

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
PATRICK B. McDONNELL
LINDA ULISS BURKE
Deputy City Attorneys



OFFICE OF CITY ATTORNEY
800 CITY HALL
200 EAST WELLS STREET
MILWAUKEE, WISCONSIN 53202-3551
TELEPHONE (414) 286-2601
TDD (414) 286-2025
FAX (414) 286-8550

January 27, 2005

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

Re: Communication from Attorney Laurie A. Eggert, Eggert & Cermele, S.C.
for legal fees for Police Officers Marc Moore and Suzanne Hinkle
C.I. File No. 03-S-107; EC No. 1851

Dear Council Members:


Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Marc Moore and Suzanne Hinkle. The claim is in the amount of \$829.08 including \$4.08 in disbursements for 7.50 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 police officers on whose behalf this claim was filed.

As we have advised you under similar circumstances in the past, the Common Council has discretion to reject this claim or to pay it in whole or in part. Wis. Stat. § 895.35, *Bablitch and Bablitch v. Lincoln County*, 82 Wis. 2d 574 (1978).

Very truly yours,


GRANT F. LANGLEY
City Attorney


JAN A. SMOKOWICZ
Assistant City Attorney
JAS:enm
Enc.

89642/ 1032-2003-787

THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
MICHAEL G. TOBIN
DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
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MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
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LEONARD A. TOKUS
VINCENT J. BOBOT
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
DAWN M. BOLAND
KATHRYN M. ZALEWSKI

Assistant City Attorneys

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele

1840 North Farwell Avenue
Suite 303
Milwaukee, Wisconsin 53202
(414) 276-8750
FAX (414) 276-8906

February 25, 2003

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

03 FEB 27 PM 3:55
CITY OF MILWAUKEE

**RE: MPD Criminal Investigation of POs Marc Moore and Suzanne Hinkle
Allegations Regarding Misconduct in Public Office
Date of Incident: May 28, 2002
Location of Incident: PAB
EC No.: 1851**

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, the claim is hereby made on their behalf for the indicated legal fees. The MPD investigated a mistake on a time card as a criminal investigation.

The MPD initiated a criminal investigation in which the officers initially declined to give a statement without counsel. When they requested counsel, IAD compelled POs Moore and Hinkle to give statements concerning the incident after issuing PI-21s. Later, the MPD decided not to issue criminal charges against the officers. Attached is a copy of the clearance report and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.

Laurie Eggert
Laurie A. Eggert
Attorney at Law

9/28/04
O.K.
JAS
Letter 7276

LAE/ldl
attachment
MOORHIN

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele

1840 North Farwell Avenue
Suite 303
Milwaukee, Wisconsin 53202
(414) 276-8750
FAX (414) 276-8906

February 18, 2003

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

RE: MPD Criminal Investigation re: Misconduct in Public Office
Regarding: POs Marc Moore and Suzanne Hinkle
Date of Incident: May 28, 2002
Location of Incident: Police Administration Building

Professional services

	<u>Hours</u>
6/23/02 Telephone call from Moore; open file; memo to file.	0.50
6/24/02 Telephone call from Hinkle; memo to file; telephone call to Det. Harrison.	1.10
6/26/02 Telephone call to and from Det.; memo to file.	0.50
6/27/02 Telephone call from and to Hinkle.	0.20
6/28/02 Telephone call from and to Det.; telephone call to and from clients; memo to file.	0.60
7/1/02 Conference with client; PI-21 statements to Sgts; memo to file; travel.	1.70
7/3/02 Preparation for and appearance at PI-21 statements; travel; memo to file; conference with clients.	1.60
7/9/02 Telephone call from client.	0.10

	<u>Hours</u>	
7/25/02 Telephone calls from clients; telephone call to IAD; telephone call to clients.	0.30	
7/29/02 Correspondence to MPD Open Records.	0.10	
11/21/02 Review of correspondence from MPD Open Records; correspondence to clients; close file.	0.80	
		<u>Amount</u>
For professional services rendered	7.50	\$825.00
Additional charges:		
11/21/02 MPD Open Records request		4.08
Total costs		<u>\$4.08</u>
Total amount of this bill		<u>\$829.08</u>
Balance due		<u><u>\$829.08</u></u>

(Rate: \$110.00 per hour)

CLEARANCE REPORT

PAGE 2

INVESTIGATIVE NARRATIVE:

This report was dictated by Detective William C. SMITH, of the Criminal Investigation Unit/Internal Affairs Division (CIU/IAD), Early Shift.

