

FILED
09-01-2022
George L. Christenson
Clerk of Circuit Court
2022CF003445
Honorable Ellen R
Brostrom-06
Branch 06

STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY

STATE OF WISCONSIN
Plaintiff,

DA Case No.: 2022ML019526
Court Case No.:

vs.

CRIMINAL COMPLAINT

BOST, LESLIE MATTHEW
2628 NORTH 22ND STREET
MILWAUKEE, WI 53209
DOB: 05/02/1965

Defendant(s).

For Official Use

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

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

The above-named defendant on or about Wednesday, August 24, 2022, at 2622 North 22nd Street, in the City of Milwaukee, Milwaukee County, Wisconsin, did recklessly cause the death of Shirley Mallory, another human being, under circumstances which showed utter disregard for human life, contrary to sec. 940.02(1), 939.50(3)(b), 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: FIRST DEGREE RECKLESSLY ENDANGERING SAFETY, USE OF A DANGEROUS WEAPON

The above-named defendant on or about Wednesday, August 24, 2022, at 2622 North 22nd Street, in the City of Milwaukee, Milwaukee County, Wisconsin, did recklessly endanger the safety of CLB, 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 Wednesday, August 24, 2022, at 2622 North 22nd Street, in the City of Milwaukee, Milwaukee County, Wisconsin, did recklessly endanger the safety of IEM, 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: FIRST DEGREE RECKLESSLY ENDANGERING SAFETY, USE OF A DANGEROUS WEAPON

The above-named defendant on or about Wednesday, August 24, 2022, at 2622 North 22nd Street, in the City of Milwaukee, Milwaukee County, Wisconsin, did recklessly endanger the safety of RLR, 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 5: FIRST DEGREE RECKLESSLY ENDANGERING SAFETY, USE OF A DANGEROUS WEAPON

The above-named defendant on or about Wednesday, August 24, 2022, at 2622 North 22nd Street, in the City of Milwaukee, Milwaukee County, Wisconsin, did recklessly endanger the safety of PAB, 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.

Probable Cause:

Complainant is a City of Milwaukee Police Officer and bases this complaint upon Milwaukee Police Department reports, as well as his involvement in this investigation. Those reports and that investigation revealed the following:

First Responding Officers

On August 24, 2022, City of Milwaukee Police Officer Thomas Ozelie was dispatched, along with other officers, to the general area of 22nd Street and Clarke, City and County of Milwaukee, State of Wisconsin for a ShotSpotter complaint. Upon the way, he was notified that three people had been shot in the area of 2622 N. 22nd Street, City and County of Milwaukee, State of Wisconsin and was dispatched to that location.

Upon arrival, Officer Ozelie observed the deceased victim, Shirley Mallory, seated in a plastic chair near the front of the residence. Officer Ozelie attempted to speak to her while he approached, but victim Mallory was unresponsive. As he got closer, Officer Ozelie could see that victim Mallory was unconscious and had suffered a gunshot wound to the torso.

While walking up on the porch, Officer Ozelie observed a second victim, CLB, laying on the floor of the porch. CLB had suffered gunshots to both her right foot and her left foot.

A third victim, IEM, was located inside 2622 N. 22nd Street, inside the living room area of the residence. IEM had suffered several gunshot wounds to his back, with several exiting his abdomen area.

Another victim PAB, who had been shot at but not struck, was located inside the residence hiding inside a closet.

The last victim, RLR, was later located by police at the Hospital after he had run off the porch to a friend's house to seek help. RLR had suffered a gunshot wound to the back of his left calf.

While officers were at the scene and attempt to help the victims, Officer Ozelie saw smoke billowing out of the next door residence, 2626 N. 22nd Street. The Milwaukee Fire Department arrived on scene and assisted the Milwaukee Police Department in attempting to remove the victims. Unfortunately, victim Mallory was deceased on scene.

