

STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY

STATE OF WISCONSIN

Plaintiff,

DA Case No.: 2024ML000350

Court Case No.:

vs.

CRIMINAL COMPLAINT

MARTIN, HARREL JAMES
3812 WEST VILLARD AVENUE #6
MILWAUKEE, WI 53209
DOB: 12/06/1998

Defendant(s).

For Official Use

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

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

The above-named defendant on or about Tuesday, January 2, 2024, at 1818 West Fairmount Avenue, in the City of Milwaukee, Milwaukee County, Wisconsin, attempted to cause the death of DM, another human being, with intent to kill that person, contrary to sec. 940.01(1)(a), 939.50(3)(a), 939.32, 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: ATTEMPT FIRST DEGREE INTENTIONAL HOMICIDE, USE OF A DANGEROUS WEAPON

The above-named defendant on or about Tuesday, January 2, 2024, at 1818 West Fairmount Avenue, in the City of Milwaukee, Milwaukee County, Wisconsin, attempted to cause the death of RH, another human being, with intent to kill that person, contrary to sec. 940.01(1)(a), 939.50(3)(a), 939.32, 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 3: ATTEMPT FIRST DEGREE INTENTIONAL HOMICIDE, USE OF A DANGEROUS WEAPON

The above-named defendant on or about Tuesday, January 2, 2024, at 1818 West Fairmount Avenue, in the City of Milwaukee, Milwaukee County, Wisconsin, attempted to cause the death of DS, another

human being, with intent to kill that person, contrary to sec. 940.01(1)(a), 939.50(3)(a), 939.32, 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 4: ATTEMPT FIRST DEGREE INTENTIONAL HOMICIDE, USE OF A DANGEROUS WEAPON

The above-named defendant on or about Tuesday, January 2, 2024, at 1818 West Fairmount Avenue, in the City of Milwaukee, Milwaukee County, Wisconsin, attempted to cause the death of SS, another human being, with intent to kill that person, contrary to sec. 940.01(1)(a), 939.50(3)(a), 939.32, 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 5: ATTEMPT FIRST DEGREE INTENTIONAL HOMICIDE, USE OF A DANGEROUS WEAPON

The above-named defendant on or about Tuesday, January 2, 2024, at 1818 West Fairmount Avenue, in the City of Milwaukee, Milwaukee County, Wisconsin, attempted to cause the death of ES, another human being, with intent to kill that person, contrary to sec. 940.01(1)(a), 939.50(3)(a), 939.32, 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 6: ATTEMPT FIRST DEGREE INTENTIONAL HOMICIDE, USE OF A DANGEROUS WEAPON

The above-named defendant on or about Tuesday, January 2, 2024, at 1818 West Fairmount Avenue, in the City of Milwaukee, Milwaukee County, Wisconsin, attempted to cause the death of MT, another human being, with intent to kill that person, contrary to sec. 940.01(1)(a), 939.50(3)(a), 939.32, 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 7: ATTEMPT FIRST DEGREE INTENTIONAL HOMICIDE, USE OF A DANGEROUS WEAPON

The above-named defendant on or about Tuesday, January 2, 2024, at 1818 West Fairmount Avenue, in the City of Milwaukee, Milwaukee County, Wisconsin, attempted to cause the death of another, a human being, with intent to kill that person, contrary to sec. 940.01(1)(a), 939.50(3)(a), 939.32, 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 8: STRANGULATION & SUFFOCATION, DOMESTIC ABUSE - INFLICTION OF PHYSICAL PAIN OR INJURY

The above-named defendant on or about Tuesday, January 2, 2024, at 1818 West Fairmount Avenue, in the City of Milwaukee, Milwaukee County, Wisconsin, did intentionally impede the normal breathing by applying pressure on the neck of DR, contrary to sec. 940.235(1), 939.50(3)(h), 968.075(1)(a)1 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 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.

