

**FILED**  
**07-15-2022**  
**George L. Christenson**  
**Clerk of Circuit Court**  
**2022CV004480**  
**Honorable Gwen**  
**Connolly-44**  
**Branch 44**

STATE OF WISCONSIN    CIRCUIT COURT    MILWAUKEE COUNTY

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CITY OF MILWAUKEE  
200 East Wells Street  
Milwaukee, WI 53202,

Plaintiff,

v.

ANTHONY SZABLEWSKI  
347 E. Lincoln Ave., Apt 8  
Milwaukee, WI 53207

Defendant.

Case No.  
Case Code No. 30704  
Other Injunction/Restraining Order

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## COMPLAINT

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The Plaintiff, City of Milwaukee, by its attorneys, Tearman Spencer, City Attorney, by Assistant City Attorney Alex Mueller, as and for a complaint against the above-named Defendant, Anthony Szablewski, alleges and shows to the Court as follows:

### THE PARTIES

1. The Plaintiff, City of Milwaukee (the “City”), at all times herein mentioned is a municipal corporation organized and existing under the laws of the State of Wisconsin, with its principal offices located at 200 East Wells Street, Milwaukee, Wisconsin 53202.

2. Upon information and belief, Anthony Szablewski (“Defendant”), is a proper party because he has created or maintained the nuisance described below in the City of Milwaukee and is a resident of the City of Milwaukee residing at 347 E. Lincoln Ave., Apt 8, Milwaukee, WI 53207.

### VENUE

3. This Court is the proper venue for this action because the Defendant's continued reckless driving, which is the subject of this action, has all occurred in Milwaukee County and Defendant resides therein.

### SUBJECT MATTER JURISDICTION

4. The City is a municipal corporation that may apply to the circuit court for relief pursuant to Wis. Stat. Ch. 823.

### FIRST CAUSE OF ACTION: PUBLIC NUISANCE

5. Paragraphs 1 through 4 are hereby realleged and incorporated by reference as if fully set forth therein.

6. Reckless driving is a chronic problem, which impacts the comfortable enjoyment of life, health, and safety of others within the City and is, therefore, a public nuisance.

7. In 2019, the City was home to 51 crash fatalities. The total number of crash fatalities has exceeded that number in 2020 and 2021.

8. There have been 27 crash fatalities in the City in 2022 (as of 06/22/22).

9. The Milwaukee Police Department ("MPD") issued 190 citations for violations of Wis. Stats. §§ 346.62 (2)—Reckless Driving in 2022 (as of 06/22/22).

10. MPD considers *reckless driving* to be inclusive of violations of the Reckless Driving State Statutes, Wis. Stats. §§ 346.62 (2), 346.62 (3) and 346.62 (4); violations of State Statutes related to speeding offenses as per Wis. Stats. §§ 346.57 (4) (a), 346.57 (4) (e), 346.57 (em), 346.57 (gm) (1) and 346.57 (5), and violations of the following State Statutes:

Wis. Stat. § 346.94(1)	Driving on Sidewalk
Wis. Stat. §346.57(3)	Driving Too Fast for Conditions
Wis. Stat. §346.39 (1)	Failure to Stop at Flashing Red Signal
Wis. Stat. §346.04(2)	Disobey Official Traffic Sign or Signal
Wis. Stat. §346.46 (1)	Failure to Stop at Traffic Signs
Wis. Stat. §346.59 (1)	Impeding Traffic by Slow Speed
Wis. Stat. §346.89(1)	Inattentive Driving
Wis. Stat. §346.89 (3) (a)	Texting or E-mailing while driving
Wis. Stat. §346.89 (4) (a)	Probationary Licensed drivers using cell phones while driving
Wis. Stat. §346.89 (4) (b) (2)	Commercial motor vehicle drivers using cell phones while driving
Wis. Stat. §346.89 (5)	Commercial motor vehicle and tow truck drivers using electronic devices for visual entertainment while driving
Wis. Stat. §346.94 (12)	Operating in a Bike Lane
Wis. Stat. §346.94 (2)	Racing on Highway
Wis. Stat. §346.04(2t)	Resisting traffic officer by failing to stop
Wis. Stat. §346.04 (3)	Fleeing or attempting to elude a traffic officer
Wis. Stat. §346.57(2)	Unreasonable and Imprudent Speed

11. In an attempt to abate reckless driving in the City, MPD initiated the Traffic Safety Unit (“TSU”) February 24, 2021.