Scene Investigation

Complaint is further based upon the statement of City of Milwaukee Police Detective Melvin Finkley, who responded to the area of 2622 N. 22nd Street, City and County of Milwaukee, State of Wisconsin, to conduct a scene investigation. Detective Finkley located two (2) fired 9mm cartridge casings in the area in front of 2626/2628 N. 22nd Street. He then located an additional seven (7) fired 9mm cartridge casings in the area in front of the homicide residence of 2622 N. 22nd Street.

Complainant is also aware that a security camera system across the street captured the incident. Before the shootings, the voices of the victims can be heard talking, as though hanging out with each other. Then the light in front porch area of 2626 N. 22nd Street turns on, and subject can be seen walking onto the porch. This subject then begins firing a firearm in the direction of 2622 N. 22nd Street. The subject appears to walk down the steps of 2626 and walk over in front of 2622, firing the firearm the entire time.

After a pause in the shooting, it appears that the shooter returns again to in front of 2622 N. 22nd Street and begins shooting again.

Later, the security video shows that the upstairs unit of 2626/2628 is set on fire.

Autopsy

Complaint is further based upon the statement of Dr. Brian Linert, an Assistant Medical Examiner with the Medical Examiner's Office, who is trained and experienced in the field of forensic pathology and is duly licensed to practice medicine in the State of Wisconsin. Dr. Linert performed an autopsy on Shirley Mallory and determined that she had suffered a total of five gunshot wounds to the back, chest, hip and arm. He determined that cause of Ms. Mallory's death was multiple gunshot wounds and the manner of death was homicide.

Statement of PAB

Complaint is further based upon the statement of PAB, who was present for the incident, but was not hit by gunfire. PAB stated that she lives alone in the lower of the duplex of 2626/2628 N. 22nd Street, and that her brother, the above mentioned Defendant, whom she identified through a photo, lives in the upper of 2626/2628 alone. PAB stated that she has lived there for approximately a year. PAB explained that the house used to be their mothers who died about two years ago, and that she moved in to watch over the house because she wasn't confident that the Defendant would take care of the house properly because he didn't work.

PAB stated that this evening, around 8:15pm she returned home, parking in front of her house. PAB stated that she saw her neighbor, deceased victim Shirley Mallory, out on the porch of 2622 N. 22nd Street with a guest that PAB knew somewhat as well, victim CLB. PAB stated that she knew that CLB was visiting from out of state, and went over to say hello. PAB stated that she was sitting on the porch talking with both women, and was joined soon after by PAB's friend, RLR.

PAB stated that while they (PAB, Mallory, RLR, and CLB) were all visiting on her neighbor's front porch at 2622 N. 22nd Street, PAB saw her brother, the Defendant, come out of the upper unit of 2626/2628 carrying a beige colored plastic grocery bag and go towards the alley to the east of the residence. PAB stated that the Defendant was probably taking garbage to the garbage can. PAB stated that shortly after the Defendant went back into his residence not carrying the bag. PAB stated that the Defendant didn't say anything to her group, and that he didn't say anything to her.

PAB estimated that about ten minutes later she suddenly heard several gunshots coming from the direction of her house, 2626/2628 N. 22nd Street. PAB stated that she got down and looked over, and immediately saw that her brother, the above Defendant, was shooting at them from her front porch at 2626/2628 N. 22nd Street. PAB stated that the Defendant shot many times at them.

PAB stated that at some point RLR got up and ran east from the porch toward the alley. PAB stated that the Defendant chased after RLR, but moments later BOST returned and started shooting at them again, this time while standing in front of the porch of 2622 N. 22nd Street.

PAB stated that she tried to flee into Ms. Mallory's house, and while doing so she ran by IEM, who had come to the front door of 2622 N. 22nd Street to look out. PAB recalled that while she was running by IEM, she saw IEM fall to the ground, and thus PAB believed that IEM had been shot. PAB stated that she ran back to a closet near the back of the house and hid there. PAB stated that she had two phones, a work phone and a personal phone, and called 911 twice trying to get help. PAB stated that she remained in the closet until she was discovered by the arriving police, which she believed was 10-

15 minutes later. PAB stated that when she was brought out she learned that the upper portion of her duplex was on fire.

