

STATE OF WISCONSIN		CIRCUIT COURT	MILWAUKEE COUNTY
STATE OF WISCONSIN		DA Case No.: 2020ML022021	
Plaintiff,		Court Case No.:	
vs.		CRIMINAL COMPLAINT	
AFZAL, MOHAMMED 4832 SOUTH 22ND PLACE MILWAUKEE, WI 53221 DOB: 04/17/1955			
Defendant(s).		For Official Use	

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

Count 1: FIRST DEGREE RECKLESS HOMICIDE, USE OF A DANGEROUS WEAPON

The above-named defendant on or about Monday, August 31, 2020, at 4832 South 22nd Place, in the City of Milwaukee, Milwaukee County, Wisconsin, did recklessly cause the death of NS, another human being, under circumstances which showed utter disregard for human life, contrary to sec. 940.02(1), 939.50(3)(b), 939.63(1)(b) Wis. Stats.

Upon conviction for this offense, a Class B Felony, the defendant may be sentenced to a term of imprisonment not to exceed sixty (60) years.

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.

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.

On August 31, 2020, police went to a residence at 4834 S. 22nd Pl., Milwaukee, in response to a call regarding a shooting. Upon arrival Officers Joseph Zingsheim and Nathan Grap found the victim, NS, lying in the front doorway of the residence, his feet inside and his upper body outside with his back on the front stoop. Lifesaving measures were attempted and were unsuccessful.

NS's body was transported to the Milwaukee County Medical Examiner. Dr. Brian Peterson, the chief medical examiner, performed an autopsy and found a gunshot wound that entered the right upper back and exited the left side of the chest, damaging the liver and abdominal aorta as it passed back to front through the body. The doctor concluded that the cause of death was the gunshot wound and the manner of death was homicide.

The investigation revealed that the shooter was the defendant, who is the victim's next door neighbor. (The incident was captured on video and the defendant confessed, as detailed below.) Members of the defendant's family and household, as well as the victim's wife and family members, explained the background to the shooting. Members of both families said that the two neighboring families are friendly and on good terms with one another, other than the defendant, who for some reason does not like the victim. The shooting occurred after the defendant or someone from the defendant's household

mowed the defendant's lawn and left grass clippings on the victim's adjoining property. The victim knocked on the defendant's side door to complain about the grass clippings. The defendant came to the side door, and the two men had a discussion about the grass clippings. During the discussion, the defendant fired a gun at the victim.

Video of the shooting from a camera on the defendant's house is of good quality and shows the incident as well as the persons involved. There is no audio. The video shows the victim and his wife looking at the lawn on the side of their house where their property borders the defendant's driveway. The victim then knocks on the side door of the defendant's house and steps across the driveway back onto his own property while he waits for someone to answer the door. The victim's wife leaves the camera view. The defendant answers the door and remains standing in the threshold, holding the door open with his left arm while talking to the victim. The victim motions towards the grass and talks. At one point in the conversation the victim moves forward to the middle of the driveway, where he stops and continues talking. His posture is such that does not appear to be shouting or raising his voice; his stance could be described as relaxed as he is leaning slightly backwards with both hands in his pockets, with more weight on his rearmost foot. He makes no sudden moves. The defendant suddenly raises a gun and extends the barrel past the open door and fires (the blast creates a puff of smoke that is visible on the video.) At the time of this first shot, the victim is directly facing the defendant, such that a bullet from the defendant would be expected to hit him in the front of his body. In response to the first shot, the victim turns and runs down the driveway towards the front corner of his own house. As he is nearing the corner of his house but is still on the driveway, the defendant takes a second shot (as inferred from a puff of smoke) and the victim's shoulders jerk backwards. At the time of the second shot, the victim is running away from the defendant, such that a bullet from the defendant would be expected to hit the victim in the back. After the second shot, while the victim is still running down the driveway, the defendant lowers his gun and turns away from the victim and back towards the house, stopping to look at and do something to his gun. The defendant does not hurry back into his house; instead he spends several seconds outside his door with his back turned to where the victim had last been seen, taking no actions consistent with being concerned that the victim is armed and might come back and harm him.

The defendant gave a statement to Detectives Matthew Bell and Michael Fedel. He admitted shooting the victim. He said that the victim knocked on his side door, and he came to the door already carrying his pistol. The victim was on his driveway and he was in the doorway while the victim was complaining about the grass. Because the victim had his hands in his pockets, he thought the victim had a gun, so he shot him. He acknowledged that the victim did not display a weapon. He said that he fired the gun to scare away the victim. He said that after shooting the victim, he went inside, put his gun away, and changed clothes because he knew the police would be coming for him.

****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 09/02/20

Electronically Signed By:

Michael J. Lonski

Assistant District Attorney

State Bar #: 1007134

Electronically Signed By:

Detective Matthew BELL

Complainant