

# 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  
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December 26, 2003

**BEVERLY A. TEMPLE**  
**THOMAS O. GARTNER**  
**BRUCE D. SCHRIMPF**  
**ROXANE L. CRAWFORD**  
**SUSAN D. BICKERT**  
**HAZEL MOSLEY**  
**HARRY A. STEIN**  
**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**  
**GREGG C. HAGOPIAN**  
**ELLEN H. TANGEN**  
**MELANIE R. SWANK**  
**JAY A. UNORA**  
**DONALD L. SCHRIEFER**  
**EDWARD M. EHRlich**  
**LEONARD A. TOKUS**  
**MIRIAM R. HORWITZ**  
**MARYNELL REGAN**  
**G. O'SULLIVAN-CROWLEY**  
**DAWN M. BOLAND**

Assistant City Attorneys

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 Kurt Lacina and Michael Anderson  
C.I. File No. 02-S-263; ELO No. 1777

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Kurt Lacina and Michael Anderson. The claim is in the amount of \$1,050.78 including \$5.78 in disbursements for 9.50 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 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. Sec. 895.35, Stats., *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.

2276

**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

August 1, 2002

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

CITY OF MILWAUKEE  
REGISTERED  
02 AUG -5 PM 3:00  
CITY ATTORNEY

**RE: MPD Criminal Investigation of POs Kurt Lacina and Michael  
Anderson  
Allegations Regarding Mr. Leonard Myles  
Date of Incident: February 24, 2001  
Location of Incident: 5500 West Fond du Lac Avenue  
EC No.: 1777**

Dear Mr. Leonhardt:

The above-named 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. This incident involved a traffic stop.

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 Lacina and Anderson 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 A. Eggert*  
Laurie A. Eggert  
Attorney at Law

CITY OF MILWAUKEE  
2002 AUG -5 AM 11:47  
RONALD D. LEONHARDT  
CITY CLERK

12/19/03  
C.F.  
JHS  
LETTER 2276

JC/ldl  
LACINA ANDERSON

**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

August 1, 2002

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

RE: MPD Criminal Investigation re: Mr. Leonard Myles  
Regarding: POs Kurt Lacina and Michael Anderson  
Date of Incident: February 24, 2001  
Location of Incident: 5500 West Fond du Lac Avenue

Professional services

	<u>Hours</u>
05/17/01 Discussion with PO Anderson regarding new criminal investigation; open file; memo to file; telephone call to PO Lacina; memo to file; telephone call to witness; memo to file.	0.90
05/18/01 Telephone call to and from PO Lacina; receive and review arrest and detention reports; telephone call to witness; office conference with PO Lacina.	1.20
05/21/01 Telephone call to and from PO Anderson; telephone call to and from IAD.	0.40
05/23/01 Review of file; telephone call from IAD; telephone call to clients; memo to file.	0.50
06/01/01 Several telephone calls from PO Lacina.	0.30
06/04/01 Telephone call from IAD.	0.30
06/05/01 Telephone call to PO Lacina; meeting with PO Lacina at IAD; attend PO Lacina's statement to IAD; travel; memo to file.	1.60

	<u>Hours</u>	
06/06/01 Discussion with witness.	0.40	
06/07/01 Discussion with IAD.	0.20	
06/08/01 Telephone call to PO Anderson.	0.10	
06/14/01 Review of file; meeting with PO Anderson at IAD; attend PO Anderson's PI-21; travel; memo to file.	1.90	
06/20/01 Several telephone calls from client.	0.20	
08/02/01 Telephone call to IAD.	0.10	
08/06/01 Telephone call to IAD.	0.10	
08/20/01 Telephone call from IAD.	0.10	
11/29/01 Review of file; telephone call to IAD.	0.20	
11/30/01 Telephone call from IAD regarding criminal investigation being cleared; correspondence to MPD Open Records; correspondence to clients.	0.50	
04/22/02 Review of correspondence from MPD Open Records; correspondence to clients; close file.	0.50	
	<hr/>	<u>Amount</u>
For professional services rendered	9.50	\$1,045.00
Additional charges:		
04/22/02 MPD Open Records request		5.78
Total costs		<hr/> \$5.78

