

STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY

STATE OF WISCONSIN
Plaintiff,

DA Case No.: 2020ML013900
Court Case No.:

vs.

CRIMINAL COMPLAINT

LUMBY, AARON J
4163 NORTH 95TH STREET
MILWAUKEE, WI 53222
DOB: 03/19/1993

NICNEVEN, FREYA U
423 FREDONIA AVENUE
FREDONIA, WI 53021
DOB: 09/25/1998

Defendant(s).

For Official Use

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

Count 1: HIT AND RUN - GREAT BODILY HARM (As to defendant Aaron J Lumby)

The above-named defendant on or about Thursday, June 4, 2020, at 351 West Locust Street, in the City of Milwaukee, Milwaukee County, Wisconsin, did operate a vehicle involved in an accident that resulted in injury to a person, TMR and the person suffered great bodily harm and failed to reasonably investigate what was struck and if the operator knew or had reason to know that the accident resulted in injury or death of a person or in damage to a vehicle that is driven or attended by a person, and failed to stop the vehicle he or she was operating as close to the scene of the accident as possible and remain at the scene of the accident until he did the all of the following: give his name, address and the registration number of the vehicle he was operating to the operator or occupant of or person attending any vehicle collided with and, upon request and if available, exhibit his operator's license to the operator or occupant of or person attending any vehicle collided with and render reasonable assistance to any person injured in the accident, including transporting, or making arrangements to transport the person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that medical or surgical treatment is necessary or if requested by the injured person, contrary to sec. 346.67(1) and 346.74(5)(c), 939.50(3)(e) Wis. Stats.

Upon conviction for this offense, a Class E Felony, the defendants may be fined not more than Fifty Thousand Dollars (\$50,000), or imprisoned not more than fifteen (15) years, or both.

And furthermore, invoking the provisions of Wisconsin Statute 343.31(3)(i), the Department shall revoke the defendant's operating privilege for two (2) years.

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 2: HIT AND RUN - INJURY (As to defendant Aaron J Lumby)

The above-named defendant on or about Thursday, June 4, 2020, at 351 West Locust Street, in the City of Milwaukee, Milwaukee County, Wisconsin, did operate a vehicle involved in an accident that resulted in injury to LT and failed to reasonably investigate what was struck and if the operator knew or had reason to know that the accident resulted in injury or death of a person or in damage to a vehicle that is driven or attended by a person, and failed to stop the vehicle he was operating as close to the scene of the accident as possible and remain at the scene of the accident until he did the all of the following: give his name, address and the registration number of the vehicle he was operating to the operator or occupant of or person attending any vehicle collided with and, upon request and if available, exhibit his operator's license to the operator or occupant of or person attending any vehicle collided with and render reasonable assistance to any person injured in the accident, including transporting, or making arrangements to transport the person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that medical or surgical treatment is necessary or if requested by the injured person, contrary to sec. 346.67(1), 346.74(5)(b) and 346.74(5)(e) Wis. Stats.

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

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 3: HIT AND RUN - INJURY (As to defendant Aaron J Lumby)

The above-named defendant on or about Thursday, June 4, 2020, at 351 West Locust Street, in the City of Milwaukee, Milwaukee County, Wisconsin, did operate a vehicle involved in an accident that resulted in injury to MW and failed to reasonably investigate what was struck and if the operator knew or had reason to know that the accident resulted in injury or death of a person or in damage to a vehicle that is driven or attended by a person, and failed to stop the vehicle he was operating as close to the scene of the accident as possible and remain at the scene of the accident until he did the all of the following: give his name, address and the registration number of the vehicle he was operating to the operator or occupant of or person attending any vehicle collided with and, upon request and if available, exhibit his operator's license to the operator or occupant of or person attending any vehicle collided with and render reasonable assistance to any person injured in the accident, including transporting, or making arrangements to transport the person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that medical or surgical treatment is necessary or if requested by the injured person, contrary to sec. 346.67(1), 346.74(5)(b) and 346.74(5)(e) Wis. Stats.

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

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 4: SECOND DEGREE RECKLESSLY ENDANGERING SAFETY (As to defendant Aaron J Lumby)

The above-named defendant on or about Thursday, June 4, 2020, at 351 West Locust Street, in the City of Milwaukee, Milwaukee County, Wisconsin, did recklessly endanger the safety of citizen and police officers of Milwaukee, 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 5: HARBORING OR AIDING A FELON (As to defendant Freya U Nicneven)

The above-named defendant on or about Thursday, June 4, 2020, at 351 West Locust Street, in the City of Milwaukee, Milwaukee County, Wisconsin, with intent to prevent the apprehension of a felon, did aid that person, and the offense committed by the felon being aided is an unclassified felony that is not punishable by a sentence of life imprisonment, contrary to sec. 946.47(1)(a) and (2m)(b), 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.

Probable Cause:

Complainant is a law enforcement officer employed by the City of Milwaukee and bases this complaint upon official reports prepared by Det. Gretenhardt whose reports complainant has used in the past and found to be truthful and reliable and are the kind of reports complainant knows are prepared in the regular course of that department's business. Such reports reflect the following:

On June 4, 2020 at approximately 3:00am, there was a large crowd protesting in front of Milwaukee Police District #5 near 351 W. Locust Street. The crowd was blocking the street by the amount of people and numerous vehicles as well. Det Gretenhardt spoke to Officer Kulenovic who stated that he was on the roof of the police station and that the order to "arrest" was given. Officer Kulenovic observed Milwaukee Police officers then attempt to arrest several of the protestors. He observed a group of officers and people near a silver Dodge Caliber with "Black Lives Matter" written on the vehicle with black paint along with other messages. Officer Kulenovic then observed the silver Dodge Caliber drive off through the crowd of people and officers. It was determined that when the silver Dodge Caliber drove off, it struck 2 officers and 1 citizen. The officers that were struck were identified as Officer Weiland and Officer Turman. The citizen was identified as TMR. All three were taken to the hospital for their injuries.