Count 9: FIRST DEGREE RECKLESSLY ENDANGERING SAFETY, DOMESTIC ABUSE - INFLICTION OF PHYSICAL PAIN OR INJURY

The above-named defendant on or about Tuesday, January 2, 2024, at 1818 West Fairmount Avenue, in the City of Milwaukee, Milwaukee County, Wisconsin, did recklessly endanger the safety of DR, under circumstances which show utter disregard for human life, contrary to sec. 941.30(1), 939.50(3)(f), 968.075(1)(a)1 Wis. Stats.

Upon conviction for this offense, a Class F Felony, the defendant may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than twelve (12) years and six (6) 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.

Count 10: POSSESSION OF A FIREARM BY A FELON

The above-named defendant on or about Tuesday, January 2, 2024, at 1818 West Fairmount Avenue, 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 defendant may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

Probable Cause:

Complainant, Alex Klabunde, is a Detective with the City of Milwaukee Police Department and bases this complaint on his personal knowledge of this investigation as well as on reports drafted by other members of the Milwaukee Police Department, which he has relied upon in the past.

On January 2, 2024, at 8:59 am, the Milwaukee Police Department was dispatched to 1818 W. Fairmount Avenue, Milwaukee. This residence is a duplex with upper and lower residences. The initial 911 call reported a pregnant female that was not dressed for the weather, asking the police. The female was later identified as DR. At 9:06 am, an updated 911 call was received wherein DR reported that the father of her kids was trying to kill her in front of her kids by choking her. DR reported that she thought she had a sprained leg from being thrown to the ground. DR reported that the male was downstairs with her kids and that she is 8 months pregnant. DR reported that she was hit in the head a few times. DR reported that the male has a gun and threatened to kill her. DR reported that the kids were downstairs with the male, that they were not safe and that she was unsure how he will react when he sees the police.

Officers were dispatched to 1818 W. Fairmount Avenue to interview DR. Based on the nature of the 911 call, members of the Milwaukee Police Department's Tactical Enforcement Unit also responded. When interviewed by law enforcement, DR identified Harrel Martin, the defendant herein, as her boyfriend of six years and the father of her children. DR indicated that there were four children inside the residence with the defendant; ages 1, 2, 3 and 4. DR stated that she is 8 months pregnant with the defendant's child and that the defendant is the father of three of her other children. DR stated that the defendant was not currently together or living with one another, however, he would come over to her house at 1818 W. Fairmount Avenue 3-4 times a week to see the children.

DR stated that on January 1, 2024, the defendant called to see the children and that she went and picked him up. DR stated that the defendant brought a big black gun with him. DR stated that during the night, the defendant hid her cell phone. DR stated that while they are not in a relationship, the defendant does not want her to see other men. DR stated that they eventually went to sleep but that she woke up around 6:00 am on January 2 and that she noticed the defendant's smartwatch on the nightstand. DR stated that she started to go through his text messages with someone identified as "My Baby" and saw some that made her upset. DR stated that she sent a text message the contact listed as "My Baby." DR stated that she realized that the defendant would be mad about her text, so she hid his watch.

DR stated that the defendant woke up and noticed the text message on his phone and realized that his watch was missing. The defendant became upset. The defendant asked DR where his watch was. DR stated that she wouldn't tell him. The defendant retrieved his gun. DR stated that the defendant then pointed his gun at her and said, "Bitch, I'll kill you ... where is my watch?" DR reported that the defendant yelled at her and then the defendant put the gun down, grabbed her by the shirt and

pushed her back. DR stated that she fell back onto the couch. DR stated that the defendant got on top of her and put his hands around her neck. DR stated that the defendant started squeezing her neck and that she could not breathe or talk. DR told police that she tried to scream but couldn't because the defendant was choking her. DR stated that she was kicking her feet and scratching the defendant's face. The defendant was saying, "Bitch, I'm about to kill you." DR stated that one of the children came into the living room. The defendant stated, "I don't care about your baby" and then grabbed his gun and walked out of the living room.

DR stated that she got up and was trying to grab clothing in order to leave the house. The defendant began "pinging" his watch through an app on his phone and was able to locate it under the bed. DR stated that the defendant followed her into the living room while holding the gun and stood next to her by the door. The defendant put the gun down and grabbed her by her neck, squeezing with both hands. DR stated that he was choking and pushing her back at the same time. The defendant continued to choke her and walk back until she fell onto the couch. DR stated that she tried to scratch and kick him. DR stated that she could not breathe. DR stated that the defendant loosened his grip and she was able to turn, however, the defendant then put her into a "choke hold" with his arm around the front of her neck. DR stated that he continued to keep her in a chokehold until he looked at himself in the mirror and stated, "Bitch, you scratched me." DR stated that he squeezed her neck tighter.

