

GL-10-21

**NOTICE OF INJURY GIVING RISE TO CLAIM FOR DAMAGES PURSUANT TO
WISCONSIN STATUTE SEC. 893.80(1d)(a)**



To:

Matt Krauter
Kenosha City Clerk
Attention Claims
625 52nd Street, Room 105
Kenosha, WI 53140

Regi Bachochin
County Clerk Kenosha County
1010 56th Street
Kenosha, WI 53140

Edward R. Antaramian
City Attorney Kenosha, WI
625 52nd Steet, Room 201
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Daniel Miskinis
Kenosha Police Dept.
1000 55th Street
Kenosha, WI 53140

NAME AND ADDRESS OF CLAIMANTS:

Anya Hughes, individually, and as a Successor In Interest for Jordan Parris, deceased.
6736 Greenleaf Avenue, Suite 2
Whittier, CA 90601

DATE AND LOCATION GIVING RISE TO CLAIM

DATE: January 9, 2021
TIME: 11:30 P.M.
PLACE: On 22nd Avenue 23 feet south of Washington Road, City and County of Kenosha

CIRCUMSTANCES OF EVENTS GIVING RISE TO THE CLAIM

The decedent, 27 year old Jordan Parris, was the driver of a Subaru Crosstrek on Washington Road in the City of Kenosha, WI and was stopped at a red light. A GMC Yukon driven by Charles Miller was traveling west bound at a high rate of speed and ran a red light hitting another car and eventually impacting the Subaru driven by Jordan Parris and she died at the scene. Prior to Charles Miller running the red light he was being chased by a Kenosha Police Sergeant Trevor Albrecht, who died in a snowmobiling accident on January 16, 2021. Albrecht, was in civilian clothes, not identified as a police officer and driving a not observable unmarked police car without lights or siren on the 4200 block of Sheridan Road Miller pulled up next to Miller, rolled down his window and said "what's up"? He did not identify himself as a police officer. Miller asked, "Why are you tailing me"? There was an exchange of words and Miller sped off turning west onto Washington Road. Minutes later, with the sergeant still following him Miller ran the red light striking a silver sedan and going airborne, colliding with the Subaru driven by Jordan Parris. As a direct result of Sergeant Albrecht failing to identify himself as a police officer in an unmarked vehicle with no siren and chasing Miller in a dangerous manner, Jordan Parris died. Please see the attached police report that is made a part of this notice. The claim and the relief sought include, but are not limited to, medical and funeral expenses, pecuniary loss, loss of society and companionship.

This is a notice of injury pursuant to Wis. Stat 893(1d)(a) to satisfy the 120 day written notice requirement. This is not "an itemized statement of relief" pursuant to Wis. Stat 893.80(1d)(b), which does not have a similar time limitation. Ms. Parris died as a result of occurrence which is the subject of this claim and all derivative claims.

Date: 5/03/21



Anya Hughes, In Success
In Interest to Jordan Parris, deceased

STATE OF WISCONSIN

CIRCUIT COURT

KENOSHA COUNTY

STATE OF Wisconsin

Plaintiff,

CRIMINAL COMPLAINT

vs.

DA Case #: 2021KN000139

CHARLES D. MILLER

Agency Case #: KPD 2021-00001357

1614 Dodge Street

Waukegan, IL 60085

DOB: 07/07/1984

Sex/Race: M/B

Eye Color: Brown

Hair Color: Black

Height: 5 ft 8 in

Weight: 200 lbs

Alias: Also Known As Charles

David Miller

Defendant.

For Official Use

The undersigned, being first duly sworn, states that:

Count 1: HOMICIDE BY NEGLIGENT OPERATION OF A VEHICLE

The above-named defendant on or about Saturday, January 9, 2021, in the City of Kenosha, Kenosha County, Wisconsin, did cause the death of Jordan L. Parris, by the negligent operation of a vehicle, contrary to sec. 940.10(1), 939.50(3)(g) 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 the Department shall revoke the defendant's operating privilege for one (1) year, and shall order the defendant to submit alcohol assessment and if necessary, to comply with treatment as a condition of reinstatement.