On June 26, 2002, at approximately 4:30 P.M., I, Detective SMITH did confer with Deputy District Attorney Jon REDDIN and advised him of the circumstances surrounding this incident. After advising him of this incident, Deputy District Attorney REDDIN indicated that he would not issue charges in this incident.

WS:tlr/06-26-02
CLR/02-158

REVIEWING D.A. DEPUTY DISTRICT ATTORNEY JON REDDIN	P.O./DET. ASSIGNED KAREN DUBIS	COURT CASE NUMBER
FINAL CHARGE NO PROSECUTION	DISPOSITION/DATE 06-26-01	VICTIM NOTIFIED BY
INCIDENT STATUS	<ul style="list-style-type: none"> • CLEARED BY ARREST 18 OR OVER • PARTIAL CLEARANCE BY ARREST • UNFOUNDED/BASELESS • NO PROSECUTION DESIRED 	<ul style="list-style-type: none"> • PROPERTY RECOVERED • ARREST UNDER 18 • A. Detained at MCCC • B. Ordered in to MCCC DATE: _____ • WAIVED AS AN ADULT
----- C.I.B. ADMINISTRATIVE USE ONLY -----		
CLEARED EXCEPTIONALLY	<ul style="list-style-type: none"> • A. Death of Offender • B. Prosecution Declined 	<ul style="list-style-type: none"> • C. Extradition Denied • D. Refused to Cooperate • E. Juvenile, no custody • F. Not Applicable
JUSTIFIABLE HOMICIDE INFORMATION	<ul style="list-style-type: none"> • A. SUSP ATTKCD PO AND SAME PO KILLED SUSP • B. SUSP ATTKCD PO AND OTHER PO KILLED SUSP • C. SUSP ATTKCD CIVILIAN • D. SUSP ATTEMPTED FLIGHT FROM CRIME 	<ul style="list-style-type: none"> • E. SUSP KILLED IN COMMISSION OF CRIME • F. SUSP RESISTED ARREST • G. UNABLE TO DETERMINE/NOT ENOUGH • H. SUSPECT KILLED BY PRIVATE CITIZEN • I. SUSPECT KILLED BY POLICE OFFICER

INCIDENT INFORMATION	INCIDENT ATTEMPT THEFT BY FRAUD	DATE OF INCIDENT 05-26-02	DATE OF REPORT 06-26-02	REP CON#
	VICTIM CITY OF MILWAUKEE	LOCATION OF INCIDENT (ADDRESS) 749 WEST STATE STREET		DIST. 1
	VICTIM'S ADDRESS 749 WEST STATE STREET	REPORTED BY SERGEANT KAY DARO		

