

FILED

05-28-2021

Clerk of Courts

Fond du Lac County WI

2021CF000399

STATE OF WISCONSIN	CIRCUIT COURT	FOND DU LAC COUNTY
STATE OF WISCONSIN	Plaintiff,	DA Case No.: 2021FL001256 Assigned DA/ADA: Eric J. Toney Agency Case No.: 21-1823 Court Case No.: ATN:
vs.		
DEVONTA D TATE 1015 N 10th St Milwaukee, WI 53233 DOB: 02/11/1994 Sex/Race: M/B Alias:		CRIMINAL COMPLAINT
Defendant.		
		For Official Use

The undersigned law enforcement officer being first duly sworn, states that:

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

The above-named defendant on or about Sunday, March 28, 2021, Fond du Lac County, Wisconsin, attempted to cause the death of Victim 1, with intent to kill that person, contrary to sec. 940.01(1)(a), 939.50(3)(a), 939.32, 939.63(1)(b), 939.62(1)(b), 939.6195(2) Wis. Stats., a Class B Felony, and upon conviction 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.

And further, invoking the provisions of sec. 939.62(1)(b) Wis. Stats., because the defendant is a repeater, having been convicted of Felon in possession of a firearm pursuant to Wis. Stat. 941.29(1m)(a) in Milwaukee County Case No. 19CF3418 on or about February 26, 2021, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased by not more than 2 years if the prior convictions were for misdemeanors and by not more than 4 years if the prior conviction was for a felony.

And further, invoking the provisions of sec. 939.6195(2) Wis. Stats., because the defendant is a repeater, having been convicted of at least one felony, Felon in possession of a firearm pursuant to Wis. Stat. 941.29(1m)(a) in Milwaukee County Case No. 19CF3418 on or about February 26, 2021 during the five year period immediately preceding the commission of this offense, which conviction(s) remain of record and unreversed, upon conviction, the court shall impose a bifurcated sentence under s. 973.01. The term of confinement shall be at least 4 years, but otherwise the penalties for the crime apply, subject to any applicable penalty enhancement. The court may not place the person on probation.

Count 2: FIRST DEGREE RECKLESS INJURY, USE OF A DANGEROUS WEAPON, REPEATER, REPEATER

The above-named defendant on or about Sunday, March 28, 2021, Fond du Lac County, Wisconsin, did recklessly cause great bodily harm to Victim 1, under circumstances which show utter disregard for human life, contrary to sec. 940.23(1)(a), 939.50(3)(d), 939.63(1)(b), 939.62(1)(b), 939.6195(2) Wis. Stats., a Class D Felony, and upon conviction may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than twenty five (25) years, 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.

And further, invoking the provisions of sec. 939.62(1)(b) Wis. Stats., because the defendant is a repeater, having been convicted of Felon in possession of a firearm pursuant to Wis. Stat. 941.29(1m)(a) in Milwaukee County

Case No. 19CF3418 on or about February 26, 2021, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased by not more than 2 years if the prior convictions were for misdemeanors and by not more than 4 years if the prior conviction was for a felony.

And further, invoking the provisions of sec. 939.6195(2) Wis. Stats., because the defendant is a repeater, having been convicted of at least one felony, Felon in possession of a firearm pursuant to Wis. Stat. 941.29(1m)(a) in Milwaukee County Case No. 19CF3418 on or about February 26, 2021 during the five year period immediately preceding the commission of this offense, which conviction(s) remain of record and unreversed, upon conviction, the court shall impose a bifurcated sentence under s. 973.01. The term of confinement shall be at least 4 years, but otherwise the penalties for the crime apply, subject to any applicable penalty enhancement. The court may not place the person on probation.

Count 3: AGGRAVATED BATTERY, USE OF A DANGEROUS WEAPON, REPEATER, REPEATER

The above-named defendant on or about Sunday, March 28, 2021, Fond du Lac County, Wisconsin, did cause great bodily harm to Victim 1, by an act done with intent to cause great bodily harm to that person, contrary to sec. 940.19(5), 939.50(3)(e), 939.63(1)(b), 939.62(1)(b), 939.6195(2) Wis. Stats., a Class E Felony, and upon conviction may be fined not more than Fifty Thousand Dollars (\$50,000), or imprisoned not more than fifteen (15) years, 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.

