

# GUN UNIT

STATE OF WISCONSIN

CIRCUIT COURT  
CRIMINAL DIVISION

MILWAUKEE COUNTY

## CRIMINAL COMPLAINT

STATE OF WISCONSIN

DA Case No.: 2014ML007341

Plaintiff,

vs.

Complaining Witness:

*PCSO DET. WALLEN SPOTTER*

Cynova, Steven J  
5563 South Disch Avenue  
Cudahy, WI 53110  
DOB: 05/1979

Court Case No.:

Defendant,

THE ABOVE NAMED COMPLAINING WITNESS BEING DULY SWORN, ON INFORMATION AND BELIEF STATES THAT:

### **Count 1: FIRST DEGREE RECKLESSLY ENDANGERING SAFETY, USE OF A DANGEROUS WEAPON**

The above-named defendant on or about Friday, April 04, 2014, at [REDACTED] S. Disch Ave., in the City of Cudahy, Milwaukee County, Wisconsin, did recklessly endanger the safety of [REDACTED] under circumstances which show utter disregard for human life, contrary to sec. 941.30(1), 939.50(3)(f), 939.63(1)(b) 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. 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: FIRST DEGREE RECKLESSLY ENDANGERING SAFETY, USE OF A DANGEROUS WEAPON**

The above-named defendant on or about Friday, April 04, 2014, at [REDACTED] South Disch Avenue, in the City of Cudahy, Milwaukee County, Wisconsin, did recklessly endanger the safety of [REDACTED] under circumstances which show utter disregard for human life, contrary to sec. 941.30(1), 939.50(3)(f), 939.63(1)(b) 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. 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: FIRST DEGREE RECKLESSLY ENDANGERING SAFETY, USE OF A DANGEROUS WEAPON**

The above-named defendant on or about Friday, April 04, 2014, at [REDACTED] South Disch Avenue, in the City of Cudahy, Milwaukee County, Wisconsin, did recklessly endanger the safety of [REDACTED] under circumstances which show utter disregard for human life, contrary to sec. 941.30(1), 939.50(3)(f), 939.63(1)(b) 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. 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: FAILURE TO COMPLY WITH OFFICER'S ATTEMPT TO TAKE PERSON INTO CUSTODY**

The above-named defendant on or about Friday, April 04, 2014, at 5563 South Disch Avenue, in the City of Cudahy, Milwaukee County, Wisconsin, did intentionally refuse to comply with an officer's lawful attempt to take him or her into custody and retreats or remained in a building or place and, through action or threat, attempted to prevent the officer from taking him or her into custody and while doing each of the above, remained or became armed with a dangerous weapon or threatened to use a dangerous weapon regardless of whether he or she had a dangerous weapon, contrary to sec. 946.415(2), 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**

I am a Milwaukee County Sheriff's Department law enforcement officer and I base this complaint upon my review of official Milwaukee County Sheriff's Department and Cudahy Police Department incident reports, which I have relied on in the past and found to be true and accurate. Said reports indicate the following:

***Timeline of Events***

On April 4, 2014, at approximately 11:48 a.m., City of Cudahy Police Dispatch Center received a telephone call from [REDACTED] who was calling from Kentucky, and reported that her husband, [REDACTED] was communicating with the above-named defendant via "video chat." Defendant resides at 5563 S. Disch Ave. in the City of Cudahy, County of Milwaukee, Wisconsin and according to [REDACTED] was reportedly intoxicated, displayed a shotgun, and began to load the shotgun and threatened to commit suicide.

Cudahy Police Officers started to arrive at approximately 11:55 a.m. and set up a perimeter around the townhouse and [REDACTED] assumed the role of Incident Commander. [REDACTED] became a conduit between the defendant via the [REDACTED] as they continued the video chat interaction with defendant. [REDACTED] reported that defendant was continually threatening to commit suicide and his aggression escalated when he learned the police were involved and present outside of his home.

The officers learned, via the telephone call, that at approximately 12:30 p.m., defendant discharged the shotgun inside his residence. Cudahy police requested assistance from the South Milwaukee and Saint Francis Police Departments, and adjacent streets were shut down. The South Shore Joint Tactical unit came to assist.

At approximately 12:38 p.m., Officers observed defendant briefly exit the front door of his home holding an iPad device and he appeared to be video recording perimeter officers. [REDACTED] called out to defendant stating: "Cudahy Police, Steve, you know I don't want to hurt you. Come on out." Defendant looked at the Sgt. and stated: "Fuck you!" before going back inside the residence.

At approximately 12:41 p.m., [REDACTED] reported that defendant's demeanor escalated and he reported to the [REDACTED] that he intended to "go out in a blaze of glory." [REDACTED] then observed defendant exit the front door of his home and discharge a round over the homes located on the east side of the street. He then retreated back into his home.

