

**STATE OF WISCONSIN                      CIRCUIT COURT      MILWAUKEE COUNTY**

**DA Case No.: 2017ML006969**

**STATE OF WISCONSIN**

**Court Case No.:**

**Plaintiff,**

vs.

**AMENDED  
CRIMINAL COMPLAINT**

Scott, Deshaun K  
2515 West Auer Avenue  
Milwaukee, WI 53206  
DOB: 04/08/1999

Shaw, Qhualun D  
3286 North 41st Street  
Milwaukee, WI 53216  
DOB: 02/08/2000

Smiley, Eric J Jr  
4526 West Fond du Lac Avenue, #2  
Milwaukee, WI 53216  
DOB: 10/27/1995

**Defendant(s).**

*For Official Use*

\_\_\_\_\_ BEING DULY SWORN, ON INFORMATION  
AND BELIEF STATES THAT:

**Count 1: FIRST DEGREE RECKLESS HOMICIDE, USE OF A DANGEROUS WEAPON** (As to  
defendant Deshaun K Scott)

The above-named defendant on or about Wednesday, March 22, 2017, at 2315 West Cherry Street, in the City of Milwaukee, Milwaukee County, Wisconsin, did recklessly cause the death of GGZ, 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: FELONY MURDER** (As to defendants Qhualun D Shaw and Eric J Smiley Jr)

The above-named defendants on or about Wednesday, March 22, 2017, at 2315 West Cherry Street, in the City of Milwaukee, Milwaukee County, Wisconsin, did cause the death of GGZ, while attempting to commit armed robbery as a party to a crime (943.32(2), 939.05), contrary to sec. 940.03 Wis. Stats.

Upon conviction for this offense, a Felony, the defendants may be imprisoned for not more than 35 years.

**Count 3: ATTEMPT ARMED ROBBERY** (As to defendant Deshaun K Scott)

The above-named defendant on or about Wednesday, March 22, 2017, at 2315 West Cherry Street, in the City of Milwaukee, Milwaukee County, Wisconsin, with intent to steal, attempted to take property from the person or presence of the owner, GGZ, by use or threatening use of a dangerous weapon, contrary to sec. 943.32(2), 939.50(3)(c), 939.32 Wis. Stats.

Upon conviction for this offense, an attempt to commit a Class C Felony, the defendant may be fined not more than Fifty Thousand Dollars (\$50,000), or imprisoned not more than twenty (20) years, or both.

**Count 4: ARMED ROBBERY - PTAC, AS A PARTY TO A CRIME** (As to defendants Deshaun K Scott and Qhualun D Shaw and Eric J Smiley Jr)

The above-named defendants on or about Wednesday, March 22, 2017, at 3381 North 35th Street, in the City of Milwaukee, Milwaukee County, Wisconsin, as a party to a crime, with intent to steal, did take property from the person or presence of the owner, TTM, by use or threatening use of a dangerous weapon, contrary to sec. 943.32(2), 939.50(3)(c), 939.05 Wis. Stats.

Upon conviction for this offense, a Class C Felony, the defendants may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) years, or both.

**Count 5: FLEEING OR ELUDING AN OFFICER** (As to defendant Eric J Smiley Jr)

The above-named defendant on or about Wednesday, March 22, 2017, at 1701 West Capitol Drive, 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 marked police vehicle, did knowingly flee or attempt to elude a traffic officer by increasing the speed of the vehicle in an attempt to flee, contrary to sec. 346.04(3), 939.50(3)(i) Wis. Stats.

Upon conviction for this offense, a Class I Felony, the defendants 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 furthermore, invoking the provisions of Wisconsin Statute 343.31(3)(d)1, upon conviction the department shall revoke the defendant's operating privileges for 6 months.

**Count 6: VEHICLE OPERATOR FLEE/ELUDE TRAFFIC OFFICER CAUSING DAMAGE TO PROPERTY** (As to defendant Deshaun K Scott)

The above-named defendant on or about Wednesday, March 22, 2017, at 2700 West Hope Avenue, 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 marked police vehicle, did knowingly flee or attempt to elude a traffic officer by increasing the speed of the vehicle in an attempt to flee, causing damage to the property of JW, contrary to sec. 346.04(3) and 346.17(3)(b), 939.50(3)(h) Wis. Stats.

