

**GRANT F. LANGLEY**  
City Attorney

**RUDOLPH M. KONRAD**  
**LINDA ULISS BURKE**  
**VINCENT D. MOSCHELLA**  
Deputy City Attorneys



July 14, 2009

To the Honorable Common Council  
of the City of Milwaukee  
Room 205 - City Hall

Re: Communication from Attorney Jonathan Cermele, Cermele & Associates, S.C.  
for legal fees for Police Officers Jose Lopez, Francisco Cartegena, & Steven Hainzl;  
C.I. File No. 07-L-32-3; EC 2443

Dear Council Members:

Returned herewith is a document filed by Attorney Jonathan Cermele for attorney's fees for representing Police Officers Jose Lopez, Francisco Cartegena, & Steven Hainzl. The claim is in the amount of \$932.00 including \$8.00 in disbursements for 8.40 hours of service billed at the rate of \$110.00 per hour. We ask that this matter be introduced and referred to the Committee on Judiciary & Legislation.

We have reviewed this claim and advise that in our opinion, the time spent was reasonable. Legal representation was occasioned by a criminal investigation. No criminal charges were brought against the officers on whose behalf this claim was filed.

Pursuant to Wis. Stat. § 895.35 (2), the Common Council no longer has discretion with regard to this claim as all fees and expense were incurred after the effective date (January 7, 2006) of the amendment to the statute, and because all of the requirements of the statute have been met in this case.

Very truly yours,

  
GRANT F. LANGLEY  
City Attorney

  
JAN A. SMOKOWICZ  
Assistant City Attorney

JAS:amp  
Enc.  
1032-2007-969:124858v1

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JARELY M. RUIZ  
ROBIN A. PEDERSON  
DANIELLE M. BERGNEI  
Assistant City Attorneys

# CERMELE & ASSOCIATES, S.C.

ATTORNEYS AT LAW

JONATHAN CERMELE  
LAURIE A. EGGERT  
RACHEL L. PINGS  
MATTHEW L. GRANITZ

6310 WEST BLUEMOUND ROAD  
SUITE 200  
MILWAUKEE, WISCONSIN 53213  
(414) 276-8750  
FAX (414) 276-8906

March 22, 2007

Mr. Ronald D. Leonhardt  
Milwaukee City Clerk  
800 City Hall  
200 East Wells Street  
Milwaukee, WI 53202

CITY OF MILWAUKEE  
2007 MAR 26 PM 3:02  
RONALD D. LEONHARDT  
CITY CLERK

**RE: MPD Criminal Investigation of PO's Jose Lopez, Francisco Cartegena and Steven Hainzl  
Regarding: Officer-Involved Shooting  
Date of Incident: January 20, 2007  
Location of Incident: Area of 2077 South 12<sup>th</sup> Street**

Dear Mr. Leonhardt:

The above-named police officers have retained us to represent them in connection with the above-referenced matter. Consistent with its policy, the City Attorney's Office has refused to represent them and, as they were performing the duties of their office at the time of the events giving rise to the incident, this claim is hereby made on their behalf for the indicated legal fees. This incident involved a foot chase and the use of deadly force.

This claim is being submitted under §895.35(2), STATS., which provides that:

Notwithstanding sub (1), the City . . . shall reimburse a protective services officer for reasonable attorney fees incurred by the officer in connection with a criminal proceeding arising from the officer's conduct in the performance of official duties, unless, in relation to that conduct, any of the following applies:

- a. The officer is convicted of a crime;
- b. The officer's employment is terminated for cause;
- c. The officer resigned for reasons other than retirement before the attorneys fees are incurred;
- d. The officer is demoted or reduced in rank
- e. The officer is suspended without pay for 10 or more working days. **§895.35(2), STATS.**

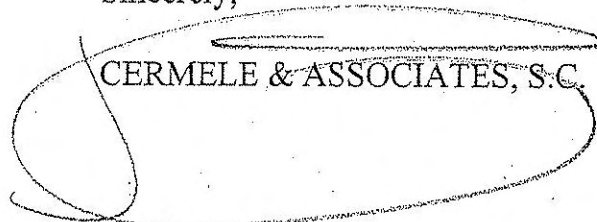
CITY OF MILWAUKEE  
RECEIVED  
2007 MAR 26 PM 3:22  
OFFICE OF  
CITY ATTORNEY

Officers Lopez, Cartegena and Hainzl are all considered a "protective services officer" under the statute. They have incurred the fees compiled in this claim as a direct result of their being investigated for actions taken within their official capacity, and in the performance of their duties, in connection with the use of deadly force. None of the "exceptions" apply.<sup>1</sup>

The incident resulted in the District Attorney's Office conducting a criminal investigation into the shooting death of Adam Quinonez, under Chapter 979, STATS. That investigation qualifies as a "proceeding" which mandates payment under 895.35(2), STATS.

