

is used for delivering or keeping controlled substances in violation of chapter 961 Wis. Stats., contrary to sec. 961.42(1), 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 the Court may suspend the defendant's operating privileges for not less than six (6) months nor more than five (5) years. If the defendant's driving privileges are already suspended, any suspension imposed must be served consecutively.

Probable Cause:

Complainant is a City of Milwaukee Police Detective and bases this complaint upon his involvement in this investigation, as well as Milwaukee Police reports and the reports of a related drug investigation. Those reports and that investigation revealed the following:

Initial Recovery Of A Crime Gun

Complainant is aware that on December 27th, 2018, City of Milwaukee Police Officers responded to the 2400 block of South 5th Place, City and County of Milwaukee, State of Wisconsin regarding a shots fired complaint. During their investigation, officers encountered and arrested a convicted felon in possession of a black Ruger 9mm handgun, as well as an amount of cocaine and ecstasy.

City of Milwaukee Police Officer Rodolfo Ayala and Detective Edmund Fitting, assigned to the Milwaukee Police Department Special Investigations Division (SID) conducted a records check of the recovered 9mm and determined that it had been purchased thirteen (13) days prior to the date of its recovery at a gun show by someone that was not the convicted felon that was caught with the firearm. Officer Ayala and Detective Fitting determined that the firearm had been purchased by an associate of the above-mentioned defendant Jordan Fricke. Officer Ayala and Detective Fitting know from training and experience that a short time period between lawful purchase of a firearm and recovery of the firearm at a crime scene ("time to crime") can be indicative of unlawful gun trafficking thru use of a "straw purchaser".

Confidential Informant

Officer Ayala and Detective Fitting subsequently developed a confidential informant (hereinafter referred to as CI 1), who provided information that they were able to subsequently verify. CI 1 indicated that the defendant and his friend, "Marlon" had been using an associate to purchase firearms at gun shows and stores. CI 1 stated that the defendant and his friend will ask individuals to purchase firearms for them, and then will turn around and sell those firearms to others for a profit. CI 1 indicated that the defendant and his friend had others purchase approximately 13 to 15 firearms for them in past 4-5 months.

CI 1 indicated further indicated that the defendant is a drug dealer who sells Marijuana and had been doing so for several years. CI 1 further indicated that the defendant is a Carry Concealed Permit holder and will normally be in possession of a firearm while selling Marijuana.

Controlled Buys of Marijuana From Defendant

On February 1st, 2019, Officer Ayala and Detective Fitting used CI 1 to conduct a controlled purchase of \$20 of Marijuana. During a phone conversation to set up the purchase, the defendant asked if CI 1 would be willing to attend a gun show to purchase firearms. CI 1 met the defendant at the rear door of

the defendant's residence at 2945 S. 12th Street, City and County of Milwaukee, **and purchased the Marijuana for \$20 at the rear door of the residence.** The purchased marijuana was subsequently tested and tested positive for the presence of THC, the controlled ingredient in marijuana.

On February 4th, 2019, Officer Ayala and Detective Fitting used CI 1 to conduct a controlled purchase of \$40 of Marijuana. CI 1 met the defendant at the rear door of the defendant's residence **and purchased the Marijuana for \$40 at the rear door of the residence.** The purchased marijuana was subsequently tested and tested positive for the presence of THC, the controlled ingredient in marijuana.

Obtaining a Search Warrant for 2945 S. 12th Street

Based upon the information about the purchase of a weapon by an associate of the defendant, subsequent information by CI 1, and the two controlled buys from the defendant, Officer Ayala and Detective Fitting sought a search warrant to search the defendant's residence at 2945 S. 12th Street. The warrant was reviewed by the Milwaukee County District Attorney's Office and the warrant was authorized by Milwaukee County Court Commissioner J.C. Moore. A "no knock" warrant was authorized due to the presence of firearms and the resulting threat to officer safety.

Search Warrant Execution

The warrant to search the defendant's residence at 2945 S. 12th Street was executed by the City of Milwaukee Police Department on February 6th, 2019. The entry to the residence was handled by Unit 5 of the Milwaukee Police Tactical Enforcement Unit, consisting of eight Tactical Officers under the leadership of Sergeant Buddenhagen.