DR stated that the defendant let her go and she fell off of the couch and onto the ground. DR stated that she said "I want to go," to which the defendant responded, "I don't give a fuck." The defendant then grabbed his gun, turned and said, "Bitch, I should hit you in the face." DR stated that she was crying but was able to yell, "I need help." DR stated that at this time, she realized that she thought he was going to kill her and that she needed to leave the house. DR stated that she jumped over the couch and ran to the backdoor, went into the hallway and knocked on her neighbor's door for help. DR stated that the defendant grabbed her by the shirt and pulled her back into the apartment. The defendant then threw her to the ground in the kitchen. DR stated that when she hit the ground, she hit her knee and abdomen on the ground, causing pain. DR stated that she was laying on the ground crying. The defendant said, "this is what a bitch gets going through your phone." DR stated that the children started to come out of their room and that she tried to follow them back into the room and close the door. DR stated that the defendant reached his hand inside the door, grabbed her by her shirt and pushed her into the wall, striking the back of her head. The defendant then pulled her through the door and into the kitchen while holding the gun.

DR stated that she ran for the back door but the defendant got there first and would not let her leave. The defendant slapped her in the face with an open hand and said, "if you want to leave, go out the front door." DR stated that she walked towards the front door but the defendant stopped her from leaving. The defendant then put the gun down and pushed her onto the couch. DR stated that he then started to choke her again. DR stated that while he was choking her, one of the children came into the room. The defendant noticed and said, "bitch, I don't give a fuck." DR stated that she told him that she needed water and he loosened his hands. She was able to walk to the kitchen where she opened the window to yell for help. DR stated that she thought he was going to get his gun and she ran out the back door. DR stated that she ran into a person who was outside (the initial 911 caller) and asked him to call the police. DR stated that she found her upstairs neighbor who let her use her phone.

DR was taken to the hospital and treated for the following injuries: redness and swelling to both eyes; pain and a contusion to her left inside leg; pain to the back of her head; pain to her neck and jaw; pain to her abdomen and stomach area.

In response to the 911 calls and the nature of the information being provided, members of the Milwaukee Police Department's Tactical Enforcement Unit (TEU) responded to the address of 1818 W. Fairmount Avenue. The officers (Pos) are identified as: Sgt. RH, PO DM, PO DS, PO ES, PO MT, PO SB, PO BD, PO DF, PO GK, PO SK, PO SS.

Complainant reviewed all of the TEU's body cameras footage and summarizes the following about each officers' location:

At approximately 9:42 am, the above listed officers approached 1818 W. Fairmount Avenue and stopped against the southern exterior wall and porch of 1814 W. Fairmount Avenue, which is the residence directly to the east. The officers began negotiating with the defendant who was standing on the front porch/front door of 1818 W. Fairmount Avenue. The front door and front porch of 1818 W. Fairmount Avenue faces east and directly towards 1814 W. Fairmount Avenue. A driveway separates the two residences. There are windows on either side of the front door that face east towards the address of 1814 W. Fairmount Avenue. The officers are primarily in a single file line during the negotiations. Officers engaged the defendant in negotiations from approximately 9:42 am to approximately 10:18 am. During this period of time, the defendant was primarily standing in the front doorway/porch area of the residence facing the officers. The defendant was armed with a rifle – either holding it or with it near his feet - throughout the duration of the encounter described below.

At approximately 9:56 am, PO DF and PO SK leave the other officers and approach 1818 W. Fairmount Avenue from the rear. They reach the northernmost rear door of this multi-family residence. At approximately 10:05 am, PO DF and PO SK enter the rear stairwell and the upper unit of this residence. At approximately 10:11:20 am, PO BD and PO GK also left the group of officers in front of 1815 W. Fairmount Avenue and join POs SK and DF in the upper unit of 1818 W. Fairmount Avenue. At approximately 10:13 am, PO DF makes contact with a black female (identified as DR) in the southernmost room of the upper unit. PO DF escorts this woman out of the northernmost stairwell and then away from the residence. PO DF then returns to the upper unit.

