

FILED

01-23-2023

Anna Maria Hodges

Clerk of Circuit Court

2023CF000309

Honorable David Feiss-46

Branch 46

STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY**STATE OF WISCONSIN**

Plaintiff,

DA Case No.: 2023ML001790

Court Case No.:

vs.

CRIMINAL COMPLAINT

GIERBOLINI, HAROLD A
3386 SOUTH KINNICKINNIC AVENUE
#A
MILWAUKEE, WI 53207
DOB: 10/27/1976

Defendant(s).*For Official Use*

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

Count 1: FIRST DEGREE RECKLESSLY ENDANGERING SAFETY, USE OF A DANGEROUS WEAPON

The above-named defendant on or about Monday, January 16, 2023, at 4047 North 17th Street, in the City of Milwaukee, Milwaukee County, Wisconsin, did recklessly endanger the safety of BH, under circumstances which show utter disregard for human life, contrary to sec. 941.30(1), 939.50(3)(f), 939.63(1)(b) 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.

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.

Count 2: FIRST DEGREE RECKLESSLY ENDANGERING SAFETY, USE OF A DANGEROUS WEAPON

The above-named defendant on or about Monday, January 16, 2023, at 4047 North 17th Street, in the City of Milwaukee, Milwaukee County, Wisconsin, did recklessly endanger the safety of CH, under circumstances which show utter disregard for human life, contrary to sec. 941.30(1), 939.50(3)(f), 939.63(1)(b) 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.

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.

Count 3: FIRST DEGREE RECKLESSLY ENDANGERING SAFETY, USE OF A DANGEROUS WEAPON

The above-named defendant on or about Monday, January 16, 2023, at 4047 North 17th Street, in the City of Milwaukee, Milwaukee County, Wisconsin, did recklessly endanger the safety of MH, under circumstances which show utter disregard for human life, contrary to sec. 941.30(1), 939.50(3)(f), 939.63(1)(b) 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.

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.

Count 4: FIRST DEGREE RECKLESSLY ENDANGERING SAFETY, USE OF A DANGEROUS WEAPON

The above-named defendant on or about Monday, January 16, 2023, at 4047 North 17th Street, in the City of Milwaukee, Milwaukee County, Wisconsin, did recklessly endanger the safety of MH, under circumstances which show utter disregard for human life, contrary to sec. 941.30(1), 939.50(3)(f), 939.63(1)(b) 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.

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.

Count 5: POSSESSION OF A FIREARM BY A FELON

The above-named defendant on or about Monday, January 16, 2023, at 4047 North 17th Street, in the City of Milwaukee, Milwaukee County, Wisconsin, did possess a firearm, having been convicted of a felony in this state, contrary to sec. 941.29(1m)(a), 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:

Complainant is a City of Milwaukee law enforcement officer and bases this complaint upon the reports of fellow law enforcement officers. Complainant has relied on similar reports in the past and has found them to be true and accurate. Complainant knows that said reports were written in the normal course of police business. Said reports indicate the following:

Officer Tierney stated that on January 16, 2023 at approximately 2:30 PM he was dispatched to 4047 N. 17th St., City and County of Milwaukee, for a shot spotter call. Tierney stated that while en route, he received information that off duty Wauwatosa Police Officer D. Smith called in and stated that he observed a man discharge 7-8 shots in the area, and then get into a red Kia Sorento and drive away. Smith reported that he observed that the license plate of the suspect vehicle began with the numbers 298.

Tierney stated that when he arrived on scene he made contact with BH, who lives at the above-referenced address. BH stated that at the time of the shooting, she was at home with her child and two grandchildren: MH (7/25/09), MH (10/6/20), and CH (10/6/20). BH stated that she and the children were in the upper level of the residence when she heard the gunshots.

Tierney stated that outside the residence, he located 7 spent 9mm casings. Tierney stated that he observed 7 bullet strikes to the exterior of the residence. Tierney stated that he observed that all 7 strikes penetrated the exterior walls into the home: 6 into a bedroom, and 1 into the living room.

Tierney stated he recovered Ring doorbell footage from the residence which showed the shooter approach the front door of a residence from a red SUV. The shooter then rings the doorbell several times but walks away after no one answers the door. As the shooter is walking away from the home, he stops, turns, and fires 8 shots at the residence before walking back to the red SUV.

Officer Kibley stated that on January 20, 2023, officers conducted a traffic stop on a red Kia Sorento with the license plate 298-HZK. Officers identified the driver to be Harold Gierbolini, the above-named defendant, and took him into custody.

Officer Kibley stated that he subsequently conducted an in custody interview with the defendant, who admitted that he is the person firing the shots on the doorbell surveillance video.

This complaint is further based upon my examination of the records maintained by the Milwaukee County Clerk of Circuit Court, which reflect that on August 28, 2006, the defendant was convicted in the Circuit Court of Milwaukee County, in Case No.: 05CF2359 of the felony offense of Bail Jumping, in violation of Wisconsin Statutes Section 946.49, and that said conviction remains of record and unreversed.

Records further indicate that the defendant was convicted of 1st Degree Reckless Injury (940.23(1)) in Case Number 96CF960220, in the Milwaukee County Circuit Court.

NOTICE DURING EMERGENCY OPERATIONS: The State will request a no firearms order and a No Contact Order between the defendant and BH, MH, MH, and CH.

****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 Daniel T. Flaherty.
ADA Assigned Email Address: dan.flaherty@da.wi.gov

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Subscribed and sworn to before me on 01/23/23

Electronically Signed By:

Daniel T. Flaherty

Assistant District Attorney

State Bar #: 1115364

Electronically Signed By:

Police Officer Joshua BROWN

Complainant