

FILED
09-27-2025
Anna Maria Hodges
Clerk of Circuit Court
2025CF004509
Honorable David
Swanson-11
Branch 11

STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY

STATE OF WISCONSIN

Plaintiff,

DA Case No.: 2025ML024515

Court Case No.:

vs.

CRIMINAL COMPLAINT

SMITH, JAVIER M
5585 NORTH 74TH STREET
MILWAUKEE, WI 53218
DOB: 08/22/2008

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 Sunday, September 21, 2025, at 7502 West Silver Spring Drive, in the City of Milwaukee, Milwaukee County, Wisconsin, did recklessly cause the death of Azoria Jones, 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 possessing a dangerous weapon, the maximum term of imprisonment for the felony may be increased by not more than 5 years.

Count 2: POSSESSION OF A DANGEROUS WEAPON BY A PERSON UNDER 18

The above-named defendant on or about Sunday, September 21, 2025, at 7502 West Silver Spring Drive, in the City of Milwaukee, Milwaukee County, Wisconsin, being a person under 18 years of age, did possess a dangerous weapon, contrary to sec. 948.60(2)(a), 939.51(3)(a) Wis. Stats.

Upon conviction for this offense, a Class A Misdemeanor, the defendant may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than nine (9) months, or both.

Probable Cause:

Complainant is a detective with the Milwaukee Police Department, assigned to the Homicide Unit. Complainant bases this complaint on reports and statements of fellow members of the Milwaukee Police Department, and on Complainant's own knowledge and investigation. Based on that information, Complainant states as follows:

SCENE RESPONSE

On September 21, 2025, at approximately 10:21pm, members of the Milwaukee Police Department were dispatched to a shooting at 7502 West Silver Spring Drive, Milwaukee, Milwaukee County, Wisconsin. Officer Esgar Vega-Munoz reports that he and his partner (Officer Alexander Gohmann)

responded to the scene and found a black female, later identified as Azoria Jones (DOB 5/11/2010), laying on the northern sidewalk of the westbound Silver Spring ramp that intersects with N. 76th Street. Jones had sustained a gunshot wound and there was blood on her shirt. Life saving measures were performed, but Jones was eventually pronounced deceased on scene.

Complainant assisted with the scene investigation. No casing was recovered.

AUTOPSY OF AZORIA JONES

An autopsy was conducted of Jones by Dr. Haaris Iqbal from the Milwaukee County Medical Examiner's Office. The autopsy occurred on September 22, 2025. Dr. Iqbal's preliminary conclusion was that Jones died from a penetrating gunshot wound of the chest, fired from an indeterminate range. The gunshot entered the left side of her chest, traveled through Jones' left lung, heart, aorta, and left 9th rib. The direction of the gunshot was front to back, left to right, and downward.

WITNESSES RG & RF

Detective Martin Saavedra spoke to a witness, RG, who provided the following information: RG was in her residence near the location of where Jones was shot. Just prior to the shooting, she could see Jones and a black male walking together. RG's attention shifted focus, and suddenly she heard a gunshot. RG looked and saw Jones and the male subject. Jones was groaning. RG then heard the male subject leaning over Jones yelling out words to the effect of "stop playing girl, girl, girl." She then saw the male subject run across Silver Spring Drive, in a southbound direction. RG yelled to the male asking if she (Jones) was dead and if an ambulance was needed. The male did not respond. She described the male as wearing a blue hooded track suit with his hood over his head.

Detective Irma Rosario spoke to another witness, RF, who provided the following information: RF was in her residence near the location of the shooting. She was looking at her phone and heard a loud bang which she realized was a gunshot. RF then heard a female (Jones) scream "Oh my god!" followed by crying. RF then heard a male shout, "are you okay?" RF looked out her window and saw Jones fall to the ground and saw a black male near Jones repeatedly asking "are you okay? Wake up." RF also stated she saw the male run across Silver Spring Drive southbound.