12. The TSU consists of 20 dedicated patrol officers.

13. The TSU uses a combined approach of high visibility, traffic law enforcement, education, traffic-engineering changes and community collaboration to abate reckless driving in the City.

14. TSU Patrol Officers are deployed to patrol areas where there are a high number of complaints related to reckless driving in the City.

15. MPD identifies priority areas by calls for service and input from the community via a website that allows citizens to report reckless driving.

16. TSU Patrol Officers issue municipal citations for driving offenses when they make observations of reckless driving to abate the activity.

17. MPD has issued 5,695 speeding citations in 2022 (as of 06/22/22).

18. The citations referenced in Paragraph 17 have been divided among the speed brackets as follows:

0-4 Miles Per Hour (“MPH”) over the speed limit	0 citations
5-9 MPH over the speed limit	0 citations
10-14 MPH over the speed limit	134 citations
15-19 MPH over the speed limit	1,482 citations
20-24MPH over the speed limit	2,618 citations
25-29MPH over the speed limit	985 citations
30-34MPH over the speed limit	312 citations
35-39 MPH over the speed limit	111 citations
40-44 MPH over the speed limit	34 citations
45-49 MPH over the speed limit	9 citations
50-54 MPH over the speed limit	6 citations
55-59 MPH over the speed limit	2 citations
60-64 MPH over the speed limit	2 citations
Over 65 MPH over the speed limit	0 citation

19. The City utilizes municipal citations to deter reckless driving behavior.

20. Since 2017, in the City of Milwaukee, the Defendant has been issued forty-four (44) traffic citations, in violation of Milwaukee Code of Ordinances (“MCO”) 101-1-2 and Wis. Stats. §§ 341, 343, 344, 346 and 347.

21. Between 2017 and 06/22/22, the Defendant has been issued eight (8) Speeding citations in violation of MCO 101-1-2 and Wis. Stat. § 346.57(5), fourteen (14) Operate After Suspension citations, in violation of MCO 101-1-2 and Wis. Stat. §343.44(1)(a), five (5) Operate After Suspension of Registration citations, in violation of MCO 101-1-2 and Wis. Stat. §341.03(1), six (6) Operate Without Insurance citations, in violation of MCO 101-1-2 and Wis. Stat. §344.62(1), two (2) Red Light Violation citations, in violation of MCO 101-1-2 and Wis. Stat. §346.37(1)(c)(1), two (2) Unreasonable and Imprudent Speed citations, in violation of MCO 101-1-2 and Wis. Stat. §346.57(2), two (2) Non-Registration of Auto citations, in violation of MCO 101-1-2 and

Wis. Stat. §341.04(1), one (1) Reckless Driving citation, in violation of MCO 101-1-2 and Wis. Stat. §346.62(1), one (1) Operate While Under the Influence citation, in violation of MCO 101-1-2 and Wis. Stat. §346.63(1)(a), one (1) Unsafe Passing on the Right citation, in violation of MCO 101-1-2 and Wis. Stat. §346.08, one (1) Failure to Wear Seatbelt citation, in violation of MCO 101-1-2 and Wis. Stat. §347.48(2m)(b), and one (1) Defective Tail Lamp citation, in violation of MCO 101-1-2 and Wis. Stat. §347.13(1).

22. Defendant's ongoing and repeated negligent and reckless driving, as evidenced by the number of citations he has received, is a public nuisance pursuant to Wis. Stats. § 823.02.

