



CITY OF MILWAUKEE

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# Again, the justice system fails Milwaukee

**Joint Statement from Alderman José G. Pérez and Alderman Bob Donovan  
September 4, 2014**

The story in yesterday's *Milwaukee Journal Sentinel* detailing how Joel Rivera has escaped a homicide charge for the *second* time is troubling and deserves further public scrutiny.

The article details how in 2008, Rivera was charged with first-degree intentional homicide in the death of Nicholas Knutowski, a customer, during a 2007 armed robbery at Marty's Party, 3735 W. National Ave. In that case, prosecutors dismissed the case when a co-defendant changed his mind and decided not to testify against Rivera.

Fast forward to this past week in Milwaukee County Circuit Court, as Rivera was on trial for felony murder for his role in the August 15, 2013, armed robbery of Kochanski's Concertina Beer Hall, 1920 S. 37<sup>th</sup> St. A co-defendant testified that he, Rivera and another man entered the beer hall with masks and guns. The case was highly publicized because owner Andy Kochanski acted lawfully in self-defense when he shot and killed one of the robbers, Carmelo Matos-Arzola.

In the Kochanski robbery case -- despite presenting no witnesses or evidence in his defense -- Rivera was found not guilty by a jury of felony murder, a charge imposed when someone dies during commission of an underlying felony, such as armed robbery.

To add insult to injury, in exchange for his testimony, Rivera's co-defendant was allowed to plead guilty to second-degree reckless homicide, instead of felony murder, and is supposed to receive just four years in prison at his sentencing.

We believe this is just one sad but glaring example of how our justice system is repeatedly failing the law-abiding citizens of Milwaukee. The co-defendant's plea deal smells bad, yes, but we believe the allegations are true and to us it is simply unconscionable that prosecutors are again unable to put Rivera in prison where he belongs.

Our system relies on a "team" of the community, citizens, law enforcement and the courts working together to truly achieve justice for the victims of crime.

But in our view, sadly, the courts are simply not stepping up when the team needs their help the most.

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