And further, invoking the provisions of sec. 939.62(1)(b) Wis. Stats., because the defendant is a repeater, having been convicted of Felon in possession of a firearm pursuant to Wis. Stat. 941.29(1m)(a) in Milwaukee County Case No. 19CF3418 on or about February 26, 2021, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased by not more than 2 years if the prior convictions were for misdemeanors and by not more than 4 years if the prior conviction was for a felony.

And further, invoking the provisions of sec. 939.6195(2) Wis. Stats., because the defendant is a repeater, having been convicted of at least one felony, Felon in possession of a firearm pursuant to Wis. Stat. 941.29(1m)(a) in Milwaukee County Case No. 19CF3418 on or about February 26, 2021 during the five year period immediately preceding the commission of this offense, which conviction(s) remain of record and unreversed, upon conviction, the court shall impose a bifurcated sentence under s. 973.01. The term of confinement shall be at least 4 years, but otherwise the penalties for the crime apply, subject to any applicable penalty enhancement. The court may not place the person on probation.

Count 4: FIRST DEGREE RECKLESSLY ENDANGERING SAFETY, REPEATER, USE OF A DANGEROUS WEAPON, REPEATER

The above-named defendant on or about Sunday, March 28, 2021, Fond du Lac County, Wisconsin, did recklessly endanger the safety of Victim 2, under circumstances which show utter disregard for human life, contrary to sec. 941.30(1), 939.50(3)(f), 939.62(1)(b), 939.63(1)(b), 939.6195(2) Wis. Stats., a Class F Felony, and upon conviction 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. 939.62(1)(b) Wis. Stats., because the defendant is a repeater, having been convicted of Felon in possession of a firearm pursuant to Wis. Stat. 941.29(1m)(a) in Milwaukee County Case No. 19CF3418 on or about February 26, 2021, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased by not more than 2 years if the prior convictions were for misdemeanors and by not more than 4 years if the prior conviction was for a felony.

And further, invoking the provisions of sec. 939.63(1)(b) Wis. Stats., because the defendant committed this offense while possessing a dangerous weapon, the maximum term of imprisonment for the felony may be increased by not more than 5 years.

And further, invoking the provisions of sec. 939.6195(2) Wis. Stats., because the defendant is a repeater, having been convicted of at least one felony, Felon in possession of a firearm pursuant to Wis. Stat. 941.29(1m)(a) in

Milwaukee County Case No. 19CF3418 on or about February 26, 2021 during the five year period immediately preceding the commission of this offense, which conviction(s) remain of record and unreversed, upon conviction, the court shall impose a bifurcated sentence under s. 973.01. The term of confinement shall be at least 4 years, but otherwise the penalties for the crime apply, subject to any applicable penalty enhancement. The court may not place the person on probation.

Count 5: POSSESSION OF A FIREARM BY A FELON, REPEATER, USE OF A DANGEROUS WEAPON, REPEATER

The above-named defendant on or about Sunday, March 28, 2021, Fond du Lac 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), 939.62(1)(b), 939.63(1)(c), 939.6195(2) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

And further, invoking the provisions of sec. 939.62(1)(b) Wis. Stats., because the defendant is a repeater, having been convicted of Felon in possession of a firearm pursuant to Wis. Stat. 941.29(1m)(a) in Milwaukee County Case No. 19CF3418 on or about February 26, 2021, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased by not more than 2 years if the prior convictions were for misdemeanors and by not more than 4 years if the prior conviction was for a felony.

And further, invoking the provisions of sec. 939.63(1)(c) Wis. Stats., because the defendant committed this offense while using a dangerous weapon, the maximum term of imprisonment for the underlying crime may be increased by not more than four (4) years.

And further, invoking the provisions of sec. 939.6195(2) Wis. Stats., because the defendant is a repeater, having been convicted of at least one felony, Felon in possession of a firearm pursuant to Wis. Stat. 941.29(1m)(a) in Milwaukee County Case No. 19CF3418 on or about February 26, 2021 during the five year period immediately preceding the commission of this offense, which conviction(s) remain of record and unreversed, upon conviction, the court shall impose a bifurcated sentence under s. 973.01. The term of confinement shall be at least 4 years, but otherwise the penalties for the crime apply, subject to any applicable penalty enhancement. The court may not place the person on probation.