23. This year alone, the Defendant has been pulled over eight (8) times in the City of Milwaukee.

24. This year alone, the Defendant has been issued a total of fourteen (14) traffic citations. Those citations include the following:

- (a) Four (4) Operate After Suspension citations, in violation of MCO 101-1-2 and Wis. Stat. §343.44(1)(a);
- (b) Three (3) Operate Without Insurance citations, in violation of MCO 101-1-2 and Wis. Stat. §344.62(1);
- (c) One (1) Unsafe Passing on the Right citation, in violation of MCO 101-1-2 and Wis. Stat. §346.08;
- (d) One (1) Operate After Suspension of Registration citation, in violation of MCO 101-1-2 and Wis. Stat. §341.03(1);

- (e) One (1) Red Light Violation citation, in violation of MCO 101-1-2 and Wis. Stat. §346.37(1)(c)(1);
- (f) Two (2) Unreasonable and Imprudent Speed citations, in violation of MCO 101-1-2 and Wis. Stat. §346.57(2); and
- (g) Two (2) Speeding 30-34 MPH Over the Speed Limit citations in violation of MCO 101-1-2 and Wis. Stat. § 346.57(5).

25. The factual allegations associated with the Defendant's City of Milwaukee driving citations dating back to 2017 are as follows:

- (a) On May 9, 2017, police observed the Defendant traveling at 42 MPH southbound on the 900 block of S. 35<sup>th</sup> St.—a 30 MPH zone. The Defendant's vehicle also had a defective head light and defective taillights. A Department of Transportation ("DOT") check revealed that his driver's license status was suspended. A DOT check of the vehicle revealed its status as suspended due to emissions. The Defendant received citations for Operate After Suspension, Operate After Suspension of Registration, and Speeding (Milwaukee Municipal Cases 17020124, 1702125, 1702126). The Defendant was found guilty in each case after failing to appear for his 06/21/2017 court date. The Defendant has failed to pay the outstanding forfeitures in these matters.
- (b) On October 24, 2017, the Defendant was observed driving on W. Lisbon Ave. at N. 34<sup>th</sup> St. with a defective head lamp. The Defendant was also not wearing a seatbelt. The Defendant was

issued a citation for Failure to Wear Seatbelt (Milwaukee Municipal Court Case 17058936). The Defendant was found guilty after failing to appear for his 12/06/2017 court date. The Defendant has failed to pay the outstanding forfeiture in this matter.

- (c) On October 24, 2017, the Defendant was observed driving 54 MPH on N. Sherman Blvd. at W. Glendale Ave.—a 30 MPH zone. A DOT check revealed the Defendant's driver's license status was suspended. A DOT check further revealed that the vehicle's registration was suspended due to emissions. The Defendant was issued citations for Speeding (23 MPH Over), Operate Without Insurance, Operate After Suspension of Registration, and Operate After Suspension (Milwaukee Municipal Court Cases 17059757, 17059758, 17059759, and 17059760). The Defendant was found guilty after he failed to appear to his 12/07/2017 court date. The Defendant has failed to pay the outstanding forfeitures in these matters.
- (d) On January 13, 2018, the Defendant was observed driving in the 7100 block of W. Hampton Ave. with a defective head lamp. A traffic stop was conducted. A DOT check revealed the Defendant to be operating with a suspended license, and the vehicle's registration to be expired. The Defendant was cited for an Inoperable Tail Lamp, Operating After Suspension, and Non-Registration of Auto (Milwaukee Municipal Court Cases

18017243, 18017244, 18017245). The Defendant was found guilty after failing to appear for his 03/26/2018 court date. The Defendant has failed to pay the outstanding forfeitures in these matters.