Mr. Ronald D. Leonhardt

Page 3

	<u>Amount</u>
Total amount of this bill	<u>\$1,050.78</u>
Balance due	<u>\$1,050.78</u>

(Rate: \$110.00 per hour)

INCIDENT INFORMATION	INCIDENT	DATE OF INCIDENT	DATE OF REPORT	REP CON#
	BATTERY	02-24-01	11-25-01	
	VICTIM	LOCATION OF INCIDENT (ADDRESS)		DIST.
	LEONARD E. MYLES	5702 WEST FOND DU LAC AVENUE		7
	VICTIM'S ADDRESS	REPORTED BY		
	6230 WEST BOEHLKE	SAME		

PROPERTY CODES --- LIST CODE FOR EACH ITEM OF PROPERTY IN "CODE #1" COLUMN---

01-AIRCRAFT	05-CREDIT CARDS	15-HEAVY EQUIPMENT	21-NEGOTIABLE INSTRUMENT	27-RECORD/AUDIO VISUAL	34-STRUCT-STORAGE
02-ALCOHOL	10-DRUGS/NARCOTICS	16-HOUSEHOLD GOODS	22-NONNEGOT INSTRUMENT	28-STRUCT-SINGLE DWM	35-STRUCT-OTHER
04-BICYCLES	11-DRUG/NARC EQUIP	17-JEWELRY/PREC METAL	23-OFFICE EQUIPMENT	30-STRUCT-OTHER DWM	36-POOLS
06-CLOTHES/FURS	12-FARM EQUIPMENT	18-LIVESTOCK	24-OTHER	31-STRUCT-OTHER COMM	38-VEH/PART/ACC
07-COMPUTER WARES	13-FIREARMS	19-MERCHANDISE	25-PURSE/BAG/WALLET	32-STRUCT-INDUST MFG	39-WATERCRAFT
08-CONSUMABLES	14-GAMING 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 PRISONER AT TIME OF ARREST -- CHECK ALL APPLICABLE ITEMS

1 2	1 2	1 2	1 2	1 2	1 2	1 2
<input type="checkbox"/> ALTERED STOCK	<input type="checkbox"/> CHROME/NICKEL	<input type="checkbox"/> HANDGUN	<input type="checkbox"/> OTHER	<input type="checkbox"/> REVOLVER	<input type="checkbox"/> SHOTGUN	<input type="checkbox"/> SIMULATED WEAPON
<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"/> SAWED OFF	<input type="checkbox"/> SEMI AUTO
<input type="checkbox"/> BOLT ACTION	<input type="checkbox"/> DRUG/NARCOTIC	<input type="checkbox"/> KNIFE/CUTTING INSTR	<input type="checkbox"/> PERSONAL WEAPON	<input type="checkbox"/> LIQUID GAS	<input type="checkbox"/> POISON	<input type="checkbox"/> PUMP ACTION
<input type="checkbox"/> BLUE STEEL	<input type="checkbox"/> EXPLOSIVES	<input type="checkbox"/> MOTOR VEHICLE	<input type="checkbox"/> OTHER	<input type="checkbox"/> SHORT/SNUB BBL	<input type="checkbox"/> UNKNOWN	
<input type="checkbox"/> BLUNT OBJECT	<input type="checkbox"/> FIRE/INCENDIARY					

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

ALIAS: 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	GANG RELATED	Y N	DRUG RELATED	Y N	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
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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

ALIAS: 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	GANG RELATED	Y N	DRUG RELATED	Y N	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
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CHARGES	POSSESSED SUSPECTED DRUGS AT TIME OF ARREST	Y N
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VEHICLE USED	MAKE	MODEL	TYPE	COLOR	STATE	EXP	TYPE	V.I.N. #
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REPORTING OFFICER	PAYROLL #	LOC #	ASSISTING OFFICER	SUPERVISOR	TOTAL ARRESTS
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DET. JEFFERY HOOVER 50062 04  
DET. M. SYKES 53312  
Sgt. Mary Hoenig

CLEARANCE REPORT  
PAGE 2

INVESTIGATIVE NARRATIVE:

This report was dictated by Detective Jeffery HOOVER, of the Criminal Investigation Unit/Internal Affairs Division (CIU/IAD), Day Shift.

