

FILED
08-05-2024
Anna Maria Hodges
Clerk of Circuit Court
2024CF003715
Honorable David
Swanson-11
Branch 11

STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY

STATE OF WISCONSIN
Plaintiff,

DA Case No.: 2024ML019256
Court Case No.:

vs.

CRIMINAL COMPLAINT

JOSHUA-ALEXANDER, ZYKEVIOUS
4016 NORTH 19TH STREET.
MILWAUKEE, WI 53209
DOB: 07/13/2010

Defendant(s).

For Official Use

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

Count 1: FIRST DEGREE RECKLESS HOMICIDE

The above-named defendant on or about Saturday, July 27, 2024, at 100 West Walker Street, in the City of Milwaukee, Milwaukee County, Wisconsin, did recklessly cause the death of Marc J Jones, another human being, under circumstances which showed utter disregard for human life, contrary to sec. 940.02(1), 939.50(3)(b) Wis. Stats.

Upon conviction for this offense, a Class B Felony, the defendant may be sentenced to a term of imprisonment not to exceed sixty (60) years.

Count 2: VEHICLE OPERATOR FLEE/ELUDE OFFICER RESULTING IN THE DEATH OF ANOTHER

The above-named defendant on or about Saturday, July 27, 2024, at 100 West Walker Street, in the City of Milwaukee, Milwaukee County, Wisconsin, while operating a motor vehicle on a highway, after having received a visual or audible signal from a traffic officer, federal law enforcement officer, or marked or unmarked police vehicle that the operator knew or reasonably should have known was being operated by a law enforcement officer, did knowingly flee or attempt to elude an officer by increasing the speed of the vehicle in an attempt to flee, resulting in the death of Marc J Jones, contrary to sec. 346.04(3) and 346.17(3)(d), 939.50(3)(d) Wis. Stats.

Upon conviction for this offense, a Class D Felony, the defendant may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than twenty five (25) years, or both.

And furthermore, invoking the provisions of Wisconsin Statute 343.31(3)(d)4, upon conviction the department shall revoke the defendant's operating privileges for 5 years.

And furthermore, invoking the provisions of Wisconsin Statute 346.17(3)(d), upon conviction, the court shall impose a bifurcated sentence under s. 973.01, and the confinement portion of the bifurcated sentence imposed on the person shall be not less than 2 years and 6 months.

Count 3: HIT AND RUN - RESULTING IN DEATH

The above-named defendant on or about Saturday, July 27, 2024, at 100 West Walker Street, in the City of Milwaukee, Milwaukee County, Wisconsin, did operate a vehicle involved in an accident that resulted in death of Marc J Jones and failed to reasonably investigate what was struck and if the operator knew or had reason to know that the accident resulted in injury or death of a person or in damage to a vehicle that is driven or attended by a person, and failed to stop the vehicle he was operating as close to the scene of the accident as possible and remain at the scene of the accident until he did the all of the following: give his name, address and the registration number of the vehicle he was operating to the operator or occupant of or person attending any vehicle collided with and, upon request and if available, exhibit his operator's license to the operator or occupant of or person attending any vehicle collided with and render reasonable assistance to any person injured in the accident, including transporting, or making arrangements to transport the person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that medical or surgical treatment is necessary or if requested by the injured person, contrary to sec. 346.67(1) and 346.74(5)(d), 939.50(3)(d) Wis. Stats.

Upon conviction for this offense, a Class D Felony, the defendant may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than twenty five (25) years, or both.

And furthermore, invoking the provisions of Wisconsin Statute 343.31(3)(j), the Department shall revoke the defendant's operating privilege for five (5) years.

And the defendant may also be subject to additional collateral consequences upon conviction, including revocation of operating privileges, assessment and treatment requirements, and future restrictions on operation of motor vehicles under Wisconsin Statute 343.31(1m).

Count 4: KNOWINGLY OPERATE MOTOR VEHICLE WITHOUT A VALID LICENSE - CAUSE DEATH

The above-named defendant on or about Saturday, July 27, 2024, at 100 West Walker Street, in the City of Milwaukee, Milwaukee County, Wisconsin, did operate a motor vehicle on a highway knowing that he did not possess a valid operator's license, and in the course of the violation, caused the death of another person, Marc J Jones, contrary to sec. 343.05(3)(a) and (5)(b)5, 939.50(3)(h) Wis. Stats.

Upon conviction for this offense, a Class H Felony, the defendant may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

And furthermore, invoking the provisions of Wisconsin Statute 343.30(1d), the court shall revoke the defendant's operating privileges upon conviction. The revocation shall be for a period of six (6) months, unless the court orders a period of revocation of less than 6 months and places its reasons for ordering the lesser period of revocation on the record.

Count 5: DRIVE OR OPERATE A VEHICLE WITHOUT OWNER'S CONSENT - PTAC, AS A PARTY TO A CRIME

The above-named defendant on or about Saturday, July 27, 2024, at 100 West Walker Street, in the City of Milwaukee, Milwaukee County, Wisconsin, as a party to a crime, did intentionally drive or operate a vehicle, a silver Hyundai Elantra, without the consent of the owner, FR, contrary to sec. 943.23(3), 939.50(3)(i), 939.05 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.

