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INDEX

EXAMINATION

(NONE)

EXHIBITS

(NONE)



1                   **THE COURT:** What was the underlying  
2 circumstances, just out of curiosity that the State  
3 decided to no process?

4                   **MR. MUELLER:** The incident dates back to  
5 March 18th of this year. Officers responded to a subject  
6 with a gun. They made contact with the petitioner. He  
7 informed officers that he had fired his weapon in the air  
8 three to four times. He did so because an individual he  
9 knows followed him to his residence and rolled down his  
10 car window and made a gun gesture with his hand.

11                   Mr. De La Rosa was arrested. These two  
12 firearms were confiscated, a referral was made to the  
13 DA's office, and that referral was no processed.

14                   **THE COURT:** So, in that circumstance, the  
15 DA's office doesn't even charge disorderly conduct with a  
16 weapon among or other possible charges? That might  
17 explain situations like the Deer District on Friday. So,  
18 the DA's office has not charged someone who is firing  
19 weapons in the air or possibly at other people because he  
20 maybe pointed his fingers at him.

21                   **MR. MUELLER:** Yes. That appears to be the  
22 case, Judge.

23                   **MR. DE LA ROSA:** Sir, it was in  
24 self-defense.

25                   **THE COURT:** Yes, of course, everything in

1 Milwaukee is self-defense now.

2 Please sit down. I'll think about it. Have  
3 a seat.

4 (Whereupon, the proceedings were in  
5 recess.)

6 **THE CLERK:** In the Interest of Ricky De La  
7 Rosa, 22-GF-110.

8 Appearances, please.

9 **MR. MUELLER:** Alex Mueller for the State.

10 **THE COURT:** The petitioner appears in  
11 person.

12 Can the city, again, tell me your  
13 understanding of the underlying situation here, please?

14 **MR. MUELLER:** Yes, Judge.

15 Okay, so this case dates back to March 18th  
16 of this year. Officers responded to a subject with a gun  
17 complaint at 8921 West Hampton Avenue. It's there that  
18 they made contact with the petitioner. He informed  
19 officers that he intentionally fired his gun into the air  
20 three to four times. He stated he discharged his firearm  
21 because a subject he knows by the name of "Willy Brown"  
22 followed him to his residence, and once at the residence  
23 rolled down his car window and made a gun gesture with  
24 his hand. Police placed the petitioner under arrest, and  
25 two firearms were confiscated in connection with this

1 investigation.

2 There was a referral made to the DA's office  
3 for criminal charges. On March 19th the case was  
4 reviewed by ADA Zisi who no processed the case.

5 **THE COURT:** Is the city aware of any record  
6 for the defendant; meaning a felony that would prohibit  
7 him from owning?

8 **MR. MUELLER:** No.

9 **THE COURT:** I'm aware that on these property  
10 returns, generally we have certain criteria that need to  
11 be met; meaning the case was no processed, the city or  
12 the state, meaning the DA's office no longer needs the  
13 evidence, and proof of ownership, along with other  
14 matters. I don't have a lot of discretion and normally  
15 would be required to return the firearm or firearms.

16 However, in this case I want an appearance  
17 from the DA's office. There happens to be a DA sitting  
18 in court. It's not her issue. It's not her situation,  
19 but I'm going to ask her to advise — I'll have my clerk  
20 set this out about two weeks — that I want a supervisor  
21 from the DA's office in the unit that covers these to  
22 explain to me how charges were not filed.

23 Just off the top of my head, this is clearly  
24 disorderly conduct with a weapon. It could be recklessly  
25 endangering safety, among other crimes. And as I said

1 earlier, I will say again on the record, this is why we  
2 have situations like the Deer District on Friday.

3 I'm very displeased to hear about the  
4 charging decision or lack thereof. The DA's office it  
5 would appear -- maybe I could be corrected or maybe  
6 there's information that I don't have -- just decided to  
7 allow someone to engage in gunplay, fire shots in a  
8 residential neighborhood and just move on to the next  
9 case or the next no process.