Count 6: FELONY BAIL JUMPING, REPEATER, USE OF A DANGEROUS WEAPON, REPEATER

The above-named defendant on or about Sunday, March 28, 2021, Fond du Lac County, Wisconsin, having been charged with a felony and having been released from custody under Chapter 969 Wis. Stats., did intentionally fail to comply with the terms of his bond, contrary to sec. 946.49(1)(b), 939.50(3)(h), 939.62(1)(b), 939.63(1)(c), 939.6195(2) Wis. Stats., a Class H Felony, and upon conviction 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. 939.62(1)(b) Wis. Stats., because the defendant is a repeater, having been convicted of Felon in possession of a firearm pursuant to Wis. Stat. 941.29(1m)(a) in Milwaukee County Case No. 19CF3418 on or about February 26, 2021, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased by not more than 2 years if the prior convictions were for misdemeanors and by not more than 4 years if the prior conviction was for a felony.

And further, invoking the provisions of sec. 939.63(1)(c) Wis. Stats., because the defendant committed this offense while using a dangerous weapon, the maximum term of imprisonment for the underlying crime may be increased by not more than four (4) years.

And further, invoking the provisions of sec. 939.6195(2) Wis. Stats., because the defendant is a repeater, having been convicted of at least one felony, Felon in possession of a firearm pursuant to Wis. Stat. 941.29(1m)(a) in Milwaukee County Case No. 19CF3418 on or about February 26, 2021 during the five year period immediately preceding the commission of this offense, which conviction(s) remain of record and unreversed, upon conviction, the court shall impose a bifurcated sentence under s. 973.01. The term of confinement shall be at least 4 years, but otherwise the penalties for the crime apply, subject to any applicable penalty enhancement. The court may not place the person on probation.

Count 7: FELONY BAIL JUMPING, REPEATER, REPEATER, USE OF A DANGEROUS WEAPON

The above-named defendant on or about Sunday, March 28, 2021, Fond du Lac County, Wisconsin, having been charged with a felony and having been released from custody under Chapter 969 Wis. Stats., did intentionally fail to comply with the terms of his bond, contrary to sec. 946.49(1)(b), 939.50(3)(h), 939.62(1)(b), 939.6195(2), 939.63(1)(c) Wis. Stats., a Class H Felony, and upon conviction 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. 939.62(1)(b) Wis. Stats., because the defendant is a repeater, having been convicted of Felon in possession of a firearm pursuant to Wis. Stat. 941.29(1m)(a) in Milwaukee County Case No. 19CF3418 on or about February 26, 2021, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased by not more than 2 years if the prior convictions were for misdemeanors and by not more than 4 years if the prior conviction was for a felony.

And further, invoking the provisions of sec. 939.6195(2) Wis. Stats., because the defendant is a repeater, having been convicted of at least one felony, Felon in possession of a firearm pursuant to Wis. Stat. 941.29(1m)(a) in Milwaukee County Case No. 19CF3418 on or about February 26, 2021 during the five year period immediately preceding the commission of this offense, which conviction(s) remain of record and unreversed, upon conviction, the court shall impose a bifurcated sentence under s. 973.01. The term of confinement shall be at least 4 years, but otherwise the penalties for the crime apply, subject to any applicable penalty enhancement. The court may not place the person on probation.

And further, invoking the provisions of sec. 939.63(1)(c) Wis. Stats., because the defendant committed this offense while using a dangerous weapon, the maximum term of imprisonment for the underlying crime may be increased by not more than four (4) years.

PROBABLE CAUSE:

Complainant is a Detective with the of Fond du Lac Police Department and basis this complaint upon the report and investigation of Officer(s) Meilahn, Hahn, De Jager, Williams, Vandermolen, Schulget, Martin, and Hardgrove of the same agency with whom your complainant has worked with and knows to be competent and reliable.