Video surveillance captured the incident. It showed officers surround the silver Dodge Caliber and the Dodge Caliber drive off. As it drove off, it struck Officer Weiland who went up onto the hood of the vehicle and then the video captured TMR being pinned under the vehicle. TMR is dragged approximately 50 feet before he is dislodged from under the Dodge Caliber.

Officers then spoke to Officer Weiland at the hospital. Officer Weiland stated that he was holding the line in front of District 5 and was warning the protestors to exit the street. Officer Weiland stated that the command was given to arrest and that he then attempted to help officers arrest an individual (TMR). Officer Weiland stated that as he was assisting in the arrest, he was struck by on his side by a vehicle. Officer Weiland was picked up by the car and rode on the car's hood for a short distance before rolling off. Officer Weiland described the vehicle as a silver Dodge and that the vehicle kept driving without

Defendant Crashes 2008 Lincoln MKX into Victim's Vehicle at High Speed While Fleeing Police and Disregarding Traffic Signals

The driver of the Lincoln, later identified as the above named defendant, Fernando R. SALINAS, attempted to turn west onto W. Highland Blvd. SALINAS lost control of the Lincoln, crossed over the median, and collided with a 2017 Nissan Maxima traveling east on W. Highland Blvd. Following the crash SALINAS immediately fled the scene on foot failing to meet the statutory requirements of 346.67 after a crash. After a short foot pursuit SALINAS was taken into custody by Officers LANGER and GUETCHUDJIAN.

The 2017 Nissan Maxima had four occupants at the time of the crash. The driver, TAB, was approximately 32 weeks pregnant and had to be extricated from the vehicle. TAB was transported to Froedtert Hospital where she was found to have a shattered and broken pelvis that required surgery.

The baby boy TAB was carrying died as a result of injuries sustained during the crash and was still born in surgery at Froedtert Hospital. Officer KLAUDI took initial statements from these passengers and then called medical for them. Officer KLAUDI also received information from Froedtert regarding her condition.

The other three passengers also sustained injuries as well – detailed below:

- WRH, F/B, 08/23/1963, was seated in the front passenger seat of the Nissan. WRH sustained minor injuries and was taken to Froedtert Hospital. WRH was spoken to by Detective CHAPMAN.
- DDP, M/B, 09/03/1993, was seated in the rear of the Nissan. DDP sustained minor injuries and was conveyed to Froedtert Hospital. DDP was spoken to by Detective Marx.
- CKE, M/B, 02/27/2015, was also seated in the rear of the Nissan. CKE sustained minor injuries and was transported to Children's Hospital.

Defendant, a Convicted Felon, Discards Firearm During Foot Chase

During the foot chase, Officer Alan KLAUDI observed the defendant, SALINAS, discard a Taurus G2C 9mm semi-automatic pistol which was recovered from the ground. SALINAS is prohibited from possessing a firearm as he was convicted of 3 felonies in Milwaukee County Circuit Court case 99CF006440. SALINAS is currently on parole for those offenses. Each of these felony convictions remains of record and unreversed. Certified copies of the judgments of conviction will be incorporated by reference as soon as they become available.

968 Grams Marijuana Packaged for Distribution Located in Glove Box of Defendant's 2008 Lincoln MKX

The vehicle involved in this incident is a 2008 Lincoln MKX which is registered to SALINAS. Officers located suspected marijuana in the glove box of the vehicle. The suspected marijuana later tested positive for THC and weighed 968 grams. It was packaged in bundles consistent with being intended for further street level sales.

SALINAS was previously found guilty of drug related offenses by violating Wis. Stats. sections 961.42(1m) (h) and 961.41(1m) (c) as in Milwaukee County Circuit Court case 97CF975011. Said Conviction remains of record and unreversed. Certified copies of the judgments of conviction will be incorporated by reference as soon as they become available.

Defendant Fernando Salinas's Admission to Detectives

A Mirandized Interview of SALINAS was conducted by Detectives Andrew MARX and Tehrangi CHAPMAN on Tuesday, June 2, 2020. During the interview SALINAS made numerous statements against his own self-interest. He confessed to deliberately driving recklessly, nearly hitting pedestrians twice and disregarding red traffic lights in an effort to avoid arrest from uniformed police officers. In the same interview SALINAS admitted to hitting a vehicle do to his reckless driving. Also, during the interview, SALINAS admitted to deliberately leaving the scene of an accident in an effort to avoid capture by police officers. SALINAS then admitted that the firearm recovered at the scene was his and that he has had it for about two months. SALINAS confessed to running with the firearm in his hand when he was fleeing on foot. SALINAS said he is aware he cannot possess a firearm do to the fact he is a convicted felon. Finally, SALINAS admitted that the THC recovered from the vehicle was his and that he had that much with intent to sell it.

This complaint does not contain all known information about these offense and investigation into this matter remains ongoing.

****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 Sara Beth Hill.
Subscribed and sworn to before me on 06/05/20
Electronically Signed By:
Sara Beth Hill
Assistant District Attorney
State Bar #: 1027610

Electronically Signed By:
Officer William Hanney
Complainant