- (e) On February 14, 2018 the Defendant was observed driving southbound on the 3000 block of N. Sherman Blvd. with a defective head lamp. A traffic stop was conducted. A DOT check revealed the Defendant to be operating with a suspended license. The Defendant was cited for Operating After Suspension (Milwaukee Municipal Court Case 18028107). The Defendant was found guilty after failing to appear for his 03/26/2018 court date. The Defendant has failed to pay the outstanding forfeiture in this matter.
- (f) On June 10, 2019, the Defendant was observed driving on W. Fond Du Lac Ave. at N. 17<sup>th</sup> St. A DOT check revealed the Defendant to be operating with a suspended driver's license and the vehicle's registration to be expired. The Defendant was cited for Non-Registration of Auto and Operating While Suspended (Milwaukee Municipal Court Cases 19030805, 19030806). The Defendant was found guilty after failing to appear for his 08/07/2019 court date. The Defendant has failed to pay the outstanding forfeitures in these matters.
- (g) On January 15, 2020, the Defendant was observed driving at a high rate of speed on N. Green Bay Ave. The Defendant's speed was



measured at 54MPH in a 35MPH zone. The Defendant was issued a citation for Speeding (19 over). The Defendant was found guilty after failing to appear for his 03/10/20 court date. The Defendant has failed to pay the outstanding forfeiture in this matter.

- (h) On May 24, 2021, the Defendant was observed driving 51 MPH on the 3200 block of S. Chase Ave.—a 30 MPH zone. The Defendant was issued a citation for Speeding (21 over). The Defendant was found guilty after failing to appear for his 02/18/22 court date. The Defendant has failed to pay the outstanding forfeiture in this matter.
- (i) On August 31, 2021, police found the Defendant unconscious in the driver's seat of his running vehicle at 4758 N. 79<sup>th</sup> St. Milwaukee Fire Department personnel administered Narcan—a drug commonly administered in cases of opiate overdose—to the Defendant. The Defendant eventually regained consciousness. The Defendant was unable to stand on his own and had trouble staying awake. Puncture marks were visible on the inside of the Defendant's left forearm. The Defendant was issued citations for Operating While Under the Influence, Operate After Revocation/Suspension of Registration, and Operating While Suspended (Milwaukee Municipal Court Cases 21052110, 21052111, 20152112). The Defendant was found guilty after

failing to appear for his 02/17/22 court date. The Defendant has failed to pay the outstanding forfeitures in these matters.

- (j) On October 10, 2021, the Defendant was observed driving 57 MPH on W. Howard Ave., at S. 16<sup>th</sup> St.—a 30 MPH zone. A DOT check revealed the Defendant's driver's license was suspended. The Defendant was issued citations for Speeding (27 MPH over) and Operate After Suspension. The Defendant was found guilty after failing to appear for his 04/28/22 court date. The Defendant has failed to pay the outstanding forfeitures in these matters.
- (k) On October 30, 2021, the Defendant was observed traveling 51 MPH on the 3500 block of S. 6<sup>th</sup> St.—a 30 MPH zone. The Defendant was stopped. A DOT check revealed that the Defendant's driver's license was suspended. The Defendant was issued only one citation—for Operate While Suspended (Milwaukee Municipal Court Case 22007895). The Defendant was found guilty after failing to appear for his 04/27/22 court date. The Defendant has failed to pay the fine associated with this matter.
- (l) On December 8, 2021, the Defendant was observed disregarding a red light on W. Howard Ave. at S. 13<sup>th</sup> St. A DOT check confirmed that the Defendant had a suspended driver's license. A DOT check on the vehicle revealed a suspended registration. The Defendant was also not insured. The Defendant was issued citations for Violate Red Light, Operate Without Insurance,

Operate After Suspension, and Operate Vehicle After Suspension/Revocation of Registration (Milwaukee Municipal Court Cases 22009271, 22009272, 22009273, 22009274). The Defendant did not appear for his 06/01/22 court date. The Court has yet to enter a default judgment on these matters.

