

FILED
06-28-2022
George L. Christenson
Clerk of Circuit Court
2022CF002487

STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY

STATE OF WISCONSIN

Plaintiff,

vs.

McCaa, Kevin Gerald
4532 West Eggert Place
Milwaukee, WI 53218
DOB: 08/25/1986

Defendant(s).

DA Case No.: 2022ML012979

Court Case No.:

**AMENDED
CRIMINAL COMPLAINT**

For Official Use

THE BELOW NAMED COMPLAINANT 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 Tuesday, June 7, 2022, at 4532 West Eggert Place, in the City of Milwaukee, Milwaukee County, Wisconsin, did recklessly endanger the safety of ZJM, 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: SECOND DEGREE RECKLESSLY ENDANGERING SAFETY, USE OF A DANGEROUS WEAPON

The above-named defendant on or about Tuesday, June 7, 2022, at 4532 West Eggert Place, in the City of Milwaukee, Milwaukee County, Wisconsin, did recklessly endanger the safety of DTB, contrary to sec. 941.30(2), 939.50(3)(g), 939.63(1)(b) 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.

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: POSSESSION OF A FIREARM BY A FELON

The above-named defendant on or about Tuesday, June 7, 2022, at 4532 West Eggert Place, 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.

Count 4: BAIL JUMPING (FELONY)

The above-named defendant on or about Tuesday, June 7, 2022, at 4532 West Eggert Place, 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 defendant may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

Count 5: POSSESSION OF METHAMPHETAMINE

The above-named defendant on or about Tuesday, June 7, 2022, at 4532 West Eggert Place, in the City of Milwaukee, Milwaukee County, Wisconsin, did knowingly possess methamphetamine, contrary to sec. 961.41(3g)(g), 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.

And the Court may suspend the defendant's operating privileges for not less than six (6) months nor more than five (5) years. If the defendant's driving privileges are already suspended, any suspension imposed must be served consecutively.

Complainant is a City of Milwaukee Police Department (MPD) officer and bases this complaint on the observations, investigation, and reports of other MPD officers.

On 6/7/2022, MPD officers responding to a complaint of a shooting at 4532 W Eggert Place in the City and County of Milwaukee, Wisconsin. Eyewitnesses indicated that the shooting happened at about 1:53 a.m.

MPD Detectives W. Capelli and T. Mason interviewed twenty year-old XCM, who stated as follows.

- XCM has had issues with his uncle, Kevin McCaa (defendant). About a year ago, XCM sold a car to the defendant but the defendant was arrested for an incident involving the car. The defendant has been upset with XCM after XCM refused to take the blame for drugs found in the car.
- The night before the shooting, on 6/6/2022, XCM and the defendant were playing video games at separate locations, and the defendant kept sending threatening text messages to XCM. Later, the defendant pulled up the XCM's residence (3003 N. 21st St),. The defendant shouted for XCM to come outside and said "I'll pop your bitch ass." XCM's mother (LMM) let XCM out the back door to avoid the defendant. XCM's mother, LMM, told XCM to go to the house of his

grandmother (RVM), which is located at 4532 W. Eggert Place. LMM also gave a Glock 9mm pistol to her son when XCM left the residence (at 3003 N. 21st St).

- XCM drove to his grandmother's residence, which is also the residence of the defendant. This concerned XCM, but they wanted to talk with his grandmother, RVM, because his grandmother is the only one who can calm down the defendant. His mother LMM, his little brother, ZJM, and his cousin, OCT, followed XCM in separate cars to 4532 W Eggert Place. As XCM walked up to the house, the defendant came out the front door and stood on the porch, armed with a rifle. He said, "get the fuck away from my crib." And shot the rifle. XCM told everyone to get down. At first, XCM was unsure whether the defendant was shooting at them, but then XCM heard his little brother say that he had been shot. XCM had the 9mm pistol on him, and shot back at the defendant. XCM had been driving away when he heard his brother shout this, so XCM stopped the car and shot back. XCM and his mother LMM then drove their fifteen year-old brother, ZJM, to St. Joseph's Hospital.

MPD Det. S. Gonzalez interviewed XCM's cousin, OCT, who stated as follows. At about 8:00 p.m. on 6/6/2022, OCT went to visit her Aunt LMM who lives at 3003 N. 21st St. While OCT was there, XCM told OCT that the defendant had threatened to "put him in the grave" earlier that day. Shortly thereafter, the defendant showed up at 3003 N. 21st St and screamed for family members to come outside. OCT left this residence, and was hearing home when her Aunt LMM called and claimed that the defendant was chasing XCM and XCM was going to their grandmother's residence. OCT arrived outside her grandmother's home (located at 4532 W Eggert St) and waited for other family members to arrive. OCT saw the defendant pull up and run into the home, then emerge with a black semi-automatic rifle, and shoot in her direction. Standing from across the street, OCT saw her other cousin, FRM (DOB 08-06-2012) and screamed, "Fallon's outside!" The defendant replied, "I don't care," and continued shooting. OCT realized that the defendant would not stop shooting, and tried to cross the street to grab FRM. But that's when OCT saw ZJM come from the next door neighbor's home to the west, run around the front of LMM's vehicle to try and grab FRM too. OCT saw the defendant reloading a firearm, and then transition to a handgun which was used to continue to fire. As soon as the gun shots ceased, OCT heard ZJM scream and hold his ear and say, "I've been shot." OCT crossed the street and reunited with ZJM, FRM, and their mother, LMM. OCT then saw the defendant run from the front door towards the rear of the residence. The four crossed the street and got into OCT's vehicle, and OCT saw that ZJM was bleeding from the left ear and had blood all over his Nike sweatshirt. OCT drove them to St. Joseph's hospital.