- 1) On March 28, 2021, at approximately 2:11 a.m., City of Fond du Lac Police Officer De Jager was performing a directed area patrol near Kings and Queens located at 211 S. Military Road, in the City and County of Fond du Lac, Wisconsin. Officer De Jager was able to observed people leaving Kings and Queens onto the dead end of Morris St but within a few seconds Officer De Jager observed people starting to turn around and a large portion of them started walking back towards the bar. Officer De Jager heard people yelling and appeared to him that there could be a fight inside the bar.
- 2) Officer De Jager exited his squad car and made his way towards the Kings and Queens Lounge to investigate. As Officer De Jager approached he heard people continuing to yell and heard three gunshots from the area of Kings and Queens Lounge. People then began to move away from the south entrance of Kings and Queens and De Jager heard three more gunshots, which sounded louder than the first three gunshots. Officer De Jager notified dispatch of "shots fired" and attempted to get information from the crowd to identify the shooter and where the shooter went.
- 3) Officer De Jager was unable to identify the shooter but observed a male laying down on a grassy area near Kings and Queens Lounge. People began telling De Jager this male had been shot. De Jager responded to the male on the grass and identified him as Victim 1. De Jager began attempting to render medical aid to Victim 1 and learned he may have been shot in the chest and leg. De Jager pulled up Victim 1's shirt and observed a bullet hole in his chest near his left areola. De Jager observed what appeared to be an exit wound under Victim 1's left armpit.
- 4) Officer De Jager applied pressure with one hand to Victim 1's chest and began searching for additional bullet wounds. De Jager observed a second bullet wound on Victim 1's right side above his right hip. Officer Schulget then arrived and applied pressure to Victim 1's hip wound to control the bleeding. Additional City of Fond du Lac Police Officers began arriving along with members of the Fond du Lac

County Sheriff's Office, and Wisconsin State Patrol. Officer De Jager continued to apply pressure until EMS arrived and transported Victim 1 from the scene via ambulance.

- 5) Officer De Jager then proceeded to where officers had been searching for shell casings in which two casings were located by Officer Beck. De Jager photographed the casings and noted them to be Sig Sauer brand 9mm Luger casings. They were located on the concrete directly next to the steps into the building. Officer De Jager immediately collected the casings because it was raining outside. De Jager later logged them into evidence at the City of Fond du Lac Police Department.
- 6) Officer De Jager made contact with Witness 1, who advised that she witnessed the shooting. Witness 1 stated she was walking to the bar from her house when an unknown male started walking towards the bar with a gun. Witness 1 stated people were trying to stop the male and telling him not to do anything but he continued towards the bar. The male entered the bar and fired the gun multiple times then exited the bar and shot Victim 1. Witness 1 stated she did not know the shooter but described the shooter as being a younger black male with dreadlock style hair and a grey sweatshirt.
- 7) Officer De Jager responded to St. Agnes Hospital to make contact with Victim 1 and spoke with Victim 1 about the shooting. Victim 1 stated he advised he was not sure who shot him and could not provide a description. While at the Hospital Officer De Jager was advised that chest injury to Victim 1 was connected to the wound under Victim 1's armpit. The bullet that entered Victim 1's right hip was located lower down in Victim 1's thigh. Officer De Jager was advised of no apparent major internal bleeding and the projectile didn't need to be immediately removed. Officer De Jager noted the wounds appeared consistent with Victim 1 being shot twice by someone to his right. The chest wound caused bruising to Victim 1's lung but no other major damage to organs or arteries. Detective Hahn later responded to St. Agnes Hospital to obtain a more detailed statement from Victim 1. During this interview Victim 1 stated the shooter was wearing a grey hoodie with letters on the front.
- 8) Officer Ben Hardgrove arrived on scene and assisted with the investigation. An male subject advised Officer Hardgrove Witness 3 recorded the shooting through Facebook Live and may know the identity of the shooter.
- 9) Lieutenant Ryan Williams also responded to the scene and entered Kings and Queens. While in Kings and Queens Lieutenant Williams noticed two drops of blood on the floor of the downstairs women's bathroom. Herbert Haywood, the owner of Kings and Queens said the blood was related to a bloody nose earlier in the night and not related to the shooting. Lieutenant Williams inspected the rear door to the bar and observed what appeared to be a fresh bullet hole.
- 10) Lieutenant Williams then worked with Herbert Haywood to obtain surveillance footage of the shooting. It appeared to Lieutenant Williams that Herbert Haywood implied to Officer Hardgrove that the shooting had occurred outside the bar. Haywood was in the bar during the shooting and described the shooter as a light skinned black male in his 20's, 5'9" to 5'10" with dreads and wearing a grey hoodie. Haywood stated he never saw the shooter in the bar, only outside. Herbert Haywood then played a Facebook Live video from Witness 3 that appeared to be of the shooting officers were investigating. Investigators reviewed the video and noted the shots appeared to have been fired from inside Kings and Queens near the inside of the back door.
- 11) Officer Hardgrove viewed the Facebook Live video and began searching near the back door for shell casings and was informed by Michelle Haywood that the bar swept up after the shooting and no casings were found. Herbert Haywood told Officer Beck that approximately 1 ½ to 2 hours after the shooting he picked up a casing and placed it on the bar but was now unaware of where the casing was located. Herbert Haywood then called the bouncer, Anthony Williams over to discuss one or two shell casings that were located, which differed from the initial statement of only one shell casing having been found. Anthony stated that "Michelle" moved the casings, referring to Michelle Haywood. Officers noted that Michelle Haywood had previously denied having located any shell casings while cleaning up.
- 12) Officer Hardgrove advised Lieutenant Williams that he located a shell casing in a mop bucket, which was just inside the back door to the bar. Officer Hardgrove also informed Lieutenant Williams that he believed someone had recently placed a piece of paper over a bullet hole in the door to the back of the bar.