Count 2: RESISTING AN OFFICER CAUSING A SOFT TISSUE INJURY TO OFFICER

The above-named defendant on or about Saturday, January 9, 2021, in the City of Kenosha, Kenosha County, Wisconsin, did cause a soft tissue injury to an officer while knowingly resisting the officer, while such officer was doing an act in an official capacity and with lawful authority, contrary to sec. 946.41(2r), 939.50(3)(h) 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.

PROBABLE CAUSE:

On 01/09/21 at approximately 2020hrs, Sergeant Albrecht responded to the area of 900 19th Av., Kenosha, WI, for a report of multiple gunshots. Dispatch advised that a black SUV (IL REG CC17236) was seen leaving the area by the caller. Sergeant Albrecht was on special

assignment, in a surveillance squad not detectable as a police vehicle, dressed in regular civilian clothes with no identifiable police equipment/gear on, with a badge tucked inside his shirt, and his gun not visible while driving.

As Sergeant Albrecht approached 50th St. from Sheridan Rd., he turned and traveled W/B. At about the 1500 Blk of 50th St., Sergeant Albrecht could hear very loud bass from a vehicle several blocks away. Sergeant Albrecht was able to see a dark colored SUV traveling E/B on 50th St. towards him at an accelerated speed through the neighborhood. This was the vehicle not only with the loud music and traveling quickly, but also matched the description of the car leaving the scene of the shots fired. As the vehicle continued E/B on 50th St., Sergeant Albrecht conducted a U-Turn constantly keeping an eye on the moving SUV. Sergeant Albrecht caught up to the SUV as it was at a red light on 50th St., awaiting to turn N/B on Sheridan Rd. The SUV then turned accelerating very quickly. The SUV weaved quickly in and out of traffic in both N/B lanes accelerating to around 50 MPH. Sergeant Albrecht continued to stay behind the vehicle and report location and behavior to squads approaching, though they were still not in the area. At this point, the SUV pulled over to the far east lane of N/B traffic in about the 4200 Blk of Sheridan Rd.

Sergeant Albrecht slowed and kept a distance in the far east lane. The SUV then did a wide U-Turn over all four lanes of traffic. The SUV then completes a complete circle, and instead of traveling S/B it continues back N/B in the 4200 Blk of Sheridan Rd., now on the inside lane of traffic. Sergeant Albrecht approached a red light at Washington Rd. & Sheridan Rd. while in the far east lane. The SUV pulled up to Sergeant Albrecht in the N/B lane directly beside him to the west. The SUV backed up and then revved forward several times before then approaching the open spot in the lane beside Sergeant Albrecht's left. Sergeant Albrecht could see a male, later identified as Charles D. Miller (M/B 07/07/84) driving. There was a front passenger who was later identified as Aden J. Corcoran (M/W 12/23/03). As the SUV came to a stop beside Sergeant Albrecht the driver, Miller, stared at Sergeant Albrecht with an angry face.

Sergeant Albrecht then rolled down his window asked him "what's up?" Miller then said to Sergeant Albrecht angrily, "why the fuck you tailgating me?" Sergeant Albrecht then asked him why was driving the way that he was. He then seemed even more angry, called Sergeant Albrecht a "motherfucker" several times and then asked why Sergeant Albrecht was tailgating him. At this point Sergeant Albrecht disengaged communication with Miller. Sergeant Albrecht never identified himself as a police officer.

As the light changed green, Miller then proceeded to navigate from the center lane to turn W/B on Washington Rd., in the City and County of Kenosha, State of Wisconsin. Miller immediately accelerated to a very high rate of speed. Sergeant Albrecht then switched lanes and made a turn on Washington Rd. after the SUV was already several blocks W/B. Sergeant Albrecht accelerated quickly and did not see the vehicle. Approaching the curve in the 1500 Blk of Washington Rd., Sergeant Albrecht saw an E/B vehicle slow drastically and move to the side as if it was getting out of the way of a vehicle that just passed it. Sergeant Albrecht then made the curve, continuing W/B and slowing to observe N/B on 16th Ave. from Washington Rd. to check and see if the SUV went that way, but saw no taillights.