Neither RG nor RF knew or recognized the male or Jones.

IDENTIFICATION OF THE DEFENDANT

Detective Alex Klabunde and Detective James Jordan spoke to DK, who is Jones' aunt. DK informed the detectives that Jones had a boyfriend who DK knew as "Javi". DK described an incident that occurred in late August where she received a call from Jones who sounded panicked on the phone. DK drove to where Jones was and observed "Javi." DK got out of her car and asked "Javi" where Jones was and then "Javi" pointed a pistol at DK, then DK heard Jones yelling "don't kill my aunt!" DK described that her and Jones were able to leave that location. Through speaking with DK and other family of Jones, investigators were provided with Jones' Instagram profile, were shown the known Instagram profile for "Javi."

Investigators checked Milwaukee Police Department records and learned that Jones and the above-named Defendant, Javiere M Smith (DOB 8/22/2008) had contact with police while they were together on August 6, 2025. A review of a booking photo of the Defendant from that police contact revealed that Javiere M Smith was the same person from the Instagram account belonging to "Javi."

DK was shown a photo array containing the Defendant's photograph. During that photo array, DK identified the Defendant as the person she knows as "Javi" who pointed a gun at her, as described above.

Complainant has reviewed video recovered from a Milwaukee County Transit Bus that was traveling westbound on Silver Spring Drive that depicts the moment Jones was shot. There are multiple cameras affixed to the bus, and the interior videos contain audio. Those videos show the following: the bus passes two subjects (Jones and the shooter) who are walking westbound on Silver Spring Drive. Complainant knows that one of these subjects is Jones based on the clothing worn, and the location where Jones' body was found after the shooting. Jones and the other subject stop on the sidewalk and appear to interact with one another. A gunshot is heard at 10:19:50pm, at which time Jones is seen falling to the ground. The other subject leans over Jones' body for a few seconds, then runs away from Jones southbound—this activity is consistent with what was described by witnesses RG and RF.

Complainant knows that video was recovered from "Express Pantry" at 5656 N 76th Street, Milwaukee, that depicts Jones as well as the Defendant earlier in the day (September 21). This store is around the corner from where Jones was shot. The video depicts the Defendant inside the store at 12:16pm the day of the homicide, and again at the store at 4:43pm. When the Defendant is at the store at 4:43pm, he is with Jones and another adult female (who Complainant knows was later identified as the Defendant's mother). In that video, the Defendant is wearing a blue hooded sweatshirt (unzipped), a dark shirt with a white "Bucks" logo across the chest, black pants and black croc shoes. Jones can be seen wearing the same clothing she was found in when her body was located by first responders.

Upon reviewing the aforementioned bus video, Complainant notes that as the bus drives past Jones and the shooter, the shooter is wearing clothing that is consistent with what the Defendant was wearing in the "Express Pantry" video at 4:43pm, hours before the homicide. Specifically, the blue unzipped sweatshirt is visible, and the white logo on the dark shirt, with dark pants, is also visible. This clothing is also consistent with what RG described seeing.

During the course of the investigation, detectives learned that the Defendant's grandmother, ELS, lived across Silver Spring Drive, just to the south of where the homicide occurred (specifically, at the address 5585 N. 74th Street #2). Complainant notes this is the direction that the shooter can be seen running towards after Jones was shot. Complainant knows that video footage was recovered from a "Laview" camera on a neighboring residence to where ELS lives. This video footage shows the Defendant, Jones, and the Defendant's mother leaving ELS's residence at 4:36pm, just prior to them being at "Express Pantry," as described above. The footage also shows a subject running into the residence through the back door less than one minute after the shooting occurred, which, based on distance and direction, would be consistent with the shooter running directly to ELS's residence after shooting Jones.