At approximately 10:18 am, PO DM, PO SS, and PO DS are still standing in front of 1814 W. Fairmount Avenue, almost shoulder to shoulder from north to south. PO MT is standing behind PO DM and PO SS, and Sgt. RH is standing behind PO DS. PO ES is standing behind PO MT. PO SB and his K-9 partner remain behind cover at the southeast corner of 1815 W. Fairmount Avenue. Meanwhile, PO BD, PO SK, PO GK, and PO DF are at the middle common staircase of 1818 W. Fairmount Avenue. This staircase had access to the upper unit this residence, the kitchen door of the lower unit, the basement, and an exterior door on the eastern side of the residence.

At approximately 10:18:28 am the officers in front of 1814 W. Fairmount Avenue began walking towards the front door of 1818 W. Fairmount Avenue. It should be noted that, at this point, the defendant had retreated into the residence and had stopped communicating with the officers. At approximately 10:18:33 am multiple gunshots are heard being fired out of the front of 1818 W. Fairmount Avenue as the officers are in the following positions:

- PO DM and PO DS had reached the driveway of 1818 W. Fairmount. PO DS was located to the south of PO DM;
- Sgt. RH was located directly behind PO DS;
- PO SS was located behind PO DM, and further south than Sgt. RH;

- PO MT was located near the front passenger side quarter panel of an SUV parked between 1818 and 1814 W. Fairmount;
- PO ES was located at the southwest corner of 1814 W. Fairmount, to the north of PO MT.

It should be noted that the officers are exposed and generally close to one another at this point. Measurements taken during the investigation reveal that the officers were approximately 20 feet from the residence when shots were fired at them. PO DM and PO SS then run north in the driveway towards the middle exterior door of 1818 W Fairmount. PO DS and Sgt. RH return fire towards the front door of 1818 W. Fairmount from the driveway of this residence. PO ES returns fire towards the front door of 1818 W. Fairmount, from the southwest corner of 1814 W. Fairmount. PO ES can be observed bleeding from the face at this time and is believed to have been hit by a piece of brick that broke off when a bullet hit the side of 1814 W. Fairmount. The SUV referenced above was later found to have two bullet strikes to it – one to the driver’s side window and one to a rear window.

POs DF and GK then move outside to the middle exterior entry door where POs DM and SS ran to. Sgt. RH joins POs DM, SS, DF and GK. These officers force open the rear entry door and enter the middle stairwell. At approximately 10:19:30 am the officers are in the following locations:

- Sgt. RH is at the 1st floor kitchen door, just east of the door on the steps leading to it, attempting to force it open with a small ram;
- PO DM is standing on the second step leading towards the second floor, directly north of the kitchen door. PO DM is facing south towards the door, holding a ballistic shield;
- PO BD is standing directly behind and above PO DM, to the east, on the stairs leading to the second floor;
- PO SS was standing on the stairs leading to the first floor, directly behind Sgt. RH, to the east;
- PO GK was standing at the staircase landing, above the stairs leading to the basement;
- PO DF was standing at the exterior middle doorway, directly behind and east of PO SS;
- PO SK was standing on the second floor stairs above PO BD;
- POs ES and MT remained at the front of 1814 W. Fairmount Avenue.

At approximately 10:19:33am, multiple gunshots were fired through the kitchen door towards the officers (who are in the above described locations). PO DM was struck by gunfire and fell down the stairs towards the middle exterior door. The middle and northern walls of the stairwell are also struck by gunfire near the officers’ locations. Officers pulled PO DM out of the residence and rendered medical aid by applying two tourniquets to his left upper thigh. PO DM sustained a gunshot wound to his inner left thigh which fractured the femur. PO DM’s femoral artery was damaged and had to be surgically repaired to stop the bleeding.