Approaching the 1800-1900 Blk of Washington Rd., Sergeant Albrecht could see taillights enter the intersection of Washington Rd./22nd Av. at a high rate of speed and then Sergeant

Albrecht observed what appeared to be the SUV strike multiple vehicles creating a large cloud of dust and smoke.

PO McDonough reports that on January 9, 2021 around 23:30 hours he followed Sergeant Albrecht who was driving westbound in the 1400 block of Washington Road with no lights or sirens activated. While following, officers were in the approximately 1900 block of Washington Road when PO McDonough observed the GMC SUV travel through a solid red light without making a stop and "T-Bone" another vehicle. The driver of the SUV, confirmed by Sergeant Albrecht, was later identified as Charles Miller, the defendant. SUV had went airborne, colliding into a second vehicle, which was a Subaru that was stopped in the eastbound lane in the 2200 block of Washington Road.

Accident Investigator Weidner responded to the scene and observed two vehicles with severe damage to them. A dark colored larger SUV was on the driver side (tipped sideways) West of the accident (2200blk - Washington rd). The SUV was later found to have IL "CC17236" 1996 GMC black in color. On the far S/W area of the intersection was a silver Volvo (WI "966-YNP"). This vehicle was facing N/B in the cross walk area blocking the two E/B lanes. This vehicle had extensive damage to the front bumper / engine area. Based on the damage it appeared that the vehicle was struck on the driver side front corner. Accident Investigator Weidner determined the damage observed on this Volvo was caused by a larger vehicle in a fast pace, noting that the speed limit in this area is 30 mph (posted). This intersection is considered a major intersection (heavily utilized daily) and surrounded by residential homes and businesses. CVS Pharmacy (3726 - 22nd Avenue) was open at the time of this accident with customers in the parking lot / store. This store was located on the N/W corner of this intersection.

It appeared this Volvo was traveling S/B on 22nd Avenue and entering the intersection on a green traffic light when it was struck by the SUV. When the collision happened it appeared the Volvo spun in a clockwise fashion and coming to rest. Another vehicle involved in this accident was facing E/B in the N/B turn lane on Washington Rd in the 2200 blk. This vehicle was found to have IL "BT16877" 2019 Subaru hatchback. The Subaru had extensive damage to the roof / driver side / rear areas. It should be noted there was no damage to the front bumper or hood area observed. The only evidence of impact on the hood was on the farthest up (nearest to the bottom windshield area). This was two straight dents / scrapes in the sheet metal. Accident Investigator Weidner determined a heavy object would have caused this damage. Based on the indentation on the hood it appeared the object that caused this damage was in a W/B direction (from front to back type motion). There was extensive damage to the driver windshield / roof area. The damage observed appeared to have been caused by a heavy object traveling in a West direction (front to back motion). The metal appeared to have been moved backwards towards the rear of the vehicle. The damage to this vehicle's windshield / roof area penetrated into the cabin of the vehicle. This damage was in the area of the driver cabin area. Accident Investigator Weidner determined the vehicle that struck this Subaru was partially airborne (reason why the hood and front bumper areas had no damage).

Upon approaching the SUV on its side, Charles Miller crawled out of the back door/hatch. Sergeant Albrecht immediately identified him as the driver and he was taken into custody by officers. A search of the SUV was conducted where a small "dime" baggy of possible marijuana was found in the center console along with an IL ID - Harold Taylor. Within two feet from the

rear area of the SUV on the roadway was a medium sized baggy with what appeared to be marijuana inside it, which weighed at 7.1 grams. This baggy was packaged as illegal narcotics are typically packaged. The possible marijuana had plant stems, seeds, buds, and leaves (dried).

Miller was escorted to Officer Barbian #616's squad car. PO Weidner told Miller he could have killed people tonight. Miller's response was "FUCK YOU". While attempting to search him for weapons he pushed off of the squad in a resistive type motion Miller kept popping his upper body up where PO McDonough advised him to place his head down onto the hood of the car so officers were able to finish searching him before placing him in the back of the squad. Miller continued to actively resist by moving around and moved his upper body up and replied, "Fuck you". Due to Miller actively resisting, PO McDonough took out the Oleoresin Capsicum (OC) spray and discharged it for approximately one second steady stream towards Miller's face. Officer Weidner #431 was then able to complete the search on Miller. Miller was later transported by Officer Barbian to Froedtert South - 6308 8th Avenue where he continued to actively resist officers while attempting to obtain a blood draw. The defendant refused to provide his name when asked by officers and was later identified by Fast ID as Charles D. Miller, the defendant.

