female victim, NHB, lying on the floor near the drive-thru window, suffering from gunshot wounds to the chest. NHB was transported to hospital and was pronounced deceased at the hospital shortly after her arrival. Her body was transported to the Milwaukee County Medical Examiner.

Dr. Brian Linert, an assistant medical examiner, performed an autopsy. He concluded that the cause of death was multiple gunshot wounds and the manner of death was homicide.

Video from cameras in Burger King showing the circumstances of the shooting:

The footage from the camera inside of the drive-thru window shows that at about 10:05 PM, an Impala pulls up to the drive-thru window. The driver raps on the closed window. At that time no one is attending the window, as the restaurant is closed and the employees are busy cleaning and closing up. A juvenile male employee responds to the rapping and opens the window and briefly says something to the Impala driver. The Impala then pulls away, and the juvenile male closes the window.

About three minutes later, the same Impala and driver re-appear at the drive-thru window. This time the victim, NHB, is in the area of the window, and she opens it. She immediately and quickly backs away from the open window and stands off to the side of the window, so that she is no longer visible to the driver of the Impala. She removes the cash drawer from the cash register and stands there holding it while she calls out towards the other employees who are in the interior of the restaurant. She remains in this situation for about 40 seconds, and after that amount of time the driver of the Impala opens the car door, steps out of the car, and inserts his upper body into the drive-thru window, such that his head, both shoulders, and both arms and hands are now on the inside of the building.¹ In one of his hands the Impala driver is holding a semiautomatic pistol.

In response to the Impala driver entering partway into the window, NHB backs away from him a few feet, moving further towards the interior of the building. The Impala driver waves the gun and points the gun in her direction, motioning with his free hand and reaching it towards the cash register drawer, which NHB has placed on a table next to her. NHB and the Impala driver remain in this situation for about 22 seconds, during which NHB is facing the Impala driver but continually looking back over her shoulder towards the interior of the building and calling out in that direction. Suddenly the Impala driver ducks and pulls himself out of the window, and at the same moment NHB falls to the floor. The Impala driver immediately drives away, and NHB remains on the floor, rolling about, bleeding, and crying out.

It does not appear that the Impala driver's gun ever discharged, since there is no muzzle flash or smoke, no cartridge casing is ejected, and there is no motion consistent with the recoil of a gun.

Other cameras show that a male employee, Derrick Ellis, was in the interior of the building at the start of the encounter between the NHB and the Impala driver at the drive-thru window. After the encounter has started and NHB is calling out, the manager is seen calling out towards Ellis. Ellis goes to a door that leads to the drive-thru area and peers around the door. At that moment what Ellis would have seen is the Impala driver's head, shoulders, arms, and hands, inside the building, holding a gun and pointing it at NHB. Ellis reaches around the door with a pistol and fires towards the drive-thru window.

¹ A burglar "enters" a building when there is the slightest entry of any body part into the building. State v. Barclay, 54 Wis.2d 651, 655 n.10 (1972.)

Muzzle flashes come from Ellis's gun, and casings can be seen being ejected from it.² NHB was standing between Ellis and the Impala driver, in the line of fire.

Crime Scene

Investigation of the shooting scene revealed bullet damage to a wall near the drive-thru window. This damage, in conjunction with the footage from several cameras, is consistent with the fatal shots having been fired from Ellis's gun. Nothing was found to suggest that the Impala driver fired his gun.

Follow-up Investigation and Arrest of Suspects:

The ensuing investigation (which is not being detailed in this complaint) led police to suspect that the defendant, Antoine Edwards, was the driver of the Impala, and that his own 16-year-old daughter was working in Burger King at the time of the incident and may have been involved with Edwards in staging a robbery to steal money from Burger King. Both of them were arrested at separate locations and gave statements as detailed below.

Statement of defendant's daughter:

The defendant's daughter was at Burger King when police first responded to the shooting. At that time she did not divulge that what had happened was the result of botched staged robbery that she had helped plan. After the investigation continued and led to her being suspected, she was re-interviewed and admitted she had lied earlier. She now admitted that the robbery was staged to steal money and she was in on the plan. She said that the victim, NHB, was her best friend. The Impala driver, the defendant, Antoine Edwards, was her father. (She was shown still photos from the drive-thru cameras and verified his identity as the Impala driver.)

She said that a few days before the incident, she, NHB, and the defendant planned for the defendant to come to the drive-thru window and stage a robbery at closing time when the register was likely to have lots of money. NHB was usually assigned to the drive-thru window, and the defendant's daughter usually worked in the kitchen, so NHB would be the one to hand over the money. The other employees (including Ellis) were not in on the plan.

She said that on the night of the incident, she saw the defendant the first time he pulled up to the drive-thru window. She went into a back hallway and called him on his phone to make sure that it was he who had just been at the window. He told her it was, and that he was going to pull back around. She said that the NHB was with her during this call, and she told NHB that her father would be coming back around to the window. She said she believes that the reason NHB did not turn over the money was because NHB must have panicked. She remembers NHB yelling, "He's got a gun! He's got a gun!"

Nothing in her statement says or suggests that it was part of the plan for the defendant to enter the window in the event that NHB did not hand over the money.

Statement of Defendant Antoine Edwards:

Edwards admitted being the Impala driver and participating in what was to have been a staged robbery of the Burger King. His statement is consistent with his daughter's, except he insulates his daughter from involvement by saying that although he planned the robbery over the phone by calling his

² The investigation revealed that Ellis is a convicted felon and was carrying the gun prior to any circumstance that might provide a legal justification for him to possess it. In a separate complaint, he is charged with being a felon in possession of a firearm.

daughter's phone, his daughter immediately handed the phone over to NHB, and the plan was made between himself and NHB, without input or involvement from his daughter.

He says that on the night of the incident he borrowed the Impala from its owner and removed the license plates. He then went to the Burger King at closing time. He went to the window once and was told it was closed. He then drove around a second time and started to carry out the staged robbery. He said that NHB did not hand over the money as planned and "was taking too long," so he crawled partway into the window. Suddenly someone inside the building started shooting, so he retreated and took off in the car. He then returned the Impala to its owner.

Nothing in his statement says or suggests that it was part of the plan for him to enter the window.

As to Felon in Possession Counts:

The defendant was arrested on January 10, 2022, at 913 E. Kilbourn, Milwaukee. A woman who lives there allowed police to search the residence, and two pistols were recovered, a .25 caliber and a 9 mm. In his statement, the defendant admitted that he stays at that residence and both guns were his. He said that one of guns was the one he had at the Burger King incident.

Records maintained on CCAP show that he is a convicted felon. On January 12, 2012, he was convicted of Burglary contrary to sec. 943.10 Wis. Stats., in Milwaukee County Circuit Court case number 11CF4543.

****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 Michael J. Lonski.

Subscribed and sworn to before me on 01/13/22

Electronically Signed By:

Michael J. Lonski

Assistant District Attorney

State Bar #: 1007134

Electronically Signed By:

Brian Maciejewski

Complainant