The defendant did not immediately surrender. The defendant allowed two of the children to exit the front door of the residence. A while later, the defendant exited the front door, with his hands up and a cellphone in each hand. The defendant was placed into custody at 12:40 pm. When the defendant was arrested, he had 27 .223 caliber rifle cartridges in his right front pants pocket.

Detectives located a total of 11 bullet holes to the two front windows on either side of the front door – appearing to be both exit and entry holes. There were 4 bullet holes that appear to be entry holes

in the front door. The glass to the front door was also broken out. Also located were 12 rifle and 2 handgun casings in the front of the residence/driveway area. These were determined to be fired from MPD issued firearms.

There were a total of 13 bullet holes in the rear door with all the rounds having come from inside the residence. All of the bullet holes were located on the upper half of the door starting above the door handle.

A search of the residence revealed a black Del-Ton Inc AR 15 556 rifle with magazine and optic in the front room. It was loaded with 31 .223 LC REM cartridges in the magazine and chamber. There were a total of 10 fired .223 cartridge casings in the front room. An additional 7 fired .223 cartridge casings in the living room. There were 3 fired .223 cartridge casings found in the northeastern bedroom. A total of 20 fired .223 cartridge casings were located inside the residence.

Detectives interviewed SS, who lives in a residence with a view of the front of 1818 W. Fairmount Avenue. SS filmed the police interaction on Facebook Live. SS stated that she saw the subject go inside the residence with the rifle and shut the door. SS stated that officers approached and as they did, she heard gunshots coming from inside the residence. SS stated that the police then shot back. That Facebook Live video was reviewed and shots can be heard as soon as officers begin their approach to the residence. SS can be heard saying, "he just started shooting" and "as soon as they walked up he started shooting."

This complaint is further based on statements made by the defendant during a *Mirandized* interview following his arrest. The defendant's statement is summarized as follows: that he woke up and his watch was missing. The defendant then "pinged" his watch and it showed that the watch was at DR's house. He thought maybe his son took the watch. The defendant then went to DR's house where DR told him that she threw the watch into the street. DR eventually admitted that she went through his watch and that DR was upset. The defendant decided he was just going to leave but before he did, he found his watch. DR then went into the kitchen and he saw that she had a knife. DR didn't threaten him with it. DR went to the back of the house and the defendant heard the door slam. The defendant thought that DR went for a walk so he locked the door. The defendant was watching TV with the kids and then heard sirens.

The defendant heard police officers calling his name and saw them sneaking up to the residence. The defendant looked out of the window and saw a lot of police officers in the front of the residence. The defendant admitted communicating with the police while standing in the open door. The defendant had the rifle and then put it down. The defendant picked up the rifle after he closed the door. The defendant stated that he told the officer to put his gun down and that is why he didn't bring his kids out. The defendant stated that he "just snapped." The defendant stated that the kids were in the front room where the front door enters into. The defendant stated he snapped when police started rushing the house. The defendant stated that he heard banging on the back door and all he asked was for the officers to back up. The defendant stated that when the officers tried to rush the house, "that's when bullets got to flying." The defendant stated that he believes he shot 3 to 4 times. The defendant stated that he wasn't sure where he shot but knew he was in the front of the residence. The defendant said he was shooting with an AR 15 rifle. The defendant stated that he knew that the officers were at the backdoor. The defendant stated that he wasn't shooting at the officers, but he was shooting in that direction. The defendant stated that he only remembers firing at the front of the house but couldn't remember shooting in the rear of the house because he must have been in a state of mind where he was angry.

This complaint is further based on a review of the Wisconsin Circuit Court Access Program, which reveals that in Milwaukee County Case 2019CF1965, Harrel Martin was convicted on August 28, 2019, of the felony offense of Fleeing or Eluding an Officer in violation of Wisconsin Statutes section 346.04(3). This conviction remains of record and unreversed. Further, this conviction prohibits Martin from legally possessing a firearm.

****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 Megan M. Newport.
ADA Assigned Email Address: megan.newport@da.wi.gov

Subscribed and sworn to before me on 01/05/24

Electronically Signed By:

Megan M. Newport

Deputy District Attorney

State Bar #: 1064837

Electronically Signed By:

Alex Klabunde

Complainant