PROPERTY CODES -- LIST CODE FOR EACH TYPE OF PROPERTY IN "CODE #" COLUMN--

- | | | | | | |
|-------------------|--------------------|-----------------------|--------------------------|------------------------|-------------------|
| 01-AIRCRAFT | 09-CREDIT CARDS | 15-HEAVY EQUIPMENT | 21-NEGOTIABLE INSTRUMENT | 27-RECORD/AUDIO VISUAL | 34-STRUCT-STORAGE |
| 02-ALCOHOL | 10-DRUGS/MARCOTICS | 16-HOUSEHOLD GOODS | 22-NONNEGOTI INSTRUMENT | 28-STRUCT-SINGLE DWL | 35-STRUCT-OTHER |
| 04-BICYCLES | 11-DRUG/MARC EQUIP | 17-JEWELRY/PREC METAL | 23-OFFICE EQUIPMENT | 30-STRUCT-OTHER DWL | 36-TOOLS |
| 06-CLOTHES/FURS | 12-FARM EQUIPMENT | 18-LIVESTOCK | 77-OTHER | 31-STRUCT-OTHER COMM | 38-VEH/PART/ACC |
| 07-COMPUTER MARKS | 13-FIREARMS | 19-MERCHANDISE | 25-PURSE/BAG/WALLET | 32-STRUCT-INDUST MFG | 39-WATERCRAFT |
| 08-CONSUMABLES | 14-GAMBLING EQUIP | 20-MONEY | 26-RADIO/TV/VCR | 33-STRUCT-PUBLIC | 99- |

QUANT	TYPE OF PROPERTY	DESCRIPTION	SERIAL #	INVENTORY #	CODE #	VALUE

RELATED INCIDENT #'S	EVIDENCE INVENTORY #'S	ADDED PROPERTY ATTACHED PO-14	TOTAL VALUE RECOVERED PROPERTY \$
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USE FOR WEAPONS IN POSSESSION OF SUBJECTS BY VIEW OF ARREST -- CHECK ALL APPLICABLE ITEMS

1 2	1 2	1 2	1 2	1 2	1 2	1 2	1 2
<input type="checkbox"/> ALTERED STOCK	<input type="checkbox"/> CHROMK/MICKEL	<input type="checkbox"/> HANDGUN	<input type="checkbox"/> OTHER	<input type="checkbox"/> REVOLVER	<input type="checkbox"/> SHOTGUN	<input type="checkbox"/> SIMULATED WEAPON	<input type="checkbox"/> SINGLE BBL
<input type="checkbox"/> AUTOMATIC	<input type="checkbox"/> DOUBLE BBL	<input type="checkbox"/> IMPLIED WEAPON	<input type="checkbox"/> OTHER FIREARM	<input type="checkbox"/> RIFLE	<input type="checkbox"/> RAWED OFF	<input type="checkbox"/> THROWN OBJECT	<input type="checkbox"/> UNKNOWN
<input type="checkbox"/> BOLT ACTION	<input type="checkbox"/> DRUG/MARCOTIC	<input type="checkbox"/> KNIFE/CUTTING INSTA	<input type="checkbox"/> PERSONAL WEAPON	<input type="checkbox"/> SEMI AUTO	<input type="checkbox"/> SHORT/SNUB BBL		
<input type="checkbox"/> BLUE STEEL	<input type="checkbox"/> EXPLOSIVES	<input type="checkbox"/> LIQUID GAS	<input type="checkbox"/> POISON	<input type="checkbox"/> PUMP ACTION			
<input type="checkbox"/> BLUNT OBJECT	<input type="checkbox"/> FIRE/INCENDIARY	<input type="checkbox"/> MOTOR VEHICLE	<input type="checkbox"/> PUMP ACTION				

ARRESTED #1 LAST NAME	FIRST NAME	MID	RACE	SEX	DATE OF BIRTH	AGE	ETHNIC ORIGIN <input type="checkbox"/> HISPANIC <input type="checkbox"/> NON-HISPANIC
ADDRESS	CITY	STATE	HEIGHT	WEIGHT	BUILD	HAIR	EYES
ALIASES	SCARS, MARKS, MOLES, DEFORMITIES, AMPUTATIONS, FACIAL HAIR, SKINTONE, TATTOOS, PECULIARITIES ETC.						
I.D. DIV #	SOC. SEC. #	ADDED WEAPON INFO ARRESTED #1					
RESIDENT OF COUNTY Y N <input type="checkbox"/> <input type="checkbox"/>	GANG RELATED Y N <input type="checkbox"/> <input type="checkbox"/>	DRUG RELATED Y N <input type="checkbox"/> <input type="checkbox"/>	LOCATION OF ARREST	DATE/TIME OF ARREST	TYPE OF ARREST <input type="checkbox"/> ORDERED IN/CITED <input type="checkbox"/> W/WARR/SUSP CARD <input type="checkbox"/> ALL OTHER ARRESTS		
CHARGES					POSSESSED SUSPECTED DRUGS AT TIME OF ARREST Y N <input type="checkbox"/> <input type="checkbox"/>		