Detectives Tyler Pileggi and Mark Sheremeta spoke to ELS on September 24, 2025, about the events of September 21. ELS stated to those detectives that she lives at 5585 N. 74th Street #2. ELS indicated her grandchildren, including the above-named Defendant, reside with her. ELS stated that she knew the Defendant had a girlfriend, "Tia." ELS was shown a still photo of the Defendant and Jones and identified Jones as "Tia." ELS stated she saw the Defendant and Jones on September 21 at approximately 10:15pm. They were on the couch of ELS' residence. ELS indicated that the Defendant and Jones left together to get a food order, and then minutes later the Defendant ran into the apartment saying "they shot her!" ELS state the Defendant told her to call 911 and she did, then she went outside to see what happened and saw a crowd. Someone in the crowd informed ELS that "Tia" was dead.

ARREST OF THE DEFENDANT

On September 24, 2025, Detectives Daniel O'Connell and Jose Flores went to the residence of EJH, who police learned is a family member of the Defendant. Those detectives went to her residence (5468 N. 58th Street, Milwaukee) and spoke to EJH. During their conversation, they showed her still frames of the Defendant at the "Express Pantry." EJH identified the Defendant in those stills as the subject in the blue unzipped hooded sweatshirt. Detective O'Connell then asked EJH and the Defendant's mother (who was also present) if they knew where the Defendant was. They both stated he was in the living room of the residence. Detectives O'Connell and Flores then located the Defendant in the living room and he was taken into custody.

DEFENDANT'S CUSTODIAL STATEMENTS

The Defendant was interviewed twice after his arrest. Detectives Alex Klabunde and James Jordan conducted the first interview. Initially, the Defendant indicated he was with Jones at the time she was shot and that he was wearing a red hoodie. He first indicated that as they were walking, he heard a shot and then he ran. He was inconsistent with the details of what happened and changed his story numerous times. The Defendant eventually admitted he was wearing blue (not red) and admitted that after Jones was shot, he checked on her briefly. The Defendant maintained that he did not shoot Jones and repeatedly indicated he did not own a gun.

During his second interview, conducted by Detectives Philip Ferguson and Brian Maciejewski, the Defendant admitted that he was the one who shot Jones. The Defendant initially maintained he was not the shooter. He then indicated that he shot Jones on accident and that the gun "just went off under [his] arm." He described that he was carrying the gun under his arm while they were walking to "Sharks." The Defendant stated he saw someone in a car that he recognized and he thought this person was going to "buss it down" so he put his gun under his arm and it "went off." He described the car as a dark blue or black sedan that was driving behind the bus. It should be noted that the bus video does not show a car drive by Jones and the Defendant at the time of the shooting, and does not show a dark blue or black vehicle behind the bus at the time the bus is driving by Jones and the Defendant. The Defendant admitted he got rid of the gun, indicating he put it in a sewer, but also indicating he did not know where the gun is now. At one point, he also explained that he disassembled the gun and got rid of it near the 16th Street bridge. Regarding the blue sweatshirt, he stated that he burned it, then quickly changed his story and said he threw that sweatshirt and the other clothes he was wearing in a garbage near Palmer and Chambers. The Defendant initially indicated that he went back to his grandmother's house after the shooting, then changed his story and stated he went to his godmother's house near 2nd and Burleigh, on foot. He later changed this story and indicated he got a ride there. The Defendant also indicated that, at some point, he returned to his grandmother's house, and stated that he told his family members that they (Jones and the Defendant) had been shot at. It should be noted, his description of where he went, and how he traveled, immediately after the shooting changed numerous times during the interview. Complainant notes that his description of the events of the shooting varied, and were ultimately not entirely consistent with the other evidence recovered by investigators (including video), but the Defendant did admit he was the one who shot Jones, believing he shot her in the chest.

****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 Ian Vance-Curzan.

ADA Assigned Email Address: Ian.Vance-Curzan@da.wi.gov

Subscribed and sworn to before me on 09/27/25

Electronically Signed By:

Ian Vance-Curzan

Assistant District Attorney

State Bar #: 1092906

Electronically Signed By:

Det. Casey Donahue

Complainant