Probable Cause:

Complainant is a detective with the Milwaukee Police Department and bases this complaint on the official reports and statements of fellow members of the Milwaukee Police Department, and on reports from the Milwaukee County Medical Examiner's Office. Based on that information, as well as Complainant's own investigation, Complainant states as follows:

On July 27, 2024, at approximately 6:20pm, RSG was robbed of her wallet and cell phone at approximately 711 W. St. Paul Avenue in the city of Milwaukee, Milwaukee County, Wisconsin. RSG told detectives that she was parked on St. Paul Avenue. RSG indicated she and her family had gone to German Fest and were returning to their car, loading up the vehicle, when two subjects approached them. She described one subject was a teenage black male with a slim build, black mask, all black clothing and orange gloves. RSG stated that the second subject was a teenage black male with a slim build, an afro, wearing a white tank top and orange gloves. RSG explained this second subject walked towards her family then reached back for a gun from the masked subject. This subject with the gun pointed the gun at her family and demanded money. The subject with the gun then took RSG's phone and went through their car for property. When the subjects did not find anything they wanted to take within the car, they demanded money from "CashApp." RSG explained it would take too long and then the two subjects walked off. RSG's phone was taken during the incident. RSG further explained that she was later able to track her phone and learned it was in Chicago the following day. RSG indicated she made contact with an individual who found her phone after the robbery and recovered it. This person mailed RSG's phone back to her.

Police Officer Fidah Mustafa and Police Officer Parker Popp conducted follow up to attempt to find video of the two suspects who robbed RSG. They viewed surveillance video from the Intermodal Station parking lot at 701 W. St. Paul Avenue. In that video, the two suspects are visible. They arrive on scene around 6:05pm in a silver Hyundai sedan, and circle the parking lot. The driver can be observed—he is the black male described by RSG wearing the white tank top with bright orange gloves.

Around 6:34pm, Milwaukee Police Sergeant Marlin Schilcher responded to assist in the investigation into the robbery of RSG. Sgt. Schilcher received information that the silver Hyundai involved in the incident fled the scene southbound. Sgt. Schilcher was operating a marked Milwaukee Police Department squad car. While in the area of S. 3rd Street and W. Virginia Street, Sgt. Schilcher was flagged down by a citizen who stated that subjects were breaking into vehicles on 3rd Street. Sgt. Schilcher then observed the silver Hyundai parked in the middle of 3rd Street, near W. Bruce Street. Sgt. Schilcher drove past the Hyundai and observed a black male subject, 16-20 years old, breaking into a parked vehicle. Sgt. Schilcher then parked his squad car and activated his lights and sirens in an attempt to stop the subject breaking into the car, who then ran and got into the silver Hyundai. Sgt. Schilcher also exited his squad and gave verbal commands for those subjects to stop. Sgt. Schilcher then saw there were two subjects in the Hyundai. The Hyundai reversed northbound, and then fled the area, increasing its speed in an attempt to flee and driving southbound on the sidewalk of S. 3rd Street passing Sgt. Schilcher, continuing southbound as Sgt. Schilcher ran back to his squad car. Sgt. Schilcher got into his squad and then began pursuing the Hyundai southbound on 3rd Street, but lost sight of the vehicle. Sgt. Schilcher then saturated the area and observed civilians flagging him down to alert him to a crash that occurred near S. Barclay Street and E. Walker Street. Sgt. Schilcher approached that scene and observed the silver Hyundai crashed in that location. There was a crowd of people in the street. Sgt. Schilcher approached the crowd and observed they were doing CPR on a white male subject. This subject was later identified as Marc J Jones. Sgt. Schilcher advised dispatch to send for medical assistance and requested additional squads come to the scene. As described below,

the investigation revealed that Jones was riding his Harley Davidson motorcycle southbound on S. 1st Street, and was struck by the silver Hyundai that fled from Sgt. Schilcher.

Jones was ultimately transported from the scene to Froedtert Hospital by the Milwaukee Fire Department, but succumbed to his injuries sustained in the crash. He was pronounced deceased at 7:16pm.

An autopsy was conducted by Dr. Brian Linert, a licensed pathologist employed by the Milwaukee County Medical Examiner's Office. Dr. Linert's preliminary conclusion was that multiple blunt force injuries sustained in the crash caused Jones' death.

Officer Kevin Kamps conducted the scene investigation where the crash occurred, at 100 W. Walker Street in the city and county of Milwaukee, Wisconsin. During the scene investigation, Officer Kamps observed surveillance footage that depicted the crash from 100 W. Walker Street. That video shows the following: at approximately 6:40:13pm, the silver Hyundai can be seen traveling eastbound on Walker Street at an extremely high rate of speed, which Complainant states is well in excess of the speed limit. As the Hyundai approaches the stop sign at 1st and Walker, there is absolutely no attempt to slow down or use any caution while approaching the intersection with S. 1st Street. Complainant further knows that S. 1st Street is a main thoroughfare road with typically heavier traffic, and the road is divided into two northbound lanes and two southbound lanes, with a double-yellow dividing line in the center. Due to the Harley Davidson anniversary celebration, Complainant states there was a significant amount of traffic that area. The Hyundai completely disregards the stop sign at a high rate of speed, at which time Jones can be seen on his Harley Davidson motorcycle entering the video frame, heading southbound on 1st Street. Jones' motorcycle collides with the Hyundai near the Hyundai's front driver's headlight. Jones' body is launched into the air, traveling east due to the momentum of the impact, landing in the roadway on Walker Street. His motorcycle is very heavily damaged.