- 13) Surveillance footage from Kings and Queens shows a male in a hooded sweatshirt walking towards the rear door of the business from south on Morris St. The male appears to be carrying a handgun in his right hand. This footage is just after a fight broke out in the street behind the business. The footage shows the male with a gun walk up towards the steps, put on a black facemask, and walk up the steps towards the rear door of the business. The footage appears to show the shooting occurring just at or inside the rear door of the business.
- 14) Additional surveillance footage from Kings and Queens shows a large crowd of individuals running toward the front of the bar, including a male wearing a dark colored hooded sweatshirt with the hood up, which matched the description of the shooter. This subject is observed walking toward the front of the bar, after the shooting, and a short time later, walking towards the back of the bar again. This subject is still wearing a hooded sweatshirt with the hood up and a black facemask. This footage matches with the Facebook Live video from Witness 3.
- 15) The Facebook Live video from Witness 3 shows multiple people fighting in the street behind the bar. The fight appears to move further south and then then parties begin to disperse. Witness 3 is heard on the video saying people are still fighting as Witness 3 approaches the back of the bar. While Witness 3 is near the back of the bar the video shows a black male wearing a grey hooded sweatshirt, the hood over his head, and put on what appears to be a black facemask before walking up the steps. This masked subject then enters the rear door of Kings and Queens and within seconds, six gunshots are heard.
- 16) Detectives Kristina Meilahn and Nick Hahn responded to St. Agnes Hospital to speak with Victim 1 to learn if Victim 1 had any information about the shooting. Victim 1 stated he turned around and the man had a gun in his face. Victim stated if he hadn't grabbed the gun he believed the shooter would have shot him in the face. Victim 1 stated he was trying to stop people from fighting and grabbed "his guy", Tommy, to get him out of the fight. He also grabbed the person on top of "his guy" and told him to "chill out." Victim 1 stated "his guy" actually punched him in the face. Victim 1 heard shots fired and when he turned around there was a gun in his face. Victim 1 grabbed the gun and he was then shot twice and fell out of the bar. Victim 1 stated the shooter tried to shoot him in the face and it happened so fast he was just trying to get away after being shot. Victim 1 described the shooter as wearing a grey hoodie. Detective Meilahn was provided a Facebook photo of the alleged shooter, which she received from an anonymous source. Meilahn noted the photo appeared to have been taken the night of the shooting inside Kings and Queens. Detective Meilahn then received a second photo from the anonymous source which appeared to identify the Facebook page name of "Tay Madeforit."
- 17) A subsequent search of the Kings and Queens Lounge was performed with the assistance of the Wisconsin Crime Lab. Detective Meilahn assisted with the warrant and observed a pass through bullet hole in the rear/south door of the bar. This hole had a piece of paper covering it when officers arrived to the scene. An indent lower in the same door appeared to have been from a bullet strike, which may have ricocheted off the door, instead of passing through it. Three bullet holes were also observed in the ceiling of the bar, just inside the rear door of the bar. One of those bullets traveled into the second floor bathroom striking the bathroom's ceiling. This spent round was recovered in the second floor bathroom. Two additional bullets were located in the ceiling of the bar.
- 18) Detective Meilahn noted six shots were audible in the Facebook Live video. Three spent rounds were located in the ceiling of the bar, consistent with Michelle Haywood's account of the three shots being fired in the ceiling and three additional shots being fired in Victim 1's direction with two apparent bullet hole/markings on the door and one bullet located inside Victim 1. One bullet passed through Henderson's chest and exited his left armpit area. Medical Physicians at St. Agnes Hospital confirmed that this bullet was no longer in Henderson's body. This bullet was not located. The indent in the door, where a bullet appeared to have glanced/ ricocheted off, is believed to be the bullet that is still lodged in Henderson's right thigh, based on the location of that indent and Henderson's entry wound on his right side.
- 19) Detective Vandermolen spoke with Michelle Haywood later in the day on March 28, 2021. Michelle stated that she was bartending at Kings and Queens during the shooting. She described a fight near the rear door of the bar and thought about 15 people were involved. She stated her husband, Herbert Haywood was trying to break up the fight along with some customers. Some of those trying to break up the fight were now getting involved in the fight. Michelle stated she saw a male with a grey hoodie enter the bar take his gun out, start shooting in the air. Michelle then saw Victim 1's face towards the shooter brushing