10 (Whereupon, the proceedings were in  
11 recess.)

12 **THE COURT:** Back on the record.

13 The DA's office has officially appeared on  
14 this case. I'll ask counsel to make a record on what the  
15 DA's office has advised relative to this case and the  
16 potential need for the weapons and the decision or lack  
17 of decision regarding charges being filed.

18 **MR. PIOTROWSKI:** Yes, Judge. Owen  
19 Piotrowski appearing for the Milwaukee County District  
20 Attorney's office.

21 Judge, in response to the court's  
22 concerns -- And I can also tell you, typically, the  
23 Milwaukee Police Department when they get these gun  
24 return referrals makes my office aware that a petition  
25 has been filed. That did not happen in this case, so the

1 court's concerns this morning were the first I had become  
2 aware of it.

3 I came up. I've had a chance to review the  
4 police reports, and this case was initially reviewed by a  
5 relatively new person in my office. At this point I  
6 haven't had a chance to review it to determine that the  
7 gun is not needed as evidence in any other cases and no  
8 final decision has been made as to whether criminal  
9 charges would be issued in this case.

10 By statute, I'm sure as Attorney Mueller has  
11 noted, the DA's office has 10 months to make a charging  
12 decision before a gun would be returned by statute.  
13 We're still I believe within that time frame of this  
14 case.

15 **THE COURT:** So based on that your office is  
16 opposed to the return, at least for now, correct?

17 **MR. PIOTROWSKI:** At this point, yes, Judge.

18 **THE COURT:** All right.

19 Mr. De La Rosa, what that means is there may  
20 have been a mistake here or someone may not have gotten  
21 the appropriate information, but normally the Milwaukee  
22 Police Department who confiscated the weapons tells the  
23 DA's office not just about the potential charges and  
24 tells the city attorney's office about these hearings,  
25 they are also supposed to tell the DA's office and the



1 city attorney's office about (a), the possible charges,  
2 and (b), a request like this to return property.

3 The State is telling me they are opposed to  
4 the return of property. I'm also opposed to the return  
5 of the property. Based on the statute, the DA's office  
6 has time. They still have a number of months where they  
7 can decide whether or not to issue charges related to  
8 these guns.

9 I certainly am still concerned about the  
10 underlying charging decision, but pursuant to statute  
11 they have additional time to hold the guns, hold the  
12 weapons, and decide if there are any charges that are  
13 going to be filed. They may issue charges that I  
14 mentioned earlier. There might be other crimes related  
15 to these guns or there might not.

16 So that means for right now, I'm denying the  
17 return of property. If the statutory time frame runs, if  
18 the State, ultimately, decides that there are no charges  
19 related to either of these weapons, you could then refile  
20 a petition, but that would be months from now some time  
21 after the 10-month limit. I'll sign an order to that  
22 effect.

23 Mr. De La Rosa, have a seat in the back.  
24 We'll give you the paperwork.

25 Do you understand?

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**MR. DE LA ROSA:** Yeah.

**THE COURT:** Great. I'll sign an order.

Thank you, Mr. Piotrowski. I appreciate you  
coming up.

**MR. PIOTROWSKI:** No problem, Judge.

(proceedings concluded)

1 STATE OF WISCONSIN )  
 )  
2 COUNTY OF MILWAUKEE )

3

4 I, CAROLE SEROTA-BODI, an Official  
5 Court Reporter for the circuit court of Milwaukee County,  
6 Branch 12, do hereby certify that the foregoing is a true  
7 and accurate transcript of my original Stenographic notes  
8 taken on the proceedings in the above-entitled matter.

9 Dated this 15th day of June,  
10 2022, at Milwaukee, Wisconsin.

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Carole Serota-Bodi, RPR  
Official Court Reporter, Branch 12

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