Upon conviction for this offense, a Class H Felony, the defendants 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 343.31(3)(d)2, upon conviction the department shall revoke the defendant's operating privileges for 1 year.

**Count 7: BAIL JUMPING (FELONY)** (As to defendant Qhualun D Shaw)

The above-named defendant on or about Wednesday, March 22, 2017, at 2315 West Cherry Street, in the City of Milwaukee, Milwaukee County, Wisconsin, having been charged with a felony and released from custody under Chapter 969 of the Wisconsin Statutes, did intentionally fail to comply with the terms of his bond, contrary to sec. 946.49(1)(b), 939.50(3)(h) Wis. Stats.

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

**Count 8: POSSESSION OF A FIREARM BY A FELON** (As to defendant Eric J Smiley Jr)

The above-named defendant on or about Wednesday, March 22, 2017, at 3381 North 35th Street, in the City of Milwaukee, Milwaukee County, Wisconsin, did possess a firearm, having been convicted of a felony in this state, contrary to sec. 941.29(1m)(a), 939.50(3)(g) Wis. Stats.

Upon conviction for this offense, a Class G Felony, the defendants may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

**Count 9: BAIL JUMPING (FELONY)** (As to defendant Eric J Smiley Jr)

The above-named defendant on or about Wednesday, March 22, 2017, at 1701 West Capitol Drive, in the City of Milwaukee, Milwaukee County, Wisconsin, having been charged with a felony and released from custody under Chapter 969 of the Wisconsin Statutes, did intentionally fail to comply with the terms of his bond, contrary to sec. 946.49(1)(b), 939.50(3)(h) Wis. Stats.

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

**Count 10: BAIL JUMPING (FELONY)** (As to defendant Eric J Smiley Jr)

The above-named defendant on or about Wednesday, March 22, 2017, at 1701 West Capitol Drive, in the City of Milwaukee, Milwaukee County, Wisconsin, having been charged with a felony and released from custody under Chapter 969 of the Wisconsin Statutes, did intentionally fail to comply with the terms of his bond, contrary to sec. 946.49(1)(b), 939.50(3)(h) Wis. Stats.

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

**Count 11: MISDEMEANOR BATTERY, DOMESTIC ABUSE - INFLICTION OF PHYSICAL PAIN OR INJURY** (As to defendant Eric J Smiley Jr)

The above-named defendant on or about Wednesday, March 22, 2017, at 3017 North 28th Street, in the City of Milwaukee, Milwaukee County, Wisconsin, did cause bodily harm to AAB, by an act done with intent to cause bodily harm to that person, without that person's consent, contrary to sec. 940.19(1), 939.51(3)(a), 968.075(1)(a)1 Wis. Stats.

Upon conviction for this offense, a Class A Misdemeanor, the defendants may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than nine (9) months, or both.

And further, invoking the provisions of sec. 968.075(1)(a)1 Wis. Stats., because this charge is an act of domestic abuse, costs upon conviction would include the domestic abuse assessment imposed under sec. 973.055(1) Wis. Stats.

**PROBABLE CAUSE:**

I am a City of Milwaukee police detective and base this complaint on on the oral and written reports of fellow officers, and on the statements of the defendants and citizen victims.

**OVERVIEW:**

The crimes described below all occurred on March 22, 2017. The three defendants began the crime spree in a Toyota that had been stolen several weeks earlier. They drove that Toyota to gas station to rob a person and obtain a second car, a Kia. From there they continued and tried to get a third car, a Mustang, but that incident ended with a homicide and the Mustang was not taken.. Later that day the defendants were caught in police chases involving both the Kia and the Toyota.

Each defendant gave a statement implicating himself and the other two defendants. Photos of the other defendants were shown during the interview to confirm the identities of the persons they were talking about.

The crimes are described below in separate categories.

**THE NONCONSENSUAL OPERATING OF JW'S TOYOTA:**

JW owns a teal 2010 Toyota Venza. He states that on March 1, 2017, his car was taken without his consent from 4780 N. 76<sup>th</sup> St., Milwaukee. No one had consent to take it or drive it on that day or afterward.

Defendant Scott was caught driving this car, as detailed below in the description of the fleeing crime.

