

STATE OF WISCONSIN	CIRCUIT COURT	WAUKESHA COUNTY
STATE OF WISCONSIN	DA Case No.: 2017WK002235	
Plaintiff,	Assigned DA/ADA: Ted S. Szczupakiewicz	
	Agency Case No.: 17-016260	
vs.	Court Case No.:	
	ATN:	
Alexander Damas 719 E Main St,#2 Waukesha, WI 53186 DOB: 07/19/1998 Sex/Race: M/W Eye Color: Brown Hair Color: Brown Height: 5 ft 10 in Weight: 142 lbs Alias:	CRIMINAL COMPLAINT	
Defendant.		

The undersigned, of the Waukesha City Police Department being first duly sworn on oath, upon information and belief, states that:

Count 1: DISORDERLY CONDUCT

The above-named defendant on or about Saturday, April 01, 2017, at 719 E Main Street, in the City of Waukesha, Waukesha County, Wisconsin, while in a private place, did engage in unreasonably loud, boisterous or otherwise disorderly conduct, under circumstances in which such conduct tended to cause a disturbance, contrary to sec. 947.01(1), 939.51(3)(b) Wis. Stats., a Class B Misdemeanor, and upon conviction may be fined not more than One Thousand Dollars (\$1,000), or imprisoned not more than ninety (90) days, or both.

Count 2: RESISTING AN OFFICER CAUSING SUBSTANTIAL BODILY HARM TO OFFICER

The above-named defendant on or about Saturday, April 01, 2017, at 719 E Main Street, in the City of Waukesha, Waukesha County, Wisconsin, did cause substantial bodily harm to an officer while knowingly resisting the officer, while such officer was doing an act in an official capacity and with lawful authority, contrary to sec. 946.41(2r), 939.50(3)(h) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

Count 3: DISORDERLY CONDUCT

The above-named defendant on or about Saturday, April 01, 2017, at Waukesha Memorial Hospital, in the City of Waukesha, Waukesha County, Wisconsin, while in a public place, did engage in violent, abusive, profane or otherwise disorderly conduct, under circumstances in which such conduct tended to cause a disturbance, contrary to sec. 947.01(1), 939.51(3)(b)

Wis. Stats., a Class B Misdemeanor, and upon conviction may be fined not more than One Thousand Dollars (\$1,000), or imprisoned not more than ninety (90) days, or both.

PROBABLE CAUSE:

And prays that the defendant be dealt with according to law; that the basis for complainant's charge of such offense is: Based upon his review of the investigative reports of various officers of the City of Waukesha Police Department, all of whom are believed to be truthful and reliable in this instance.

The reports of Officer Jacob Taylor indicate that on April 1, 2017, he responded to the area of 719 E. Main Street, for a fight between two males on a front porch. A neighbor called and stated that across the street two males were verbally arguing. Officer Doud indicates she took the phone call and the caller stated two guys across the street are acting like they're going to beat the crap out of each other for a half an hour now. Officer Doud indicated that while speaking with this caller, she could hear two male voices in the background from across the street yelling at each other. The caller referred to the two male voices as the subjects in question.

The reports of Officer Taylor further indicate upon arriving, he noted the residence to be a duplex with an upper and lower. Officer Taylor spoke to the residence of the lower unit identified as Donnaliza and Andrew Monyelle. The Monyelle's indicated they have had numerous issues with the residents of the upper unit and have had to call the police in the past for disturbances that those residents create. Andrew Monyelle indicated he has been working with the landlord and continues to document the incidents for an eviction process. Officer Taylor indicated that while he and Officer Planovsek were speaking with the Monyelle's, the occupants upstairs in unit #2 began to repeatedly pound on the ground very loudly. Andrew Monyelle stated this happens quite often, usually a couple times a day. The subjects in unit #2 continued to pound on the ground up above on and off for approximately the next five minutes. Officer Planovsek stated it sounded as though someone was taking their foot and pounding it on to the floor purposely, knowing that the police were speaking to the Monyelle's in the lower unit.