Det. Kenesie #472 and Det. Kukowski #577 responded to KMH with a search warrant for Miller's blood. Miller advised that he was not going to cooperate with the blood draw process. PO Barbian, dressed in full KPD uniform, told Miller to stand up so officers could walk him to another room for the blood draw. Miller leaned back in the chair and went limp. PO Johnson then came in to assist in lifting Miller to his feet. Miller suddenly kicked one of his feet up on the wall and pushed back preventing officers from controlling him and getting him out of the room. At this time Miller began thrashing his body around and charging at PO Johnson and PO Barbian. Charles kicked the walls and attempted to kick PO Barbian. PO Barbian delivered one reaction hand strike on his left cheek in attempts to cease Miller's violent behavior. Miller fell backwards into the chair and momentarily stopped fighting and yelled "Mother fucker did you just hit me!". PO Barbian felt an immediate pain in his left hand little finger (fifth metacarpal). Miller continued to fight and eventually ended up on his back in the hallway of the Emergency Room. Miller continued to resist and attempted to kick PO Johnson. Once control was gained he was placed on a hospital bed and secured to the bed. PO Barbian then checked himself into the ER for treatment. PO Barbian was medically treated by Dr. Lancaster and advised that PO Barbian sustained a "boxer fracture" in his fifth metacarpal.

Phlebotomist Andrea collected two vials of Miller's blood at 0227hrs. Results of the blood draw have not been received at the time of this writing. Miller was not able to provide proof of insurance for the vehicle. WI DOT showed Miller to have a suspended WI driving status with no license issued in Illinois.

The passenger of the SUV was identified as Aden Corcoran (verbal ID), was detained. Aden was searched incident to arrest and a clear baggie that contained a green leafy substance that smelt and looked like marijuana was located on his person. PO Matz later tested the green leafy substance in a NIK-E test kit, where it tested positive for marijuana. PO Matz asked him what his name was and Aden spelt his name and gave the name of "Aiden Schorden." Po Matz ran "Aiden Schorden" through WI DOT and IL DOT and did not get a response. PO Matz ran "Aiden Schorden" through dispatch and they also could not get that name back on file. Aden

said he has never been issued a driver's license and has never been in trouble before. Aden said his head hurt and an ambulance was called. PO Matz did observe an approximate 5 inch abrasion to Aden's forehead and a small abrasion underneath his left eye. Aden also showed PO Matz what he thought was glass in his hands.

PO Maccari responded to the scene and observed a silver sedan (966-YNP) facing northbound in the intersection and the vehicle appeared to be damaged in the front passenger side. PO Maccari observed a male passenger, Robert D. Sennholz, and the female driver, Sandra A. Cruz. Cruz was exiting the vehicle and Sennholz appeared to be conscious and breathing. Sennholz advised that he had chest pain and leg pain as he lifted up his right pant leg by his right calf area. PO Hubli reports that the vehicle damage to the sedan was significant. Cruz stated that when she entered the intersection of Washington Rd and 22nd Ave she observed a dark blue SUV traveling westbound at a high rate of speed. Cruz said that she had a green light. Cruz advised that the SUV ran the red light. Cruz said that the SUV was traveling at such a high rate of speed that she was unable to react. Cruz advised that the SUV struck her vehicle, then struck another vehicle that was stopped at the red light for east bound traffic.