- (m) On December 13, 2021, the Defendant was observed traveling at 48 MPH on the 27<sup>th</sup> St. Bridge—a 30 MPH zone. A DOT check revealed the Defendant's driver's license was suspended. The Defendant was issued citations for Speeding (18 over), and Operate After Suspension. The Defendant was found guilty after failing to appear for his 06/07/22 court date. The Defendant has failed to pay any fines associated with these matters.
- (n) On December 29, 2021, the Defendant was observed weaving through motoring traffic at an extremely high rate of speed (approximately 80 MPH) at approximately 4531 S. Howell Ave.—a 35 MPH zone. The Defendant passed several motorists, including an MPD squad car. Upon stopping the Defendant, Police noted the odor of burning brakes. The Defendant's vehicle was extremely hot. The Defendant provided no reason for his speed other than that he was delivering food from a restaurant. A DOT check revealed that the Defendant was operating with a suspended driving status and further indicated the vehicle registration was suspended due to emissions. The Defendant was issued citations

for Reckless Driving, Operating After Suspension, Operating After Suspension/Revocation of Registration, and Operating Without Insurance (Milwaukee Municipal Court Cases 22010845, 22010846, 22010847, 22010848). The Defendant failed to appear for his 06/21/22 court date. The Court issued warrants to pay or appear each of the above cases. The Defendant has not paid any of the fines associated with these matters.

- (o) On January 14, 2022, the Defendant was observed traveling at 47 MPH on W. Howard Ave. at S. 16<sup>th</sup> St.—a 30 MPH zone. A traffic stop was conducted. The Defendant provided no reason for his speed. A DOT check revealed that the Defendant had a suspended license. The Defendant was issued a citation for Operating While Suspended (Milwaukee Municipal Court case 22015333). The Defendant's initial court date is scheduled for 07/15/22.
- (p) On February 9, 2022, the Defendant was involved in an accident at the intersection of S. Howell Ave. and E. Layton Ave. Surveillance video of the accident revealed that the Defendant was driving in a non-designated driving lane (bus stop lane) and attempted to pass traffic on the right side—which led to a collision. A DOT check revealed the Defendant to have a suspended driver's license. The Defendant was issued citations for Unsafe Passing on the Right, Operate While Suspended, and Operate Without Insurance (Milwaukee Municipal Court cases 22018574, 22018575,

22018576). The Defendant's initial court date is scheduled for 08/10/22.

(q) On February 19, 2022, the Defendant was observed driving on the 4100 block of S. Howell Ave., in excess of the 35 MPH speed limit. Police estimated the Defendant's speed to be between 45-50 MPH. A traffic stop was conducted. The Defendant stated he was in a hurry to get back to work. A DOT check revealed that the Defendant's driving status was suspended and that his vehicle's registration was suspended due to emissions. The Defendant received citations for Operate After Suspension, Operate Motor Vehicle Without Insurance, and Operate Vehicle After Suspension or Revocation of Registration (Milwaukee Municipal Court cases 22019264, 22019265, and 22019266). The Defendant's initial court date is scheduled for 08/17/22.

(r) On February 23, 2022 the Defendant was observed disregarding a red traffic signal on S. Howell Ave. at E. Howard Ave. A traffic stop was conducted. The Defendant stated he was in a hurry and did not realize the light was red. The Defendant was issued citations for Red Light Violation, Operate Without Insurance, and Operate After Suspension (Milwaukee Municipal Court cases 22019213, 22019214, and 22019215). The initial court date on these cases is scheduled for 08/16/22.