The reports of Officer Taylor further indicate that eventually a male subject later identified as Alexander Damas, dob 07/19/1998, hereinafter referred to as the defendant, came outside and looked directly at both officers. Officer Taylor asked the defendant if they could speak to him, however the defendant immediately turned and started walking towards the back of the residence. The defendant put his head down and walked away from the officers, and when Officer Taylor told him to stop, the defendant did not. Officer Taylor noticed Damas got to the back door then turned around and started walking back towards Officer Taylor. Officer Taylor, who is in full City of Waukesha Police Department uniform and addressed himself to Damas as Officer Taylor of the City of Waukesha Police Department, indicated Damas continued to ignore Officer Taylor, put his head down, and even after Officer Taylor put his hand on Damas's chest to tell him to stop, Damas tried to brush away and stated he was not talking to Officer Taylor. Officer Taylor stated he immediately could tell that Damas was intoxicated due to his body language and his slurred speech. When asked how old he was, Damas indicated nineteen. When asked what his name was, Damas stated he was not going to tell Officer Taylor and that he was going back upstairs, repeatedly telling officers he knows his rights. Officer Taylor indicates when he made contact with Damas it was on the west side of the

residence, which was an area elevated approximately four to five feet above the driveway and having a brick retaining wall at the edge. Officer Taylor noted as he walked up the stairwell, near the retaining wall, he could see there were lots of loose brick pieces that could be easily manipulated. Officer Taylor indicated the space between the edge of the retaining wall and the house was approximately eight feet wide. Officer Taylor indicates Damas was detained at the time and told to have a seat on a chair next to him up against the house. Officer Taylor stated he felt if Damas sat down it would be easier to stabilize him for the remainder of their investigation. Once Damas took a seat, he continued to look directly forward toward the driveway and the retaining wall area. On several occasions Damas tried to get up from the chair where Officer Taylor had to physically restrain him. Officer Taylor recognized Damas's repeated glances towards the retaining wall as a target glance, which is a pre-attack posture known to be a behavior which may indicate an emanate danger of physical assault. At that point, Officer Planovsek returned to his squad to obtain a preliminary breath test. Officer Taylor indicates, Damas continued to have a target glance and attempted again to stand up. Officer Taylor advised Damas that Damas was being detained and, if he tried to get up one more time, Officer Taylor would have to place Damas in handcuffs. Officer Taylor noted Damas was demonstrating active resistance and took his left arm and swatted Officer Taylor's hand away where Damas then dove downwards onto the ground. Officer Taylor indicates he made the decision to go down to his knees in an attempt to stabilize Damas on the ground. Damas continued to try to crawl forward towards the retaining wall. Officer Taylor indicated given the height of the retaining wall and the concrete ground at the bottom of the wall Officer Taylor was afraid that either he or Damas or both of them would fall off the edge of the retaining wall causing injury. Officer Taylor indicated he was also fearful that Damas would be able to grab hold of one of the loose bricks of the retaining wall and use it as a weapon. Officer Taylor indicates he grabbed the back of Damas's beltline and continued to hold Damas back so he could not get to the retaining wall. Officer Taylor also took his right hand and tried to get control of one of Damas's wrists in an attempt to stabilize him further. While doing so, Officer Taylor indicated Damas continued to thrash around and was able to get his hands over the ledge of the retaining wall trying to pull himself forward. Officer Taylor indicates that he knew under the circumstances he had to get the confrontation over quickly so he began giving Damas directed hand strikes towards his right side to create a dysfunction as well as loosen his grip on the bricks. After several right hand strikes, Damas did let go of the bricks and Officer Taylor was able to lift up and pull Damas back away from the wall. At that point, Damas turned towards Officer Taylor and swung his right hand with a closed fist backwards in Officer Taylor's direction in an attempt to strike Officer Taylor. Officer Taylor noted Damas's strike just missed Officer Taylor's head. Officer Taylor indicated his only target area he had was Damas's face and Officer Taylor struck Damas one time near the right eye in an attempt to create a dysfunction. Damas then fell back forward and proceeded to attempt to crawl towards the retaining wall. Officer Taylor indicates he was able to lift Damas off the ground and turn his body so they were both now parallel to the retaining wall. In that position, Damas was unable to get a hold of one of the bricks, however Officer Taylor indicates he had to deal with the possibility of Damas kicking Taylor backwards causing Officer Taylor to fall off the ledge. Officer Taylor indicates that Officer Young and Officer Planovsek eventually responded to assist. In attempts to help stabilize Damas and gain compliance, Officer Young was forced to utilize his Taser and to deliver a knee strike.

The reports of Officer Young indicate based on Damas's behavior, he was forced to use active counter measures in an attempt to create a dysfunction to overcome Damas's active resistance. Officer Young indicates he directed a knee strike to the lower portion of Damas's

left flank area. While attempting to deliver the knee strike as Officer Young came forward, he caught the edge of a stone paver with his knee completely stopping the forward momentum of the knee. Officer Young indicates he immediately felt immense pain in his knee and, because of that knew he would no longer be able to use his knee to deliver another strike. Officer Young indicates that he was then forced to draw his Taser and gave Damas loud verbal commands that if he did not stop resisting he would be Tazed. Officer Young then delivered a contact deployment to the upper back shoulder area. Officer Young noted the scene was so loud with Damas's yelling and officers ordering him to stop resisting that Officer Young could not hear the Taser operating and only knew that the Taser worked because the probes deployed. Damas did not appear to be affected by the Taser as it did not change his behavior and he continued to resist.