the gun away from him while turning away from the shooter. Michelle stated she saw the shooter point the gun at Victim 1.

- 20) Michelle stated that Victim 1 told her the brother of Tommy shot him. Detective Vandermolen showed Michelle a photo of Tay Madefort and Michelle identified that person as Tommy's brother. Michelle also acknowledged finding two shell casings on the floor during cleanup of the bar, one being close to the door and the one being close to the stage. Michelle stated she picked them up and gave them to Herbert. Michelle described the gun as looking like a semi-automatic handgun similar to Detective Vandermolen's duty weapon. Michelle also stated that another bartender, Shakela Glover, put the piece of paper over the bullet hole in the door.
- 21) Detective Meilahn continued to attempt to identify the shooter and learned the Facebook page for "Tay Madefort" was taken down. Detective Meilahn located additional Facebook pages that information related to the shooting and images of those at Kings and Queens during the shooting. Detective Meilahn observed a video showing a person that matched the appearance of the shooter with a distinctive necklace that is also in the images provided by the anonymous source. Meilahn noted the appearance of this person appeared to match the footage from the Kings and Queens surveillance and photo from the Facebook page of "Tay MadeForIT."
- 22) Detective Vandermolen was also working to identify the shooter and search for information in relation to a distinctive Milwaukee Brewers baseball glove and what appeared to be a city skyline behind the gloved tattoo, which is believed to be on the shooter's left inside forearm. Detective Vandermolen noted this Milwaukee Brewers tattoo is visible on the shooter from multiple photographs/still images from the Facebook Live video. Detective Vandermolen was receiving anonymous tips that the shooter was the brother of Tommy Maclin and that the shooter was from the Milwaukee area. Vandermolen received another anonymous tips that the name of the shooter is Devonta Tate and is the brother of Tommy and their mother, Shannon Tate, passed away in 2018. Detective Vandermolen indicated this anonymous tipster also provided information which investigators already knew, lending to the credibility of the information. Detective Vandermolen also viewed DOC registry photos for Kartriae Tate and Devonta Tate and recognized them as being with Tommy Maclin leading up to the shooting, based on surveillance footage.
- 23) Detective Hahn contacted the Department of Corrections and learned that Devonta D. Tate (DOB: 2/11/1994) had a tattoo of the Milwaukee Brewers glove with the skyline on his forearm. Detective Hahn obtained a photo of the tattoo and compared it to the still images from surveillance at Kings and Queens and they appeared to be a match.
- 24) Herbert and Michelle Haywood returned to the Fond du Lac Police Department on March 29, 2021 and provided additional information, including a shell casing. Michelle indicated she found the shell casing in her fanny pack and it was a casing placed on the bar by Herbert after the shooting. Herbert stated he originally found the casing near the back of the bar.
- 25) On Tuesday March 30, 2021 investigators shared their identification of Devonta Tate as a shooter from Kings and Queens on March 28, 2021 and a probation and parole apprehension warrant was placed on Devonta Tate. Detective Hahn spoke with Tate's Probation Agent, Patrick Richards. Detective Hahn sent Agent Richards images of the shooter from Kings and Queens. Agent Richards identified Devonta Tate as the person in those images. Detective Hahn learned that Devonta Tate was taken into custody on Tuesday April 13, 2021 at was located at the Milwaukee Secure Detention Facility.
- 26) Detective Meilahn continued viewing surveillance footage from Kings and Queens Lounge leading up to and after the shooting. Detective Meilahn observed Herbert Haywood move a gun he had put at the south end of the bar to back counter behind the bar. After the shooting Michelle Haywood appears to walk over by Anthony Williams, picks up a shell casing, and appears to put the casing in the fanny pack she is wearing.
- 27) On April 21, 2021 Detectives Hahn and Meilahn interviewed Devonta Tate. During the interview Detectives observe the Milwaukee Brewer tattoo that matched the images of Tate previously viewed by investigators as well as the tattoo observed on the shooter at Kings and Queens. Detective Hahn referenced a shooting that occurred a few weeks prior in the City of Fond du Lac at a bar. Hahn