During the course of this investigation no criminal intent was developed, and all solvability factors were explored and exhausted. Furthermore, the complainant indicated he knew of people who witnessed the incident, however, he failed to cooperate by providing their names and addresses. Additionally, the complainant stated that the officer had his foot on his head. However, a witness identified as his son, Steed MYLES, stated he observed the police officer with his knee on the dad's neck. In addition, the complainant decided to report this incident to Internal Affairs Division 21 days after the incident occurred. At that time, the complainant was unable to produce any evidence of an injury. Therefore, this incident will be cleared as unfounded.

REVIEWING D.A.	P.O./DET. ASSIGNED DETECTIVE JEFFERY HOOVER	COURT CASE NUMBER
FINAL CHARGE	DISPOSITION/DATE 11-25-61	VICTIM NOTIFIED BY DETECTIVE JEFFERY HOOVER
INCIDENT STATUS	<input type="radio"/> CLEARED BY ARREST 18 OR OVER <input type="radio"/> PARTIAL CLEARANCE BY ARREST *UNFOUNDED/BASELESS <input type="radio"/> NO PROSECUTION DESIRED	<input type="radio"/> PROPERTY RECOVERED <input type="radio"/> WARRANT REFUSED <input type="radio"/> ARREST UNDER 18 <input type="radio"/> A. Detained at MCCC <input type="radio"/> B. Ordered in to MCCC DATE: _____ <input type="radio"/> WAIVED AS AN ADULT
----- C.I.B. ADMINISTRATIVE USE ONLY -----		
CLEARED EXCEPTIONALLY	<input type="radio"/> A. Death of Offender <input type="radio"/> B. Prosecution Declined	<input type="radio"/> C. Extradition Denied <input type="radio"/> D. Refused to Cooperate <input type="radio"/> E. Juvenile, no custody <input type="radio"/> F. Not Applicable
JUSTIFIABLE HOMICIDE INFORMATION	<input type="radio"/> A. SUSP ATTCKD PO AND SAME PO KILLED SUSP <input type="radio"/> B. SUSP ATTCKD PO AND OTHER PO KILLED SUSP <input type="radio"/> C. SUSP ATTCKD CIVILIAN <input type="radio"/> D. SUSP ATTEMPTED FLIGHT FROM CRIME	<input type="radio"/> E. SUSP KILLED IN COMMISSION OF CRIME <input type="radio"/> F. SUSP RESISTED ARREST <input type="radio"/> G. UNABLE TO DETERMINE/NOT ENOUGH <input type="radio"/> H. SUSPECT KILLED BY PRIVATE CITIZEN <input type="radio"/> I. SUSPECT KILLED BY POLICE OFFICER

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SECOND NOTICE

OCTOBER 16, 2002

TO: KURT LACINA  
DISTRICT SEVEN

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 FEBRUARY 24, 2001
- 2) A citizen's complaint made by LEONARD MYLES
- 3) A police shooting incident occurring on N/A

Is this information correct?

YES X NO \_\_\_\_\_

Did you receive legal representation in this matter?

YES X NO \_\_\_\_\_

Your signature: [Handwritten Signature]

Print your name: PO KURT LACINA

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

*Steve Settingsgaard*  
 STEVEN M. SETTINGSGAARD *KJS*  
 POLICE COMMANDER  
 Internal Affairs Division

SMS:kjs

RECEIVED  
 02 NOV -4 AM 10:08  
 MILWAUKEE POLICE  
 INTERNAL AFFAIRS  
 DIVISION



MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 13, 2002

TO: P.O. MICHAEL ANDERSON  
DISTRICT SIX

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 FEBRUARY 24, 2001
- 2) A citizen's complaint made by LEONARD MYLES
- 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: P.O. Michael Anderson

Print your name: P.O. Michael ANDERSON

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

*St. Settingsgaard*

STEVEN M. SETTINGSGAARD  
POLICE COMMANDER  
Internal Affairs Division

RECEIVED  
02 OCT -1 PM 1:28  
MILWAUKEE POLICE  
INTERNAL AFFAIRS  
DIVISION