

GRANT F. LANGLEY
City Attorney

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



THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
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
VINCENT J. BOBOT
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
KATHRYN M. ZALEWSKI
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
Assistant City Attorneys

February 8, 2008

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

Re: Communication from Attorney Laurie A. Eggert for legal fees for
Police Officers Martinez Moore and Teresa Cruz
C.I. File No. 06-S-257; EC 2360

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie A. Eggert for attorney's fees for representing Police Officers Martinez Moore and Teresa Cruz. The claim is in the amount of \$1,116.00 including \$16.00 in disbursements for 10.00 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. Wis. Stat. § 895.35, *Bablitch and Bablitch v. Lincoln County*, 82 Wis. 2d 574 (1978).

Very truly yours,

A handwritten signature in black ink that reads "Grant F. Langley".

GRANT F. LANGLEY
City Attorney

A handwritten signature in black ink that reads "Jan A. Smokowicz".

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:amp

Enc.

1032-2006-2374:1248581v1

OFFICE OF THE CITY ATTORNEY

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

September 12, 2006

TO: P.O. MARTINEZ MOORE
DISTRICT: FOUR

RE: Receipt of Legal Services from Law Firm of
Attorney Laurie Eggert

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 N/A
- 2) A citizen's complaint made by POLICE INVOLVED SHOOTING
- 3) A police shooting incident occurring on MARCH 17, 2006

Is this information correct?

YES NO

Did you receive legal representation
in this matter?

YES NO

Your signature: Martinez Moore

Print your name: Martinez Moore

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

Mary K. Hoerig
MARY K. HOERIG
Deputy Inspector
Professional Performance Division

RECEIVED
06 SEP 27 AM 11:22
MILWAUKEE POLICE
PROFESSIONAL PERFORMANCE
DIVISION
DP

MKH:kjs

MILWAUKEE POLICE DEPARTMENT

SIGNED
BY
MEMBER

MEMORANDUM

September 12, 2006

TO: P.O. TERESA CRUZ
DISTRICT: FOUR

RE: Receipt of Legal Services from Law Firm of
Attorney Laurie Eggert

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 N/A
- 2) A citizen's complaint made by POLICE INVOLVED SHOOTING
- 3) A police shooting incident occurring on MARCH 17, 2006

Is this information correct?

YES NO

Did you receive legal representation
in this matter?

YES NO

Your signature: Teresa Cruz

Print your name: Teresa Cruz

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

Mary K. Hoerig
 MARY K. HOERIG
 Deputy Inspector
 Professional Performance Division

RECEIVED
POLICE ACADEMY
DIVISION

05 SEP 27 AM 11:22

MKH:kjs

CERMELE & ASSOCIATES, S.C.
ATTORNEYS AT LAW

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

1840 NORTH FARWELL AVENUE
SUITE 303
MILWAUKEE, WISCONSIN 53202
(414) 276-8750
FAX (414) 276-8906

August 17, 2006

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

CITY OF MILWAUKEE
MILWAUKEE
AUG 28 PM 4:16
CITY CLERK

**RE: MPD Criminal Investigation of PO's Martinez Moore and Teresa Cruz
Regarding: Officer-Involved Shooting
Date of Incident: March 17, 2006
Location of Incident: 5469 North 51st Boulevard**

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 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 of more working days. §895.35(2), STATS.

CITY OF MILWAUKEE
RECEIVED

2006 AUG 29 PM 3:25

OFFICE OF
CITY ATTORNEY

Officers Moore and Cruz are 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" to mandatory payment under §895.35(2) STATS., apply.¹

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

Assistant District Attorney Potter reviewed the matter and did not issue charges against the officers. Attached is a copy of Assistant District Attorney Potter's letter and an itemization of the time and services rendered.

Sincerely,

CERMELE & ASSOCIATES, S.C.

Jon Cermele

JC/kjs
Attachment
MOORE and CRUZ

¹ 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.

ATTORNEYS AT LAW

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

1840 NORTH FARWELL AVENUE
SUITE 303
MILWAUKEE, WISCONSIN 53202
(414)276-8750
FAX (414)276-8906

August 18, 2006

Mr. Ronald D. 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 Martinez Moore and Teresa Cruz
Date of Incident: March 17, 2006
Location of Incident: 5469 North 51st Boulevard
Professional services

	<u>Hours</u>
3/17/2006 Telephone call from MPD regarding officer involved shooting; open file; numerous telephone calls to and from various witnesses, etc.; travel to PAB; meeting with CIB; meeting with PO Cruz; meeting with PO Moore; memo to file; attend PO Moore's statement to CIB; attend PO Cruz's statement to CIB; return travel.	5.70
3/20/2006 Telephone calls to and from clients; review file; telephone call to ADA Potter; travel; meeting with clients; attend clients' statements to DA; return travel.	2.60
4/25/2006 Review file; telephone call to ADA Potter; correspondence to clients; telephone call to and from Dep. Chief O'Keefe.	0.50
5/23/2006 Review file; telephone call to and from ADA.	0.40
5/24/2006 Telephone call to and from ADA confirming DA's decision not to go forward with inquest; telephone call to PO Moore regarding same.	0.40

	<u>Hours</u>
5/26/2006 Receive and review correspondence from DA confirming that there would be no inquest and concluding that the Officers' use of force was privileged and in self-defense; close file.	0.40

For professional services rendered
Additional charges:

<u>✓</u>	<u>Amount</u>
10.00	\$1,100.00

3/17/2006 Parking

8.00

3/20/2006 Parking

8.00

Total costs

\$16.00

Total amount of this bill

✓ \$1,116.00

Balance due

\$1,116.00

(Rate: \$110.00 per hour)