referenced that Devonta's brother, Tommy, works as a bouncer at that bar and that Hahn knew Devonta came up to the bar. Devonta Tate stated he was at the bar having a good time, a fight broke out, and then "shots afterwards." Devontae stated that his mom died a month after his brother died and that his brother was shot nine times and killed.

- 28) The detectives asked Devonta Tate what he was wearing the night of the shooting and he described a Nike shirt. The detectives also brought up a distinctive necklace with a pendent. Devonta Tate stated his necklace has his mom's photo in the middle of it with rhinestones around it and his brother's photo is also on it. Tate denied wearing a gray hoodie when confronted about it and detectives advised Tate they had him on surveillance putting the grey hoodie on.
- 29) Detectives showed Devonta Tate more images and laid out that Tate's brother, Tommy Maclin identified him as the shooter. Detectives also advised Tate that after Tommy punched someone in the face during the fight, three people heard Tommy tell Tate to "shoot that motherfucker in the face." Detectives also confronted Tate about putting a mask on outside the bar before going in. Tate stated "I put my mask on because it's COVID, and you can't be in there without a mask, and then I went in there to get my family."
- 30) Detective Meilahn also advised Tate that they spoke with another witness outside the bar that was begging Devonta Tate not to shoot someone in the street when Tate had a gun in his hand and was pulling the trigger. Detective Meilahn obtained the clothing Tate was wearing when he was taken into custody and it was consistent with the clothing Tate was wearing during shooting, including; Nike shoes, black Nike t-shirt, and a silver colored necklace.
- 31) On May 6, 2021 Detective Meilahn spoke with Victim 2 regarding the shooting at Kings and Queens Lounge on March 28, 2021. Victim 2 indicated that he was at Kings and Queens on March 28, 2021 and there were a lot of people "swinging and before you knew it, there was gun pulled..." Victim 2 stated there was a big fight in back and that Victim 2 was pushed out the back door of Kings and Queens. Detective Meliahn explained that video from the fight shows the shooter, identified as the defendant Devonta Tate, going towards the road, where Victim 2 was. Tate cuts in front of the person Victim 2 was fighting and Victim 2 saw the gun. Detective Meilahn then shows Victim 2 still images from the incident which show Devonta Tate backing Victim 2 down the street. Victim 2 stated the gun was in his face but Victim 2 wasn't sure if there was an effort for the trigger to be pulled. Victim 2 stated the gun almost touched his face.

Based on the foregoing, the complainant believes this complaint to be true and correct.

Subscribed and sworn to before me on 05/28/21

Electronically Signed By:

Tessa Button

Assistant District Attorney

State Bar #: 1114495

Electronically Signed By:

Detective Kristina Meilahn #140

Complainant