PAB did not have any idea why her brother, the Defendant, would have shot at her or her neighbors. PAB explained that she doesn't have much contact with her brother even though they live in the same house, stating that she believed that she last talked to him in the springtime. PAB described her brother as a very private person who holds grudges for a long time. PAB did offer that in the past BOST was mad with RLR because of some work he had done in the house that he didn't like, and recalled that a few years ago BOST had a dispute over some grass in the backyard with IEM.

****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 Grant I. Huebner.

Subscribed and sworn to before me on 09/01/22

Electronically Signed By:

Grant I. Huebner

Assistant District Attorney

State Bar #: 1036890

Electronically Signed By:

Det. Scott Schmitz

Complainant

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Clerk of Circuit Court
2022CF003445
Honorable Ellen R
Brostrom-06
Branch 06

STATE OF WISCONSIN, CIRCUIT COURT, MILWAUKEE COUNTY**Arrest-Bench Warrant/Capias**

Leslie Matthew Bost

Case No. _____

Name of Person

ATN: _____

Alias Name				Alias Date of Birth	
Person's Address				Phone Number	
2628 North 22nd Street, Milwaukee, WI 53209				(414)837-9108	
Person's Date of Birth		Sex	Race	Driver's License Number	
05/02/1965		M	B		
Height	Weight	Eye Color	Hair Color	Other Identifying Characteristics	
6 ft 1 in	170 lbs	Brown	Black		
Charges					
First Degree Reckless Homicide 940.02(1) Class B Felony; 939.63(1)(b) (Use of a Dangerous Weapon)					
First Degree Recklessly Endangering Safety 941.30(1) Class F Felony; 939.63(1)(b) (Use of a Dangerous Weapon)					
First Degree Recklessly Endangering Safety 941.30(1) Class F Felony; 939.63(1)(b) (Use of a Dangerous Weapon)					
First Degree Recklessly Endangering Safety 941.30(1) Class F Felony; 939.63(1)(b) (Use of a Dangerous Weapon)					
First Degree Recklessly Endangering Safety 941.30(1) Class F Felony; 939.63(1)(b) (Use of a Dangerous Weapon)					

TO ANY LAW ENFORCEMENT OFFICER:

Arrest and bring the above-named person before me, or if I am not available, before some other judge or court commissioner of this county, because: **(Check A, B, or C below)**

- ☒ A. A complaint/citation has been filed charging the defendant with the commission of an offense(s). The defendant has not previously appeared in or submitted to the jurisdiction of the court. **[A copy of the complaint or citation must always be attached. For a citation, an affidavit of the court officer is recommended.]** The name of the crime and statutory references in the complaint/citation are incorporated into this warrant. I have reviewed the complaint/citation and find probable cause to believe the defendant committed the offense(s).
- (Check if either is appropriate)**
- ☐ Although the maximum imprisonment is 6 months or less, I believe that the defendant will not appear in response to a summons.
- ☐ If the offense is one covered by the Uniform Bail/Deposit Schedule, the defendant may be released upon payment of \$ _____, plus statutory sheriff's fees. A new court date shall be provided to the defendant.
- ☐ B. The person failed to appear in court as required on [Date] _____ for [Type of court appearance] _____.
☐ The person shall be held for appearance in court.
☐ The person may be released upon payment of \$ _____, plus statutory sheriff's fees. A new court date shall be provided to the defendant.
- ☐ C. The person has failed to comply with a court order concerning the payment of fines, forfeitures, assessments, surcharges or costs to the court. The defendant may be released with no further court appearances upon payment of \$ _____, plus statutory sheriff's fees.
- ☐ D. Other: _____
- If the person posts the total amount due and is released, the law enforcement agency shall inform the court and district attorney of any new court date.

Geographic restriction:	<input type="checkbox"/> Within county of ORI	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Statewide	<input type="checkbox"/> Within adjacent counties of ORI	
<input type="checkbox"/> Nationwide	<input checked="" type="checkbox"/> No restriction	

PROPOSED