All nine members of Unit 5 were wearing a black ballistic helmet with a body camera attached to the left side. Additionally, the officers were wearing black ballistic vests **that had "POLICE" written in visible white letters across the chest, back, and shoulders.** On the left shoulder, above the "POLICE" lettering, the tactical officers have an affixed Milwaukee Police Department patch. On the right shoulder, above the word "POLICE," the tactical officers have an affixed Tactical Enforcement Unit patch.

Complainant is aware through interviews of all members of Unit 5, as well as review of the relevant body camera video, that Unit 5 approached the residence from the alley with Officer Lane Grady, armed with a rifle, in the lead position. The unit followed Officer Grady from the alley to the rear door of the defendant's residence. Officer Grady then assumed a cover position on the rear door, while Officers Zaworski and Lee used a two person ram to breach the rear entrance door. After the first strike to the door, Officer Grady yelled "**Police, Search Warrant!**" Simultaneously with Officer Grady's announcement that the police were executing a search warrant, the ram team delivered a second blow to the door knocking the door in and providing entry to the residence.

Officer Grady then took the lead position for the entry team and entered the residence through the now breached rear door, while several officers were yelling, "**Police, Search Warrant!**" "**Milwaukee Police**" and "**Search Warrant!**" Once entering, Officer Grady, still in the lead position, began climbing the rear stairs to the upper unit, where the defendant lived. Officer Grady was immediately followed by Officer Matthew Rittner, carrying a one man ram, and Officer Trevor Deboer, armed with a rifle. While the three tactical officers climbed the stairs, the officers yelled "**Milwaukee Police, Search Warrant!**"

Upon reaching the landing outside the upper door, Officer Grady yelled "**Milwaukee Police – opens in.**" This was to identify his team as police, and to notify the rest of the unit that the door to the upper unit opens inward, so that the team could properly respond to the tactical situation.

Officer Grady then went straight to the defendant's door, tried the door handle to see if it was unlocked, and yelled "**Milwaukee Police, we have a search warrant.**" This was yelled while Officer Grady was right next to the door.

Because the door was locked, Officer Grady backed up to allow Officer Matthew Rittner room to breach the door with the one man ram tool. At this point, Officer Deboer, who had followed behind Grady and Rittner, takes up an over watch position on the door to cover Officers Rittner and Grady.

Immediately before Officer Rittner uses the ram device, Officer Deboer yells "**Search Warrant – Milwaukee Police!**" Officer Rittner then uses the ram device three times which creates a large opening in the locked door.

While Officer Rittner was using the ram, one of the tactical team yelled "**Police!**" Almost immediately, four gunshots are fired through the opening in the door from inside the defendant's residence. Officer Grady observed Officer Rittner drop and believed that Officer Rittner had been struck by gunfire. Officer Grady then stepped towards the opening in the door, aimed his rifle with mounted flash light into the residence, and observed the above mentioned defendant with his hands in the air. Officer Grady then covered the defendant until he was later taken into custody. Officer Grady also observed a female, later determined to be the defendant's girlfriend KP.

The team then carried Officer Rittner to safety down the stairs and outside in the rear yard, where officers and Tactical MFD medics attempted life saving measures until ambulance and rescue personnel arrived. Officer Rittner was taken to Froedtert Hospital and did not survive his injuries.

Autopsy

Complaint is further based upon the statement of Milwaukee County Medical Examiner Dr. Brian Peterson, who is licensed to practice medicine in the State of Wisconsin and is trained and experienced in the field of Forensic Pathology. Dr. Peterson conducted an autopsy on Officer Rittner and determined that Officer Rittner suffered single gunshot wound that did not exit the body. The bullet entered Officer Rittner at the left upper chest/shoulder area, traveled through the left lung, the aorta, and the right lung, ending at the right shoulder and chestwall where 3 metal fragments were recovered.

Dr. Peterson determined that the cause of Officer Rittner's death was a gunshot wound to the chest and the manner of death was homicide.

