

FILED
10-20-2024
Anna Maria Hodges
Clerk of Circuit Court
2024CF004973
Honorable Michelle A.
Havas-10
Branch 10

STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY

STATE OF WISCONSIN
Plaintiff,

DA Case No.: 2024ML026066
Court Case No.:

vs.

CRIMINAL COMPLAINT

AVALOS-MORALES, GAVINO M
4656 NORTH 49TH STREET
MILWAUKEE, WI 53218
DOB: 04/04/1994

Defendant(s).

For Official Use

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

Count 1: FIRST DEGREE RECKLESS HOMICIDE, USE OF A DANGEROUS WEAPON,

The above-named defendant on or about Saturday, October 12, 2024, at 1023 West Windlake Avenue, in the City of Milwaukee, Milwaukee County, Wisconsin, did recklessly cause the death of Raysean Barnes, another human being, under circumstances which showed utter disregard for human life, contrary to sec. 940.02(1), 939.50(3)(b), 939.63(1)(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.

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: DISCHARGE OF A FIREARM IN A SCHOOL ZONE

The above-named defendant on or about Saturday, October 12, 2024, at 1023 West Windlake Avenue, in the City of Milwaukee, Milwaukee County, Wisconsin, did with reckless disregard for the safety of another discharge a firearm at a place the defendant knew was a school zone, contrary to sec. 948.605(3)(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.

Count 3: POSSESSION OF A FIREARM ON GROUNDS OF A SCHOOL

The above-named defendant on or about Saturday, October 12, 2024, at 1023 West Windlake Avenue, in the City of Milwaukee, Milwaukee County, Wisconsin, did knowingly possess a firearm at a place he knew or had reasonable cause to believe was in or on the grounds of a school, contrary to sec. 948.605(2)(a), 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.

Probable Cause:

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

First Responding Officers and Scene Investigation

On October 12th, 2024, City of Milwaukee Police Officers were dispatched to a shooting at 1023 West Windlake Avenue, City and County of Milwaukee, State of Wisconsin. This is the location of Hayes Bilingual School and the Milwaukee Public Schools South Stadium, both of which are on the same grounds and operated by the Milwaukee Public School System. Signs on the school and the stadium clearly indicated that the property is owned and operated by the Milwaukee Public School System.

Upon arrival, officers located the victim, Raysean Barnes, laying on the ground, inside the school grounds, on the pavement of the walkway that lead from the stadium seating on the northside of the football field to the concession stands and bathroom on the west side of the stadium. The victim had been shot one time. The victim was later transported to the hospital by ambulance but did not survive his wounds.

City of Milwaukee Police Detective Ndiva Malafa conducted a scene investigation and recovered two fired 9mm cartridge casings in the area of where police located the victim.

Autopsy

Complaint is further based upon the statement of Assistant Milwaukee County Medical Examiner Dr. Brian Linert, who is trained and experienced in forensic pathology and is duly licensed to practice medicine in the State of Wisconsin. Dr. Linert performed an autopsy on the victim and determined that he suffered a single gunshot wound of the abdomen, which entered in the right lower chest area and ended at the left back where a bullet was recovered. Dr. Linert determined that the cause of death was gunshot wound of the abdomen and the manner of death was homicide.

Witness DB

Complaint is further based upon the statement of witness DB, who states that she has known the victim for approximately 25 years and considers him to an uncle based on the close relationship of the victim's family and her family.

DBs states that her niece was playing in the flag football game at the South Stadium and that she and her son were picked up by the victim. DB stated that the victim parked on the street. DB stated that they all sat in the bleachers. While they were watching warm ups, DB stated that her son stated he was thirsty and wanted his water bottle from the car. DB stated that the victim got up from the bleachers and was walking to the car to get the water bottle.

DB stated that her sister stopped her, so the victim was walking ahead of her from the bleachers. DB stated that as she got to the ramp she saw a physical fight or pushing match between two males. She also saw a third male standing near the fight. In a photo array, DB identified this third male as the above mentioned Defendant. DB stated that the Defendant then turned towards the football field and fired a firearm back in the direction of the field.

DB stated that after hearing the shot, she saw the victim fall forward onto the ramp. DB ran towards victim and called 911 for help.

Security Video

Complaint is further based upon the statement of City of Milwaukee Police Detective Scott Schmitz, who states that he reviewed the security video from Hayes Bilingual School, which covered the attached football stadium. Detective Scott Schmitz states that the security video shows a white Mazda CX-9 park in front of 1002 W. Windlake. The person later identified as the Defendant in this incident, by members of the Defendant's family and friends, exits the driver's seat of the vehicle. Two other males also exit the vehicle and then all three enter the stadium together through the gate entrance and then onto school grounds and into the bleacher area of the stadium.

Approximately three minutes later, the Defendant and one of the males he arrived with are seen on the video walking from the bleacher area. The Defendant and the male he is with can be seen looking over their left shoulders.

At around the same time, the victim can be seen on the video walking approximately ten to twelve feet behind the Defendant and his companion.

The video also shows two other males leaving from the bleacher area. As everyone is walking down the ramp towards the concession area, one of the following males starts trotting towards the Defendant and his companion. This male jogs past the victim and runs straight at the male with the Defendant. The following male jumps up in the air and punches the male with the Defendant, starting a physical fight.

As this is occurring, the Defendant can be seen on the video withdrawing a firearm from his clothes, appears to ready the firearm and then turns in the direction of the victim, who appears to be moving past the defendant and the two fighting males. The video shows the Defendant point the firearm at the victim, who at that moment appears to have both of his hands raised, palms forward in what appears to be a surrender position. The victim then falls suddenly, face first to the ground, consistent with having been shot.

The Defendant and the male who he is with, eventually flee the stadium and the school grounds, after the physical fight with the following male is finished.

The victim is not seen with a weapon at any time during the video.

Related Shooting¹

Complainant stated that the two fired 9mm fired cartridge casings were taken to the Milwaukee Police Department Fusion Center where NIBIN analysts determined that both casings were consistent with having been fired by the same firearm.

That same analysis determined that the casings were consistent with having been fired by the same firearm that fired five 9mm cartridge casings in the alley behind 1524 S. 10th Street. Video from that incident reveals a white SUV, consistent with the same Mazda CX-9 the Defendant drove on the day he shot and killed the victim in this case, pull up in the alley. Muzzle flashes can then been seen coming from the driver's window of the vehicle.

****End of Complaint****

Electronic Filing Notice:

¹ The State reserved the right to add additional counts for this incident as this case progresses.

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.
ADA Assigned Email Address: grant.huebner@da.wi.gov

Subscribed and sworn to before me on 10/20/24

Electronically Signed By:

Grant I. Huebner

Assistant District Attorney

State Bar #: 1036890

Electronically Signed By:

Det. Scott Schmitz

Complainant