**THE ARMED ROBBERY OF TTM'S KIA:**

TTM owns a 2015 silver Kia Soul. She states that on March 22, 2017, she was at a gas station at 3381 N. 35<sup>th</sup> St., Milwaukee, pumping gas into her car. Suddenly a man came up to her, pointed a short shotgun at her, announced that he was robbing her, tried to grab her cell phone out of her pocket, and got into her Kia and drove away. TTM noted that prior to robbing her, the man had exited a green car, and that car followed after him as he drove away in TTM's car.

Video from the gas station shows that the events related to the carjacking occurred from 10:52 AM to 10:57 AM.

**Shaw's statement relating to the Kia:**

Shaw said that he, Smiley, and Scott were together in the Toyota. They parked at a gas station on 35<sup>th</sup> and Townsend to wait for someone to rob. Smiley saw a woman pull in, and he told Shaw to rob her because she wouldn't fight as hard as a man. Shaw was supposed to do the robbery, but he lost his nerve, so Smiley took the shotgun and used it to rob the woman and take her Kia. Later the three got back together.

**Scott's statement relating to the Kia:**

Scott denies being present when the Kia was taken. Scott says that earlier in the day he saw Shaw and Smiley in the Toyota together; Smiley was driving. Smiley and Shaw left in the Toyota to "bust a

move.” About an hour later those two returned in the Toyota and picked up Scott and drove to where they had parked the Kia.

**Smiley’s statement relating to the Kia:**

Smiley said that he was in the Toyota with Shaw and Scott. Scott was driving. They went to a gas station where a silver Kia was parked pumping gas. Smiley got out of the Toyota to rob the woman of her car, originally intending to do a strong arm robbery, but as he exited the car, Scott or Shaw suggested he use the shotgun and handed him the gun. He took the gun, confronted the woman as he held the gun at his side. He drove away in the silver Kia, putting the shotgun inside it, and went to his girlfriend’s house.

**SMILEY’S DOMESTIC VIOLENCE INCIDENT AGAINST AAB:**

AAB resides at 3017 N. 28<sup>th</sup> St., Milwaukee. She is the mother of defendant Smiley’s 6 month old child.

AAB states that on March 22, 2017, at about 11:00 AM (minutes after the Kia was taken), she got a phone call from defendant Smiley asking if he could come get their son. She told him no. Moments later, as AAB was entering her house, Smiley pulled up behind her residence in a silver Kia. He exited the Kia carrying a sawed off shotgun. AAB yelled at him to get away, and he pounded on the house with the shotgun. She went outside so he would stay there, because she knew her mother had called the police. They argued outside, and he punched her in the face several times and bit her arm. When he tried to leave, she tried to put the Kia in park so he would be there when the police arrived. He ended up dragging her until she let go of the steering wheel.

When police arrived, Smiley was gone. Police noted that AAB had swelling to her eye and bite marks to her arm. AAB did not consent to being struck.

In his statement regarding AAB, Smiley said that he did take the Kia from the gas station to AAB’s house and briefly argued with her there. He denies displaying the gun to her and has no idea how she would know he had it.

**THE HOMICIDE OF GGZ:**

On March 22, 2017, at about 2:00 PM, police were called to the area of 2315 W. Cherry St., Milwaukee, to investigate a shooting. Milwaukee Fire Department personnel were already there. They found GGZ seated in the driver’s seat of his car, with a massive gunshot wound to the head. The car was parked and running. Lifesaving measures were not attempted due to the catastrophic nature of his injury.

An autopsy on GGZs body was performed by Dr. Lelinski, an Assistant Milwaukee County Medical Examiner. He found a gunshot wound to GGZs head that entered from the front and exited the back, damaging much of the skull. He determined that the cause of death was the gunshot wounds and the manner of death was homicide.

**Shaw’s statement relating to the homicide:**

Shaw said that after they had taken the Kia, all three were in the Kia together and were in search of another car. Smiley was driving the Kia. They saw a Mustang, and Smiley pulled the Kia alongside it. Scott and Shaw got out of the Kia. Scott went up to the driver carrying the sawed off shotgun; Shaw went up the rear bumper. Moments later, Scott fired the gun. Scott and Shaw ran back to the Kia, and Scott said that he fired the gun because he panicked when the victim grabbed for him.

**Scott's statement relating to the homicide:**

Scott said that he was riding in the Kia with Shaw and Smiley, looking for a car to take for Scott. Smiley is driving the Kia. They saw the victim on Cherry St. and made a couple u-turns past him. They stopped so they could rob him of the car. Scott got out with the shotgun, which had the butt sawed off and taped. Scott approached the victim and told him not to move. As Scott was adjusting his hand on the shotgun, it went off. He ran back to the Kia, and the three drove away.

