STATE OF WISCONSIN

CIRCUIT COURT MILWAUKEE COUNTY

STATE OF WISCONSIN

Plaintiff,

DA Case No.: 2022ML000407

Court Case No.:

VS.

CRIMINAL COMPLAINT

ELLIS, DERRICK DWIGHT 533 NORTH 34TH STREET MILWAUKEE, WI 53208 DOB: 03/27/1987

Defendant(s).

For Official Use

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

Count 1: POSSESSION OF A FIREARM BY OUTSTATE FELON

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 possess a firearm, having been convicted of a crime elsewhere that would be a felony if committed in this state, contrary to sec. 941.29(1m)(b), 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, on the written and oral reports of fellow officers, on a teletype of the defendant's record from the clerk of court in Berrien County, Michigan, on telephone confirmation of the Michigan conviction from the Berrien County prosecutor's office, and on Assistant District Attorney Lonski's review of Michigan statute sec. 750.110A3.

On January 2, 2022, police responded to a shooting at a Burger King at 5120 W. Capitol Drive. There was video footage showing parts of the shooting incident. The physical evidence and video footage showed that the shooter was an employee inside the restaurant, which had just closed. The shooter appeared to be firing towards a man at the drive-thru window who was attempting to rob the cashier. The footage showed that after the shooting, a male employee crawls on the floor collecting fired casings. This same male employee then meets with the restaurant manager, who opens a safe in the office, and the male employee places a white object into the safe.

Police interviewed the store manager. She identified the male employee described in the preceding paragraph as the defendant, whom she has known for several years. She said that the defendant carries the gun while he is at work and was carrying it on this particular day and had it on his person prior to the shooting. After the shooting the defendant asked her to hide the gun in the safe because he was a felon and could not possess it. She opened the safe for the officers, and they found a white .380 caliber pistol inside the safe.

Records from the clerk in Berrien County, Michigan, show that in 2014 the defendant was convicted of Attempted Second Degree Home Invasion contrary to sec 750.110A3 Mich. Stats.¹ If this conduct had been committed in Wisconsin, it would constitute the felony offense of Attempted Burglary contrary to sec. 943.10 Wis. Stats.

****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 01/06/22 Electronically Signed By: Michael J. Lonski Assistant District Attorney

Assistant District Attorney State Bar #: 1007134 Electronically Signed By: Brian Maciejewski Complainant

¹ Michigan State sec. 750.110(a)(3)provides as follows: "A person who breaks and enters a dwelling with intent to commit a felony, larceny, or assault in the dwelling, a person who enters a dwelling without permission with intent to commit a felony, larceny, or assault in the dwelling, or a person who breaks and enters a dwelling or enters a dwelling without permission and, at any time while he or she is entering, present in, or exiting the dwelling, commits a felony, larceny, or assault is guilty of home invasion in the second degree."