Video footage from further east down Walker Street depicts the moments after the crash. Jones' body slides down the road on the pavement once he lands, as his motorcycle slides onto the sidewalk on the north side of Walker Street. The Hyundai continues eastbound towards S. Barclay Street. Video footage shows that before the silver Hyundai comes to rest at the intersection of S. Barclay Street and E. Walker Street, two occupants jump out of the front passenger's door. The first subject who jumps out is the front passenger who is a black male subject, slim build, wearing a sweatshirt, as well as bright orange gloves. The second subject—the driver of the Hyundai—is seen climbing from the driver's seat over to the passenger's seat and jumping out the passenger's door (after the front passenger abandoned the vehicle) causing him to slide on the pavement. This subject is wearing a white tank top and bright orange gloves, and has just one white shoe on, and matches the description of the subject RSG described as the gunman during the robbery. During the scene investigation, a second white shoe was located underneath the steering wheel inside the Hyundai. The video also shows a firearm falling out of the Hyundai as the two subject bail from the vehicle. This firearm was recovered during the scene investigation.

After the two subjects are out of the vehicle, they get to their feet and each of them end up running to the northeast corner of the building at 123 E Walker Street. Both subjects can be seen jumping over a short wall, and leaving the area.

Officer Kamps observed the silver Hyundai Elantra had Wisconsin plate # AYC5700. There was significant damage to the driver's door, which rendered the door unable to be opened.

Detective Michael Slomczewski obtained a still photograph of the driver of the Hyundai who was wearing a white tank top, pants, bright orange gloves and one white shoe. This still image was shown to RSG and she identified this person as one of the people who robbed her.

Complainant knows that the above-named Defendant was known to Milwaukee Police as being potentially active in committing robberies and stealing vehicles. Detective Slomczewski viewed a photograph of the Defendant and noticed he appeared to be the subject who was driving the silver Hyundai Elantra at the time of the crash, based on the surveillance video.

On July 31, 2024, members of the Milwaukee Police Department's Special Investigations Division went to 3906 W Walnut Street to look for the Defendant. Officers made contact with ENG at the residence. While speaking to ENG, Officer Nicholas Sandoval observed the Defendant step into the living room then immediately retreat to the rear of the house. ENG allowed officers to enter the house to apprehend the Defendant, and he was taken into custody after being found hiding under clothing in the basement. The Defendant had fresh wounds that appeared to be consistent with road rash.

Detective Roman Martinez conducted a Mirandized interview of the Defendant after his arrest. During that interview, the Defendant admitted the following regarding the events described above: he and his friend took a bus from the north side to the south side near the area of National Avenue. They became tired of walking and then tried to steal a car. He admitted they stole a silver Hyundai Elantra and that they committed a robbery after stealing the car. The Defendant indicated they were driving around the south side afterwards and were spotted by police (Sgt. Schilcher) and tried to drive fast to escape. He explained that as they were leaving the area they crashed into something causing the airbags to deploy. He admitted running from the vehicle along with the person he was with. The Defendant indicated he was the front passenger. However, the Defendant was shown a still image from the surveillance that showed the subject in the white tank top and orange gloves, who Complainant knows from the video is the driver, and the Defendant admitted that was him. This does not exhaust Complainant's knowledge of statements made by the Defendant during his interview.

Complainant knows, based on the Defendant's age, that he does not have a driver's license, since he is not old enough to have one in the State of Wisconsin.

Complainant knows that at 9:30pm on July 27, 2024, FR and his wife SJ walked into Milwaukee Police District #6 to report that his vehicle, the silver 2011 Hyundai Elantra, Wisconsin plate AYC5700, was stolen from their residence in the 1300 block of S. 35th Street (just two blocks south of National Avenue, where the Defendant explained he was in the area of). FR explained that he and SJ went to a party on July 27 around 4:40pm and returned home around 9:15pm. When they got home their neighbor told them he observed two black males with guns break into their vehicle and flee the scene. FR indicated no one had consent to take their Hyundai Elantra. Officer Ahnoki Doxtator, who took the report, later observed this vehicle was the vehicle involved in the fatal crash at 100 W. Walker Street where Marc Jones died.

****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 Ian Vance-Curzan.
ADA Assigned Email Address: Ian.Vance-Curzan@da.wi.gov

Subscribed and sworn to before me on 08/05/24

Electronically Signed By:

Ian Vance-Curzan

Assistant District Attorney

State Bar #: 1092906

Electronically Signed By:

Detective Michael Slomczewski

Complainant