Scene Investigation

Complaint is further based upon the scene investigations conducted by the Wisconsin Department of Justice – Division of Criminal Investigations (DCI), the Wisconsin State Crime Lab and the Milwaukee Police Department Homicide Unit. During their scene investigation inside the defendant's residence, DCI special agents recovered a Century Arms Zastava Pap m92pv AK-47 semi-automatic pistol on the kitchen floor, near the door where the shooting occurred. Additionally, DCI agents recovered four 7.62x39 mm fired cartridge casings, as well as one unfired 7.62x39 mm cartridge in the kitchen.

Complaint is aware that searching the rest of the residence resulted in the seizure of at least 8 additional firearms, a Taser, and parts for assault rifles. Additionally, in a safe, officers recovered approximately \$3,000 in cash.

Lastly, complainant is aware that a fired bullet was recovered from the wall of the landing area where Officers Grady, Rittner, and Deboer had been during the attempted breach of the door. **Two bullet holes on the rear wall illustrate that two of the rounds fired by the defendant went completely**

through the residence and landing area, endangering the safety of both Officers Grady and Deboer. Bullets were recovered from a garage door that was across the alley from the defendant's residence and from a chimney on top of the garage. These rounds endangered individuals in the alley, outside the residence, and in the residences across the alley, as well as the two officers on the landing outside the kitchen door.

Complainant is aware that two digital scales were found in the residence. Complainant states that based upon his training and experience, the presence of firearms, money, scales, along with two controlled buys of marijuana from the residence, and the defendant's statement (which will be detailed later) that he sold marijuana from this residence, are all consistent with the residence being kept or maintained for the purpose of distributing marijuana.

Statement of KP

Complaint is further based upon the statement of KP, the girlfriend of the above defendant, who states that on the above date, at the above place, she was sleeping with the defendant in his bedroom, when she woke up to "loud noises." KP said she heard yelling and banging and that the defendant got out of the bed quickly and went into the kitchen.

KP stated that she followed into the kitchen and saw the defendant now armed with a firearm, which he was pointing at the door.

KP stated that she was standing next to the defendant when she heard someone on the other side of the kitchen door leading to the stairs yell "**Police, Search Warrant!**" KP stated that she heard someone yell this twice, once while she was entering the kitchen and once while she was in the kitchen next to the defendant.

KP then saw the defendant shoot at the kitchen door, she believes through the opening that the police had made into the door. KP stated that she knew it was the police at the door because they identified themselves, but that the defendant fired his weapon.

Statement of the Defendant

Complaint is further based upon the statement of the defendant, who admitted to living at the above location on the above date. He further admitted to selling marijuana. He stated that he is not "a big time dealer" and that he only deals in amounts of an ounce of marijuana or less. He stated that he has good marijuana and would sell it to his friends. The defendant further admitted to selling marijuana from his residence. The defendant also admitted to assembling rifles and selling them at gun shows.

Regarding the incident, the defendant admitted to being in bed with his girlfriend when he was awoken by a loud noise and yelling. The defendant several times claimed that he did not hear what was being yelled, but later did admit that when he entered his kitchen from the bedroom he heard someone yell "Police" outside the kitchen door. He claimed that he never heard "search warrant" but did admit to hearing "police" yelled at least twice. The defendant stated that when someone began hammering on the door, he thought they were yelling "Police." The defendant however stated that he did not think it was actually the police attempting to enter his residence.

The defendant stated that he had armed himself with his AK 47 pistol and aimed at the center of the door, where a hole was made. The defendant admitted that he aimed at the hole, where he saw a person standing and shot. After shooting, the defendant stated he saw another person come to the door with "POLICE" written on his chest, and claimed that this was the point at which he realized that it was the actual police.

The defendant did admit that he knew that AK 47 ammunition was “devastating ammunition” and that hitting someone in the chest with that round would probably result in that person dying.

****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 Grant I. Huebner.

Subscribed and sworn to before me on 02/10/19

Electronically Signed By:

Grant I. Huebner

Assistant District Attorney

State Bar #: 1036890

Electronically Signed By:

Detective Keith Kopcha

Complainant