

STATE OF WISCONSIN		CIRCUIT COURT	MILWAUKEE COUNTY
STATE OF WISCONSIN Plaintiff,		DA Case No.: 2020ML030760 Court Case No.:	
vs. LEWEK, NATHANIAL J 3410 NORTH 12TH STREET MILWAUKEE, WI 53206 DOB: 06/30/2002		CRIMINAL COMPLAINT	
Defendant(s).		<i>For Official Use</i>	

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

Count 1: FIRST DEGREE RECKLESSLY ENDANGERING SAFETY

The above-named defendant on or about Saturday, November 28, 2020, at 3400 W. North Ave., Milwaukee WI, in the City of Milwaukee, Milwaukee County, Wisconsin, did recklessly endanger the safety of drivers and pedestrians, under circumstances which show utter disregard for human life, contrary to sec. 941.30(1), 939.50(3)(f) Wis. Stats.

Upon conviction for this offense, a Class F Felony, the defendant may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than twelve (12) years and six (6) months, or both.

Count 2: FLEE OR ELUDE AN OFFICER

The above-named defendant on or about Saturday, November 28, 2020, at 3400 W. North Ave., Milwaukee WI, 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 defendant 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 3: DRIVE OR OPERATE A VEHICLE WITHOUT OWNER'S CONSENT

The above-named defendant on or about Saturday, November 28, 2020, at 3400 W. North Ave., Milwaukee WI, in the City of Milwaukee, Milwaukee County, Wisconsin, did intentionally drive or operate a vehicle, a Kia, without the consent of the owner, U.A., contrary to sec. 943.23(3), 939.50(3)(i) Wis. Stats.

Upon conviction for this offense, a Class I Felony, the defendant 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 4: OBSTRUCTING AN OFFICER

The above-named defendant on or about Saturday, November 28, 2020, at 4013 W. Center St, Milwaukee WI, 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 defendant may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than nine (9) months, or both.

Count 5: SECOND DEGREE RECKLESSLY ENDANGERING SAFETY, USE OF A DANGEROUS WEAPON

The above-named defendant on or about Saturday, November 28, 2020, at 4013 W. Center St, Milwaukee WI, in the City of Milwaukee, Milwaukee County, Wisconsin, did recklessly endanger the safety of JJ, contrary to sec. 941.30(2), 939.50(3)(g), 939.63(1)(b) 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.

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 I base this complaint upon my examination of the official reports prepared by City of Milwaukee law enforcement officer Brian Maciejewski, which reports are of the type I have used in the past and found to be truthful and reliable.

Said reports reveal that on November 28, 2020 at 6:00 P.M. Officers Mohammad Abdulghani and Zachary Szalacinski were in a marked squad when they attempted a traffic stop at 3400 W. North Ave on a stolen four-door Kia WI-REG AGB-1787. The Kia had been reported stolen two days earlier by U.A. who did not give the defendant consent to operate the vehicle. The Kia disregard the marked squad and accelerated away at a high rate of speed to flee from pursuing squads. The Kia disregarded 6 stop signs, 1 red light, drove down the wrong way on two one way streets, and drove down multiple alleys while reaching speeds in excess of 60 mph. At Townsend and N 44th St., Officers Abdulghani and Szalacinski lost sight of the Kia.

Approximately 1 minute later, Officers Roland Franco and Jeffrey Jopp reacquired the Kia at a red light on N Sherman Blvd and Locust Ave. Officer Jopp activated the lights and siren on his squad and the Kia again accelerated away. Following a short pursuit at 50 mph, the Kia crashed in an alley between Grant St and N 41st St. Due to the crash the driver door was unable to be opened. Two individuals

exited out of the passenger side of the vehicle, followed shortly by a third individual. Officers Jopp and Franco gave chase, in their official City of Milwaukee police department uniforms, towards the suspect wearing all black. During the chase Officer Franco yelled that the suspect in all black had a gun, additionally both Officers ordered the suspect in all black to stop. Officer Jopp chased the suspect until the suspect hid behind a large evergreen bush at 4013 W. Center St. Officer Jopp gave the suspect numerous lawful commands to come out and surrender. Officer Jopp then heard a single gunshot and observed a muzzle flash from the location of the suspect and returned fire discharging his firearm 5 times.

Officer Edward Trench immediately responded to the location and ordered the suspect to drop the weapon, which the suspect did. The suspect was then apprehended and identified as the defendant. Detective Flannery recovered a silver and black Kahr 40 caliber semi-automatic handgun where the defendant dropped his weapon.

In a mirandized statement the defendant admitted driving the vehicle and stated he operated it with a spoon. He further admitted to fleeing from police and stated the gun discharged when he attempted to throw it to police.

****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 Chad Wozniak.

Subscribed and sworn to before me on 12/03/20

Electronically Signed By:

Chad Wozniak

Assistant District Attorney

State Bar #: 1074345

Electronically Signed By:

Detective Michael Tanem

Complainant