MPD Det. S. Gonzalez also interviewed nine year-old FRM, who stated that she was at home with her mother and other family members, getting her hair done, when she heard "Uncle Kevin" screaming for them to come outside. Other family members went to see what the commotion was about, and her mother screamed for her to get down. FRM crawled to the rear of the residence because she didn't want to get shot. FRM recalled her brother coming over and saw that he was shot. "I've been shot, my ear," ZJM said. FRM went to the hospital with her mom and cousin ZJM and OCT.

MPD Det. A. Guitierrez interviewed the mother, LMM, who stated as follows. LMM provided a similar account of the background issues between her brother, the defendant, and her son, XCM. She added that the defendant had previously threatened to shoot/kill XCM, and that, at about 1:00 a.m. on 6/7/2022, the defendant sent threatening messages to XCM via XBOX. The defendant told XCM he was on his way to send him to see his dead dad. The defendant then arrived to their residence at 30003 N. 21st Street in a blue vehicle, and was outside threatening to shoot/kill XCM. LMM sent XCM out the back door and told him to leave so the defendant wouldn't do anything to the house. LMM said that the defendant then followed XCM and chased him. In his car. LMM claimed that she and OCT chased the defendant who was chasing XCM, and saw the defendant

point a handgun at XCM. LMM believed that XCM went to his grandmother's house because he did not believe that the defendant would do anything at her house, which is located at 4532 W Eggert Pl. When they arrived and parked, the defendant exited his vehicle and ran inside the residence. Then the defendant came out front, armed with a rifle, and started shooting at them. LMM took cover in front and around their vehicles. LMM believed that the defendant was trying to shoot XCM. ZJM yelled that he had been shot, when ZJM was trying to go toward his little sister, FRM. Then LMM heard XCM yell, "You shot my mother fucking brother!" and XCM returned fire at the defendant. LMM said that XCM was using both her firearms during this incident, and must have taken her guns without her knowledge.

Det. Guitierrez reports that police subsequently recovered LMM's firearms with her consent. A black Glock 17 (S/N BSHG884) had 18 unspent cartridges and 1 in the chamber. A Sig Sauer P365 had 1 unspent 9mm cartridge in the chamber.

Det. Tyler Pileggi reviewed the scene at 4532 W Eggert Pl and observed multiple spent rifle casings beginning to the west of the concrete steps that lead to the small concrete porch and the multiple spent rifle casings were observed from on the ground from the driveway just west of the concrete steps, on both concrete steps, on the small concrete porch, in the small foyer east of the small concrete porch, in the dining room of the residence as well as in the living room of 4532 W. Eggert Pl. Det. further observed a bullet on the floor in the living room along the east wall of the living room. Det. Pileggi observed three vehicles and one trailer that were struck by gunfire. In addition to 4532 W. Eggert, Det. Pileggi observed that 5139 N. 47th St., apartment 3 was struck by gunfire which entered into the residence while individuals were inside, including DB, though no one was struck. Det. Pileggi observed twelve 9mm casings on scene as well as 36 spent rifle casings labeled LC21. Based on the trajectory of the bullet strikes in apartment 3 of 5139 N. 47th St., it is likely that the shots came from the defendant's rifle on the porch where a great number of the rifle casings were found.

A review of the defendant's prior record reveals that he was convicted on January 10th, 2019 in Milwaukee County Case 2018CF537 for Veh.Operator Flee/Elude Traffic, a Class I Felony. The conviction is of record and unreversed.

This complaint is also based upon my examination of the official Milwaukee County Circuit Court file in Case# 2021CF4865, in which the defendant was charged with the felony offenses of Second Degree Recklessly Endangering Safety, Felon in Possession of a Firearm and Vehicle Operator Flee/Elude Officer. That file further reflects, that the defendant was released from custody in that case under the provisions of Wisconsin Statutes Chapter 969, with a condition that the defendant not possess any firearms nor commit new crimes. Said file further reflects, that the above conditions of bond were in effect at the time of the offense.

On June 7th, 2022, PO Laufenberg responded to 4532 W. Eggert Place, located in the City and County of Milwaukee, State of Wisconsin for a reported shooting. During the course of the investigation, a consent to search was conducted. Located inside of a bedroom was a green leafy plant like substance and several pink pills with a "F" label on them, suspected to be methamphetamines. These substances and several other drug paraphernalia was recovered from this room and inventoried.

Recovered from the room were thirteen (13) Mylar bags which contained a green leafy plant like substance. Also located were several clear plastic baggies which also contained a green leafy plant like substance. PO Laufenberg tested samples from both types of bags utilizing a NARK II 05 Field Test Pouch which revealed it to test positive for THC with a total weight of 215.97 grams.

Recovered from the room were approximately seven (7) total pink pills with the label "F" on them that PO Laufenberg suspected to be methamphetamines. The pills were of different sizes and appeared to be broken or missing sections. PO Laufenberg subjected a sample of these pills to a Nark II 01 and NARK II 15 Field Test Pouch which revealed it to test positive for Methamphetamines. PO Laufenberg then subjected a sample of the pills to a NARK II 33 Field Test Pouch which revealed it to test positive for fentanyl. The total weight of the pills was approximately 3.12 grams.

Additionally, 4 digital scales and identifiers for the abovenamed defendant were recovered from the room where the controlled substances were located.

****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.

Subscribed and sworn to before me on 06/27/22

Electronically Signed By:

Eric Bashirian

Assistant Attorney General

State Bar #: 1105843

Electronically Signed By:

Police Officer Jeffrey CULLEN,

Complainant