At 12:59 p.m., [REDACTED] observed defendant exit the home from the front door and again discharge a round over the homes located on the east side of the street. At 1:08 p.m., defendant exited the home from a door on the second story balcony on the east side of the building, discharging a round over the homes on the east side of the street. However, the trajectory of this shot was lower than the two previous shots.

At 1:12 p.m., defendant exited the home from the front door, held the shotgun at his hip, and again discharged a round. This projectile penetrated the two story home located across the street at [REDACTED] Disch Ave. in the city of Cudahy, county of Milwaukee, Wisconsin.

At 1:14 p.m., defendant was observed pointing his shotgun out from the back door of his home, then returned back into his home. At 1:16 p.m., Defendant opened the front door and directed the barrel of his shotgun towards the residence at [REDACTED] S. Disch Ave. It should be noted this is where [REDACTED] were positioned to observe the defendant. They believed defendant was going to discharge a firearm at them, and [REDACTED] discharged his rifle, striking defendant in the left arm.

At approximately 1:48 p.m., defendant exited the front door of his home, and officers went outside, giving verbal commands and identified themselves as "Cudahy Police." Defendant appeared dazed/weakened, had his left arm in his pants pocket and disregarded multiple commands to show officers his hands before retreating back into his home.

Officers discharged Oleoresin Capsicum (OC) rounds to get the defendant to exit the house. After they were deployed, at approximately 4:39 p.m., Defendant was finally taken into custody.

#### ***Interviews of Occupants of 5556 S. Disch Ave.***

Milwaukee County Sheriff's Detectives [REDACTED] made contact with [REDACTED] Disch Ave. in the City of Cudahy, County of Milwaukee, Wisconsin. The detectives spoke with [REDACTED] who reported that she was lying on the couch in her living room listening to music with ear buds in. She was positioned directly under the picture window on the west wall, front of the house. She heard a "boom," looked out the front window, and noticed there were police officers outside. She continued to lay on the couch listening to music. At some point, she heard a second boom, saw the curtains above her head move, and dust flying in the air. She froze for a moment, then rolled off the couch, onto the ground, out of the living room and into her [REDACTED] bedroom.

The detectives further interviewed [REDACTED] who reported that on the above date, he was sitting on a couch in his living room watching TV when he heard, "bangs or explosions." He was not sure how many he heard, but estimated it to be 3 or 4. He said that [REDACTED] had received a text informing him that there was a police stand off in the neighborhood. [REDACTED] then went to the door of his son's room, which is just off the living room. While standing in [REDACTED] doorway, [REDACTED] heard another bang and the living room instantly became "dusty" or "smoky." [REDACTED] later informed [REDACTED] that there was a bullet on a TV tray that was in the living room. [REDACTED] retrieved this item and recognized that it was a bullet.

[REDACTED] reported that he was asleep when a friend woke him up and texted him regarding an incident in the neighborhood. He then heard a bang, and another bang about twenty minutes later. He also heard his mother, [REDACTED] scream, and yell that something came through the window. He described that he observed the bullet slug and it had a white substance that he believed was drywall. He also recalls that from his window, he saw several SWAT team members call for "Steven" to come out of a nearby residence multiple times.

**Statement of Defendant**

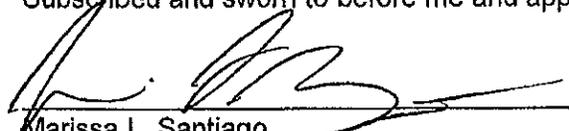
Defendant gave a Mirandized statement to Detective [REDACTED] on April 6, 2014 about the above-incident. Defendant indicated he returned home from work on third shift on the above date at approximately 07:20 a.m. He then started drinking a few "Smirnoff's" and then started drinking an entire bottle of what he believed was tequila.

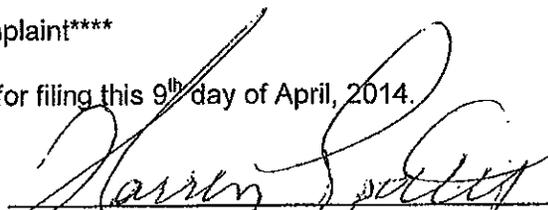
He stated that he contacted his friend, [REDACTED] via video chat on his Ipad. He wanted to show [REDACTED] the shotgun his wife owned. He got the shotgun out of a closet, removed it from its case, and went multiple places to get ammunition because he was suicidal and wanted to be taken seriously. He admitted he put the shotgun in his mouth on one occasion.

He went outside to smoke a cigarette and noticed police officers on the block and he became angry at the [REDACTED] for contacting police. He remembered going out the front door and firing the shotgun into the air at least once. He believes he shot it a second time but does not remember shooting more than that. He also remembers misfiring the gun. He initially did not remember being asked to surrender and did not remember being shot.

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

Subscribed and sworn to before me and approved for filing this 9<sup>th</sup> day of April, 2014.

  
Marissa L. Santiago  
Assistant District Attorney  
1055483

  
Complainant Witness