**Smiley's statement relating to this crime:**

Smiley said that he was driving the Kia with Scott and Shaw. Scott saw the sports car and said he was going to take it. Smiley did a u-turn and pulled over. Smiley saw Shaw conceal the gun in his pant leg as he was getting out of the Kia. Smiley stayed in the Kia and waited. Smiley heard the shot and saw that Scott now had the shotgun. Shaw and Scott ran back to the car, and Smiley drove away.

**SMILEY FLEEING IN THE KIA:**

On March 22, 2017, at about 6:00 PM, Officers Donahue and Rivera were in a marked squad near the intersection of 25<sup>th</sup> St. and Chambers St. in Milwaukee. They saw JM's stolen Kia, and Officer Donahue was able to observe the driver's face as the Kia turned and passed the squad. They made a u-turn and activated their squad's lights and siren to stop the Kia. The Kia disregarded these signals, sped up, ran several stop signs, and went the wrong way on a one way street. The officers lost sight of the car.

Moments later, other officers saw the car in the area of 20<sup>th</sup> and Finn Streets. Officers Kuspa and Klusmann were in a marked squad and began pursuing the Kia in the area of 17<sup>th</sup> and Capitol, with their squad's lights and siren activated. The Kia accelerated away from them and ran several stop signs, gaining distance on the squad. The Kia stopped near 18<sup>th</sup> and Nash Streets, and the occupants fled on foot. The occupants were soon caught and identified as defendants Shaw and Smiley and a third man, Michael Sandridge.

Officer Donahue identified Smiley as the person he saw driving the Kia when it drove past him minutes earlier

**SCOTT FLEEING IN THE TOYOTA:**

On March 22, 2017, at about 5:45 PM, Officers Ryan Reagan and Andrew Fuerte were in a marked squad near the intersection of 26<sup>th</sup> St. and Auer Ave. in Milwaukee. They saw JW's stolen Toyota Venza, and Officer Reagan was able to observe the driver's face as it passed the squad. The officers made a u-turn and activated their squad's lights and siren to stop the Toyota. The Toyota disregarded these signals, sped up, ran several stop signs, and stop lights, and ultimately crashed into a fence and tree, causing it to stop.

The two occupants, who were now pinned inside the Toyota, exited through the sun roof and were caught after a foot chase. One of them was defendant Scott, who had the key fob for the Toyota on his person. Officer Reagan identified Scott as the driver. The other occupant was juvenile male.

**SMILEY'S STATUS AS A FELON AND AS BEING RELEASED ON BAIL:**

Records of the Milwaukee County Circuit Court maintained on CCAP show that defendant Smiley is a convicted felon, having been convicted on 6/13/16 in case number 16CF1138 of the felony offense of Theft, contrary to sec. 943.20(1)(1) Wis. Stats. He pleaded guilty on that date, was adjudged convicted, and was given warnings that he was a convicted felon and not allowed to possess a firearm. He remained released on bail in that case with a condition that he commit no new crime.

CCAP records also show that defendant Smiley is out on bail in another felony case, 16CF3648, where he is charged with the felony crimes of Felon in Possession of a Firearm contrary to sec. 941.29 Wis. Stats. and Felony Bail Jumping contrary to sec. 946.49 Wis. Stats. A condition of his bond is that he commit no crime.

Certified copies of the docket entries and bail bond have been ordered from the clerk and will be filed with the court at a later time.

**SHAW'S STATUS AS BEING RELEASED ON BAIL:**

Records of the Milwaukee County Circuit Court maintained on CCAP show that Shaw is out on bail in a felony case, 17CF713, where he is charged with the felony crime of Operating Motor Vehicle Without the Owner's Consent, contrary to sec. 943.23(3) Wis. Stats. A condition of his bond is that he commit no crime.

A certified copy of the bail bond has been ordered from the clerk and will be filed with the court at a later time.

\*\*\*\*End of Complaint\*\*\*\*

Subscribed and sworn to before me and approved for filing this 27<sup>th</sup> day of March, 2017.

---

Michael J. Lonski  
Assistant District Attorney  
1007134

---

Complaining Witness