- (s) On March 14, 2022, the Defendant was observed driving approximately 45 MPH on S. Howell Ave.—a 30 MPH zone. The Defendant was issued a citation for Unreasonable and Imprudent Speed (Milwaukee Municipal Court case 22021447). The Defendant's initial court date is scheduled for 09/07/22.
- (t) On April 17, 2022, the Defendant was observed driving at approximately 50 MPH on E. Howard Ave at S. Brust Ave—a 30 MPH zone. The Defendant was traveling faster than the flow of traffic, weaving in and out of lanes to pass other vehicles. The Defendant was stopped and cited for Unreasonable and Imprudent Speed (Milwaukee Municipal Court case 22029670). The Defendant's initial court date is scheduled for 10/12/22.
- (u) On April 28, 2022, the Defendant was observed driving at 62 MPH on S. Howell Ave. at E. Plainfield Ave.—A 30 MPH zone. A traffic stop was conducted. The Defendant stated he was going to the bank. A DOT check revealed the Defendant was operating with a suspended driver's license. The Defendant was issued a citation for Speeding (32 Over). The Defendant's initial court date is scheduled for 10/26/22.
- (v) On June 4, 2022, the Defendant was observed driving at 61 MPH on the 1200 block of W. Howard Ave.—a 30 MPH zone. The Defendant was issued a citation for Speeding (31 over)

(Milwaukee Municipal Court case 22035884). The initial court date is scheduled for 11/29/2022.

26. The Defendant has been issued additional traffic citations outside of the City in the time period discussed above.

27. The Defendant's driver's license is currently revoked.

28. Upon information and belief, due to the above-listed repeated occurrences and repeated citations, Defendant knows or should know that driving in excess of the posted speed limit is in violation of Milwaukee Municipal Ordinance and State Law.

29. Upon information and belief, Defendant knows or should know that excessive speeds are a significant safety hazard for residents of the City of Milwaukee.

30. Upon information and belief, Defendant knows or should know that disregard of traffic signals is a significant safety hazard for residents of the City of Milwaukee.

31. Upon information and belief, Defendant knows or should know that his driver's license is suspended, and that he cannot legally operate a motor vehicle on a highway without a valid license.

32. Defendant's ongoing and unabated reckless driving interferes substantially with the comfortable enjoyment of life, health, or safety of others, and is a constant drain on police resources. Defendant's driving behavior, therefore, is a public nuisance per Wis. Stat. § 823.02.

**SECOND CAUSE OF ACTION: PUBLIC NUISANCE PER SE**

33. Paragraphs 1 through 32 are hereby realleged and incorporated by reference as if fully set forth therein.

34. Defendant has repeatedly violated Milwaukee Municipal Ordinance 101-1-2.

35. Repeated violations of a city ordinance constitutes a public nuisance *per se*. See Wis. Stat. § 823.02; See also *State v. H. Samuels Co.*, 60 Wis. 2d 631, 639 (1973).

36. Defendant's repeated and ongoing failure to operate a motor vehicle consistent with the Milwaukee Code of Ordinances and State Law constitutes a public nuisance *per se*.

**WHEREFORE**, the Plaintiff, City of Milwaukee, demands judgment as follows:

The City of Milwaukee respectfully requests the Court to order the following relief:

- I. That the Court declares Defendant's reckless driving a public nuisance pursuant to Wis. Stat. § 823.02 and enjoins Defendant from continuing the nuisance and orders the Defendant to abide by speed limits and the rules of the road;
- II. That the Court declares Defendant's continued violation of traffic ordinance a nuisance *per se*; and enjoins the Defendant from continuing the nuisance, and orders the Defendant to abide by all traffic ordinances and statutes;
- III. That the Court admonishes the Defendant that any violation of a Court Order may result in a finding of contempt;
- IV. That the Court awards the City of Milwaukee judgment for damages and costs as well as judgment that the nuisance be abated;
- V. That the Court exercises any other nuisance abatement method warranted by the circumstances and deemed appropriate by the Court pursuant to its



equitable authority and Wis. Stat §823.02;

- VI. That the Court awards the Plaintiff, City of Milwaukee, its costs, disbursements, and attorney fees as may be authorized by statute; and
- VII. That the Court grants such other and further relief that the Court deems appropriate.

Dated and signed at Milwaukee, Wisconsin this 14<sup>th</sup> day of July, 2022.

TEARMAN SPENCER  
City Attorney

*Electronically Signed by Alex T. Mueller*  
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