ARRESTED #2 LAST NAME	FIRST NAME	MID	RACE	SEX	DATE OF BIRTH	AGE	ETHNIC ORIGIN <input type="checkbox"/> HISPANIC <input type="checkbox"/> NON-HISPANIC
ADDRESS	CITY	STATE	HEIGHT	WEIGHT	BUILD	HAIR	EYES
ALIASES	SCARS, MARKS, MOLES, DEFORMITIES, AMPUTATIONS, FACIAL HAIR, SKINTONE, TATTOOS, PECULIARITIES ETC.						
I.D. DIV #	SOC. SEC. #	ADDED WEAPON INFO ARRESTED #1					
RESIDENT OF COUNTY Y N <input type="checkbox"/> <input type="checkbox"/>	GANG RELATED Y N <input type="checkbox"/> <input type="checkbox"/>	DRUG RELATED Y N <input type="checkbox"/> <input type="checkbox"/>	LOCATION OF ARREST	DATE/TIME OF ARREST	TYPE OF ARREST <input type="checkbox"/> ORDERED IN/CITED <input type="checkbox"/> W/WARR/SUSP CARD <input type="checkbox"/> ALL OTHER ARRESTS		
CHARGES					POSSESSED SUSPECTED DRUGS AT TIME OF ARREST Y N <input type="checkbox"/> <input type="checkbox"/>		

VEHICLE USED	MAKE	MODEL	TYPE	COLOR	STATE	EXP	TYPE	V.I.N. #

REPORTING OFFICER ST. WILLIAM SMITH	PAYROLL # 53908	LOC # 04	ASSISTING OFFICER	SUPERVISOR <i>Lt Det Raymond L. Richards 50144</i>	TOTAL ARRESTS
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MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

March 21, 2003

TO: P.O. MARC MOORE
DISTRICT TWO

RE: Receipt of Legal Services from Law Firm of
Attorney

Attorney Laurie Eggert has made a claim with the City, indicating the attached was provided with legal services arising out of one of the following situations:

- 1) An incident occurring on MAY 28, 2002
- 2) A citizen's complaint made by MISCONDUCT IN PUBLIC OFFICE
- 3) A police shooting incident occurring on N/A

Is this information correct? YES NO

Did you receive legal representation in this matter? YES NO

Your signature: 
Print your name: MARC MOORE

Upon completion, please return this memorandum to the Internal Affairs Division at the Police Academy (Room 325) as soon as possible.


Steven M. Settingsgaard
Police Commander
Internal Affairs Division

SMS:kjs

NOISIAID
SMAIVS
INTERNAL AFFAIRS
MILWAUKEE POLICE
03 APR 15 PM 1:13
RECEIVED

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

March 21, 2003

MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

03 MAR 31 PM 2:38

RECEIVED

TO: P.O. SUZANNE HINKLE
DISTRICT FIVE

RE: Receipt of Legal Services from Law Firm of
Attorney

Attorney Laurie Eggert has made a claim with the City, indicating the attached was provided with legal services arising out of one of the following situations:

- 1) An incident occurring on MAY 28, 2002
- 2) A citizen's complaint made by MISCONDUCT IN PUBLIC OFFICE
- 3) A police shooting incident occurring on N/A

Is this information correct?

YES NO

Did you receive legal representation in this matter?

YES NO

Your signature: Suzanne L. Hinkle

Print your name: SUZANNE L. HINKLE

Upon completion, please return this memorandum to the Internal Affairs Division at the Police Academy (Room 325) as soon as possible.

Steven M. Settingsgaard
K53

Steven M. Settingsgaard
Police Commander
Internal Affairs Division

SMS:kjs