

FILED
10-30-2024
Anna Maria Hodges
Clerk of Circuit Court
2024CF005134
Honorable Jeffrey A.
Wagner-38
Branch 38

STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY

STATE OF WISCONSIN
Plaintiff,

vs.

DAVIS, DEONDRE J
3725 WEST JUNIPER COURT
MILWAUKEE, WI 53209
DOB: 12/24/2008

Defendant(s).

DA Case No.: 2024ML026941
Court Case No.:

CRIMINAL COMPLAINT

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 26, 2024, at 2656 North 48th Street, in the City of Milwaukee, Milwaukee County, Wisconsin, did recklessly cause the death of Marquell A. Newburn, 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.

Probable Cause:

Complainant is a detective with the Milwaukee Police Department and bases this complaint on the official police reports and statements of fellow members of that department. Based on that information, Complainant states as follows:

On Saturday, October 26, 2024, at approximately 1:36pm, members of the Milwaukee Police Department were dispatched to 2656 North 48th Street, in the City of Milwaukee, Milwaukee County, Wisconsin for a shooting. Officer Daniel Scott and Officer Michael Weiland were two of the first officers on scene. Officer Scott reports that upon arriving to that location, they went to the back yard and observed a maroon 2017 Kia Sedona minivan. Officer Scott was directed towards the van by a young male on scene who indicated his friend was shot inside the van. Officer Scott located Marquell A. Newburn (DOB 8/30/2012) inside the Sedona minivan. Newburn was unresponsive with a large amount of blood on his body. Officer Scott removed Newburn and rendered aid, and also observed that Newburn had gunshot wounds to his neck and chin. Newburn was taken to the hospital but was pronounced deceased at 2:22pm.

Detective Dennis McKnight spoke to DF, a witness located on scene. DF indicated he was with his friends "Niya" and "Dre" inside the Kia Sedona, along with Newburn. DF stated he was in the third row seats with "Niya" and he observed "Dre" point a gun at Newburn. DF indicated Newburn told "Dre" not to point the gun and "Dre" said he would do it again. "Dre" then pointed the gun at Newburn and the gun discharged, striking Newburn in the face.

While investigators were on scene, Detective Raena Vrtochnick spoke to an adult female who lived at 2656A N. 48th Street (the upper unit), Milwaukee, Wisconsin. While speaking to the adult female, Det. Vrtochnick observed a young black male in the residence who identified himself as "Andre D. Jones" with a date of birth of December 20, 1999. A check of that information yielded no results. Ultimately, investigators discovered this subject was actually the above-named Defendant, Deondre J. Davis. The Defendant was subsequently arrested.

Detective Joshua Heder conducted the scene investigation. Detective Heder discovered the Kia Sedona minivan was reported stolen on October 24, 2024. The front passenger window was broken out, and the steering column was damaged, with the ignition dangling from the column. The front passenger's seat and center console had blood stains, and there were more blood stains on the floorboard and in the second row seating. There was no firearm recovered, nor any spent casing. An additional search of the residence did not reveal a firearm or any spent casings related to this shooting.

Detective Justin Sokolowski conducted a further interview of DF who provided the following information: he is friends with "Quell" (Newburn) and they hang out almost daily. They went over to the location where the shooting occurred and met up with "Dre" and "Niya." DF was shown a photo array by Det. Sokolowski and identified the Defendant as "Dre." DF indicated the Defendant had a small black handgun. DF indicated that they all were hanging out in the van and he went to the back seat to get oral sex when he saw the Defendant pointing the gun at Newburn. DF indicated that Newburn told the Defendant not to point the gun at him and to stop playing with the gun. The Defendant replied "say I won't, say I won't," and then the gun went off. DF indicated he heard one gunshot and then Newburn was struck and not moving. DF then saw blood coming from Newburn's jaw and neck. DF called 911. DF further described that he (DF) told the Defendant prior to the shooting that the safety of the gun was not on. DF also described that the Defendant held the gun with a finger in the trigger guard of the firearm.

Detective Casey Donahue and Detective Shaun Lesniewski conducted a Mirandized interview of the Defendant. During that interview, the Defendant indicated that he and a group of people were hanging out in the Kia Sedona. The Defendant identified photos of Newburn and DF as two males he was with in the van. The Defendant said that Newburn was in the front passenger's seat, there was another male in the driver's seat, the Defendant was in the middle seat, and he indicated DF and a female ("Niya") were in the rear seat. The Defendant indicated he received a firearm from DF and was told the gun was not on safety and he knew the gun was loaded (he indicated he was told there was "one up," meaning there was a round in the chamber). The Defendant indicated he believed he put the safety on and then began to point the firearm at Newburn, at which time Newburn told the Defendant to stop pointing the gun. The Defendant indicated the gun went off, striking Newburn in the head. The Defendant claimed he put the gun on the seat and went to the front of the residence and told his dad what happened. The Defendant was provided a plastic gun to demonstrate how he was handling the gun. The Defendant demonstrated that his middle finger was inside the trigger guard, though he denied pulling the trigger even though his finger was within the trigger guard. The Defendant further indicated he was the only one in the car with a firearm and admitted he was the one who shot Newburn. The Defendant further acknowledged he knew that pointing a gun at someone could cause death, though the Defendant claimed it was a normal occurrence for them to point guns at each other.

Complainant knows that Dr. Joseph Calderaro from the Milwaukee County Medical Examiner's Office conducted an autopsy of Newburn. Dr. Calderaro identified a complex gunshot wound of the face, neck and right upper extremity. There was an entrance wound on the left chin, exiting the left neck between the chin and re-entering the left anterior neck. The gunshot wound struck the left carotid artery, two cervical vertebrae, and damaged soft tissue of the right side of the chest, clavicle, and penetrated the soft tissue and muscle of the right lateral upper arm. A 112 grain deformed projectile was recovered

from Newburn's right lateral upper arm. The preliminary conclusion was that this complex gunshot wound caused Newburn's death.

****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 10/30/24

Electronically Signed By:

Ian Vance-Curzan

Assistant District Attorney

State Bar #: 1092906

Electronically Signed By:

Det. Casey Donahue

Complainant