The reports of Officer Young further indicate that after he initially injured his knee, he could feel blood running down the front of his shin. He checked the injury and found an approximately four inch laceration to the front of his knee that was actively bleeding. Officer Young stated that he was later transported to Waukesha Memorial Hospital via ambulance where he was treated by emergency room staff with twenty-one stitches to close the wound. He indicated that he was discharged with restrictions that will cause him to miss work.

The reports of Officer Taylor further indicate after Officer Young utilized his Taser, additional officers arrived on the scene and utilizing all of the officers they were able to ground stabilize Damas and get both hands behind his back and handcuff him. Damas however continued to actively resist and was physically picked up and carried down the steps onto the driveway where he was placed into a restraint chair. Officer Taylor noted Damas was taken to Waukesha Memorial Hospital at which time, Officer Taylor noted he was bleeding from his right hand on two different knuckles and had pain in his knee from a minor abrasion above the knee which was actively bleeding.

The reports of Officer Taylor further indicate once Damas was placed in a restraint chair he continued to yell loudly and boisterously yelling profane language at officers which created another disturbance. Officer Taylor noted when he turned around a large crowd had gathered around the sidewalk on both sides of the street as residents came outside of their homes to see what was going on. Officer Siewert spoke with Andrew Monyelle, who indicated that at approximately 6:30PM, he was out of his residence, showing Officer Taylor the video his daughter took of two males verbally fighting on the front porch. As Monyelle was showing Officer Taylor, the defendant came out of the porch and didn't say anything. Monyelle told the defendant the police were there for him. Officer Taylor asked the defendant how old he was. Monyelle indicated he came back to his side of the porch and noted the defendant swung a closed fist punch at Officer Taylor as the defendant was cursing. Monyelle indicated he doesn't think the defendant wanted to be arrested and that is why he was fighting. Officer Taylor was alone with the defendant while his partners were at the squad car. The male continued to fight with Officer Taylor who was holding him down until others came to assist. The officers did not use any punches or anything. The Taser was utilized. Monyelle stated the male was still flailing and kicking all through this, even when Officer Taylor was controlling him by putting his hand on the back of his neck. Monyelle indicated the defendant looked as if he wanted to hurt or get away from Officer Taylor.

The reports of Officer Taylor further indicate that once at Waukesha Memorial Hospital the defendant continued to show his disorderly and threatening behavior. Damas continued to be

loud and boisterous, yelling at both officers and hospital staff. He used very profane language and was telling the nursing staff that they were, "all bitch ass niggers." Damas refused to get any treatment from the hospital staff and continued to try to thrash himself in the chair so the staff could not take any vital signs or blood pressures. Damas's behavior was extremely up and down from that point, as one minute he was thrashing and yelling while being violent, however, the next minute he was crying. This behavior repeated itself over and over throughout the remainder of time at the hospital. Officer Taylor further notes once at the hospital, Damas began to threaten Officer Taylor, Officer Luling, and Officer Planovsek, stating he would kick their ass if he found them on the street and indicated he would beat them up. Later, while in the emergency room area where there were numerous other hospital staff members as well as patients being treated, they had to close the door on several occasions because Damas would continue to yell and shout. Damas continued his violent and threatening behavior looking directly at Officer Taylor and stating he could not wait to get out on the street and kill Officer Taylor. Damas stated, "I can't wait to rip your heart out of your chest and eat it. I am going to rip your chest wide open." Damas proceeded to say, "Officers were nothing without their badges and they were just a little bitch and that Damas could kill them if he wanted to. " Damas even stated he was going to kill the officers' daughters. Damas's assaultive behavior and threats continued to the point where hospital staff was forced to use medications to help restrain him. Damas repeatedly stated he was celebrating his birthday and that officers ruined it for him even though his birthday was not for three and a half more months, in the month of July. Damas also stated he thought it was 1:00AM, when it was approximately 7:50PM.

Based on the foregoing, the complainant believes this complaint to be true and correct.

TSS:bjt
EXT=CODE 1

Subscribed and sworn to before me on
04/03/17
Electronically Signed By:
Mary C. Brejcha
Assistant District Attorney
State Bar #: 1045713

Electronically Signed By:
Lt. Joe Hendricks
Complainant