Attached is copy of District Attorney Chisholm's letter from March 5, 2007 stating that based on all the information reviewed, none of the officers involved committed a crime.

Sincerely,

A large, stylized handwritten signature in dark ink, appearing to be 'Jon Cermele', is written over the typed name and company name.

Jon Cermele

/kjs  
Attachments

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<sup>1</sup> Neither officer was convicted of a crime, terminated for cause, resigned prior to incurring the fees associated with this claim, demoted, or suspended without pay for more than 10 days. *See 895.35(2)(b), STATS.*

# CERMELE & ASSOCIATES, S.C.

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(414) 276-8750  
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March 22, 2007

Mr. Ronald Leonhardt  
Milwaukee City Clerk  
800 City Hall  
200 East Wells Street  
Milwaukee WI 53202

RE: MPD Criminal Investigation re: Officer-Involved Shooting  
Regarding: PO's Jose Lopez, Francisco Cartegena and Steven Hainzl  
Date of Incident: January 20, 2007  
Location of Incident: Area of 2077 South 12th Street  
Professional services

	<u>Hours</u>
1/20/2007 Telephone call from MPD regarding officer-involved shooting; travel to scene; meeting with MPD; travel to PAB; meeting with PO Lopez; meeting with CIB; meeting with PO Cartegena; meeting with PO Hainzl; attend PO Lopez's statement to CIB and DA; attend PO Cartegena's statement to CIB and DA; attend PO Hainzl's statement to CIB and DA; discussion with DA; discussion with CIB; return travel; open file; memos to file regarding client interviews and statements to CIB and DA.	7.10
1/22/2007 Organize file; telephone call to PO Lopez; telephone call to PO Cartegena; telephone call to PO Hainzl; memos to file.	0.50
2/13/2007 Receive and review Officers' Statements to CIB.	0.40
3/15/2007 Receive and review correspondence from DA Chisholm confirming that clients' use of force was privileged and in self-defense; correspondence to clients regarding same; close file.	0.40
	<u>Amount</u>
For professional services rendered	8.40      \$924.00

Mr. Ronald Leonhardt

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Additional charges:

	<u>Amount</u>
1/20/2007 Parking	8.00
Total costs	<u>\$8.00</u>
Total amount of this bill	<u>\$932.00</u>
Balance due	<u><u>\$932.00</u></u>

(Rate: \$110.00 per hour)

RECEIVED

MAR 07 2007

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# Milwaukee County

JOHN T. CHISHOLM • District Attorney

March 5, 2007

Chief Nannette Hegerty  
 Milwaukee Police Department  
 951 N. James Lovell St., Room 705A  
 Milwaukee, WI 53233

RE: Milwaukee Police Officers Francisco Cartegena, Employee No. 015469;  
 Jose Lopez, Employee No. 008815; and Steven Hainzl, Employee No. 011317

Dear Chief Hegerty:

On January 20, 2007, citizen Adam Quinonez (d.o.b. 06-18-1987) was shot and killed by police in the area of 2077 S. 12<sup>th</sup> St., Milwaukee.

I personally investigated the shooting scene with Milwaukee County investigators, and attended the autopsy and reviewed the autopsy protocol. In addition, I have had the opportunity to speak on several occasions to the decedent's mother and have reviewed the reports related to this investigation.

It is the finding of the medical examiner that Adam Quinonez died from a gunshot wound caused by a shotgun. There was no evidence that Quinonez was struck by .40 caliber rounds or any other caliber of ammunition. It is therefore my conclusion that officers Lopez and Hainzl did not contribute to the death of Adam Quinonez. My review of the facts indicate that Officer Lopez and Officer Hainzl's actions were privileged, and that an appropriate level of force was used given the circumstances they were facing on this occasion.

The investigation also reveals that Officer Francisco Cartegena was armed with his duty shotgun, and that his round or rounds resulted in the death of Mr. Quinonez. I find that Officer Cartegena's actions were privileged and that he used the appropriate force given the circumstances he confronted in the situation.

By this letter, I respectfully request that Officers Francisco Cartegena, Jose Lopez, and Steven Hainzl be allowed to return to full duty.

Very truly yours,

A handwritten signature of John Chisholm in black ink.

John Chisholm  
 District Attorney

JC:ss  
 cc\Deputy Chief Brian O'Keefe  
 Atty. Jon Cermele