PO Maccari then observed PO Newell #727 standing on the driver side of a gray Subaru Crosstrek (IL LP BT16877) which was in the eastbound lanes of Washington Rd and 22nd Avenue. PO Maccari approached and observed the vehicle to have driver and top side damage. There was substantial damage to the hood area for the vehicle and the windshield was broken in. There was a female in the driver seat, later identified as Jordan Parris, with her seatbelt on. PO Maccari observed that Parris had sustained severe head injuries and was agonally breathing. Her head was covered in blood and with blood hemorrhaging from her neck and head area and her head was badly disfigured. PO Maccari removed her seatbelt for possible removal from the vehicle and could feel a very faint pulse in her left arm. PO Maccari reports that Parris was later pronounced deceased on scene. Accident Investigator Weidner reports that Parris' injuries did not appear to have been caused by the driver striking the steering wheel or other objects within the vehicle - like in a typical accident. An autopsy was performed on Parris. The preliminary diagnoses was reported as blunt force injury of the head. Also reported were lacerations and abrasions, scalp and face, dura and brain lacerations, and comminuted fractures anterior skull, maxillae, and mandible.

PO Maccari later spoke with witness Christina P Matias. Christina advised she was a back seat passenger in a Jeep which was driving west on Washington RD approaching 22AVE. Christina advised there was a black SUV that was driving at least 55MPH and was a few cars in front of her. Christina advised the SUV went straight through the solid red traffic control signal for westbound Washington RD at 22AVE without slowing. Christina advised the SUV collided with a silver sedan which was now facing North/South in the intersection. Christina advised the SUV then collided with a black car that was stopped facing east on Washington RD at 22AVE. Christina stated the SUV then rolled over. Christina advised she was unable to see the driver of the SUV.

PO Newell spoke with Adriana Ulloa who stated she observed the crash. Ulloa stated that on 01-09-2021 at approximately 2330 hrs she was in the back drivers side passenger seat of her brother's Jeep (IL LP AD15358). Ulloa stated that she was in the westbound lanes of Washington Rd. Ulloa stated that they were stop at the red light at Washington and 22nd Ave.

Ulloa stated that she observed a black SUV pass their vehicle on the passenger's side and approximated its speed to be 45-50 MPH. Ulloa stated there was a silver vehicle traveling southbound on 22nd ave. Ulloa stated that the black SUV struck the silver vehicle. Ulloa stated the silver vehicle spun around. Ulloa told PO Newell that the Black SUV struck a vehicle head on that was stopped in the eastbound lanes of Washington at the red light. Ulloa stated the black SUV then rolled over. Ulloa stated that quickly after she observed police lights and police arrived on scene.

PO Giovannoni spoke Andrew Ulloa . Andrew advised he was stopped at the red traffic light at the intersection of Washington Rd / 22nd Ave, facing W/B. Andrew said while stopped at the red light, he could see headlights from another vehicle in his rear view mirror, approaching at a high rate of speed. He said the light for E/B and W/B was still red when a dark color truck drove on the passenger side of his vehicle. Andrew said the GMC failed to stop for the red light and entered the intersection at a high rate of speed. Andrew advised when the GMC entered the intersection, it collided head on into a vehicle that was driving N/B on 22nd Ave through the intersection. Andrew explained after the GMC struck the vehicle driving N/B, the GMC started flip over and struck another car that was stopped for the red light on the opposite side of 22nd Ave. Andrew stated after the GMC struck the second vehicle, it landed on its side on the road. Andrew said he was able to see a male crawling out of one of the windows of the GMC and officers were already on scene and took the male into custody.

PO Farr made contact with a witness identified as Tina M Durrant, who reported that she had observed the accident. Tina stated that she was in the car sitting at a red light at the corner of Washington Rd and 22nd Ave facing W/B. Tina stated that while in the car she observed a dark colored SUV traveling W/B at a high rate of speed coming from behind their vehicle. Tina advised that she believed the SUV was traveling at approximately 50 MPH. Tina observed the SUV pass their vehicle and run the red light. The SUV then struck a dark colored car. The car spun around after being struck and then the SUV continued driving W/B. Tina advised that the SUV then struck a silver car head on. The silver car appeared to be stopped at the red light at Washington Rd and 22nd Ave facing E/B. Tina reported that after the SUV struck the silver car she observed the SUV roller over. Tina stated that after the vehicle rolled over she observed an unknown male crawl out of the vehicle. Tina stated that after he got out of the vehicle she observed him be taken into custody immediately by officers.

