

# CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY  
City Attorney

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



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KATHRYN M. ZALEWSKI

Assistant City Attorneys

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

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"> <li>• CLEARED BY ARREST 18 OR OVER</li> <li>• PARTIAL CLEARANCE BY ARREST</li> <li>• UNFOUNDED/BASELESS</li> <li>• NO PROSECUTION DESIRED</li> </ul>	<ul style="list-style-type: none"> <li>• PROPERTY RECOVERED</li> <li>• ARREST UNDER 18</li> <li>• A. Detained at MCCC</li> <li>• B. Ordered in to MCCC DATE: _____</li> <li>• WAIVED AS AN ADULT</li> </ul>
----- C.I.B. ADMINISTRATIVE USE ONLY -----		
CLEARED EXCEPTIONALLY	<ul style="list-style-type: none"> <li>• A. Death of Offender</li> <li>• B. Prosecution Declined</li> </ul>	<ul style="list-style-type: none"> <li>• C. Extradition Denied</li> <li>• D. Refused to Cooperate</li> <li>• E. Juvenile, no custody</li> <li>• F. Not Applicable</li> </ul>
JUSTIFIABLE HOMICIDE INFORMATION	<ul style="list-style-type: none"> <li>• A. SUSP ATTACKED PO AND SAME PO KILLED SUSP</li> <li>• B. SUSP ATTACKED PO AND OTHER PO KILLED SUSP</li> <li>• C. SUSP ATTACKED CIVILIAN</li> <li>• D. SUSP ATTEMPTED FLIGHT FROM CRIME</li> </ul>	<ul style="list-style-type: none"> <li>• E. SUSP KILLED IN COMMISSION OF CRIME</li> <li>• F. SUSP RESISTED ARREST</li> <li>• G. UNABLE TO DETERMINE/NOT ENOUGH</li> <li>• H. SUSPECT KILLED BY PRIVATE CITIZEN</li> <li>• I. SUSPECT KILLED BY POLICE OFFICER</li> </ul>

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 CODES 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 TYPE OF ARREST -- CHECK ALL APPLICABLE TYPES

1 2	1 2	1 2	1 2	1 2	1 2	1 2	1 2
<input type="checkbox"/> ALTERED STOCK	<input type="checkbox"/> CHROMIUM/NICKEL	<input type="checkbox"/> HANDGUN	<input type="checkbox"/> OTHER	<input type="checkbox"/> REVOLVER	<input type="checkbox"/> SHOTGUN	<input type="checkbox"/> OTHER FIREARM	<input type="checkbox"/> SIMULATED WEAPON
<input type="checkbox"/> AUTOMATIC	<input type="checkbox"/> DOUBLE BARREL	<input type="checkbox"/> IMPLIED WEAPON	<input type="checkbox"/> OTHER FIREARM	<input type="checkbox"/> RIFLE	<input type="checkbox"/> SINGLE BARREL	<input type="checkbox"/> KNIFE/CUTTING INSTR	<input type="checkbox"/> THROWN OBJECT
<input type="checkbox"/> BOLT ACTION	<input type="checkbox"/> DRUG/MARCOTIC	<input type="checkbox"/> LIQUID GAS	<input type="checkbox"/> POISON	<input type="checkbox"/> RAWED OFF	<input type="checkbox"/> UNKNOWN	<input type="checkbox"/> BLUNT OBJECT	<input type="checkbox"/> FIRE/INCENDIARY
<input type="checkbox"/> BLUNT OBJECT	<input type="checkbox"/> FIRE/INCENDIARY	<input type="checkbox"/> MOTOR VEHICLE	<input type="checkbox"/> PUMP ACTION	<input type="checkbox"/> SHORT/SNUB BARREL	<input type="checkbox"/> UNKNOWN		

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  
SMAIWA  
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