A video was obtained of the incident from the old fire station at the southeast corner of the intersection. Detective Kenesie reports that the video shows the following:

1. At 11:27:06.803 I observed a black Jeep on Washington Rd stopped at the red light for westbound traffic. The Jeep is traveling westbound. This is the vehicle that was occupied by Tina Durrant, Christina Matias, Andrew Ulloa, and Adriana Ulloa.
2. Jordan Parris' Subaru is on Washington Rd stopped at the red light. Jordan's vehicle is facing eastbound in the left hand turn lane to proceed northbound on Washington Rd
3. At 11:27:19.318 I observed the GMC Yukon driven by Charles Miller enter the camera frame. The GMC Yukon is traveling west bound at a high rate of speed. The GMC is in the curb lane of traffic.

4. There is also a vehicle that is in the middle of the intersection traveling north bound. There is a vehicle in the middle of the intersection that is traveling south bound. These vehicles were not involved in the accident. It is unknown who was operating the vehicle.
5. The Volvo that was driving by Sandra Cruz is seen traveling southbound about to enter the intersection.
6. The GMC enters the intersection at 11:27:19.952. This is approximately the same time that Sandra enters the intersection.
7. There is also another vehicle that is traveling northbound on 22nd Ave approaching the intersection. The vehicle is braking. The owner of this vehicle was not identified.
8. At 11:27:20.453 it appears that the GMC driven by Miller becomes airborne while traveling through the intersection.
9. At 11:27:21.087 it appears that the GMC driven by Miller strikes Sandra's car as the GMC was airborne. The GMC flips over top to bottom.
10. At 11:27:21.688 it appears that the top half of the GMC driven by Miller strikes Parris' Subaru while it was still stopped in traffic. The GMC appears to land on the driver side and slides westbound. At 11:27:25.827 the GMC comes to rest.

Accident Investigator Weidner reports that based on his observations at the collision scene he determined if the GMC SUV was traveling at the 30 mph speed limit at the time of this accident, the damages and fatality would have been lowered significantly. At 30 mph with a side impact like what happened during this accident most likely would not have happened. The dynamics of this collision existed because of the GMC's excessive speeds. These speeds were drastically above the posted 30 mph limit. It should be noted he observed no evidence of sudden deceleration by the GMC prior to the accident (pre-collision evidence). The chances of the GMC avoiding any collisions while traveling at the high rate of speed would be unlikely. This was evident when the GMC entered the intersection and collided with the Volvo. The driver of the GMC was driving at a rate which was reckless, endangering all people and property in the area. Accident Investigator Weidner determined the driver of the GMC made a conscience decision to drive in this manner, knowing the speeds would place everyone around him and himself / passengers in jeopardy of getting into an accident. Because of his actions, he caused an vehicle accident that resulted in a fatality. Accident Investigator Weidner found neither the Volvo nor the Subaru to be in violation of any WI State laws during this incident. It should be noted the intersection traffic lights were operating and it appeared the GMC had a solid red traffic light which it violated. I observed the traffic lights and the they appeared to be functioning correct (five working cycles observed).

Your complainant is an attorney with the Kenosha County District Attorney's Office, who bases her knowledge of this complaint on:

- The official law enforcement agency reports of the Kenosha Police Department prepared by Sergeant Albrecht, Detective Kenesie, Officers McDonough, Weidner, Barbian, Maccari, which reports were prepared in the normal course of law enforcement duties;
- Statements by citizen informant(s) Christina Matias, Adriana Ulloa, Andrew Ulloa, Tina Durrant, Sandra Cruz, Robert Sennholz; who are eyewitnesses to the facts they relate;
- Statements by the defendant, which were made contrary to his penal interests;

- The official records of: The Circuit Court for Kenosha County; The Department of Transportation; The FBI Triple I Teletype; The Wisconsin Circuit Court Automated Program, which records are maintained in the normal course of business duties.

Subscribed and sworn to before me on 01/12/21	Electronically Signed By:
Electronically Signed By:	Jennifer A. Phan
Andrew J Burgoyne	Complainant
Assistant District Attorney	
State Bar #: 1044850	

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