

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 22, 2004

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 Kristin Riestra, Stacy Robrahn, Juan Lopez and
Gilbert Carrasco, Jr.; C.I. File No. 02-S-83; EC No. 1748

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Kristin Riestra, Stacy Robrahn, Juan Lopez and Gilbert Carrasco, Jr. The claim is in the amount of \$1,734.28 including \$18.28 in disbursements for 15.60 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. 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

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
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 27, 2002

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

**RE: MPD Criminal Investigation of POs Kristin Riestra, Stacy Robrahn,
Juan Lopez and Gilbert Carrasco, Jr.
Allegations Regarding Winfred LaBrose
Date of Incident: May 25, 2001
Location of Incident: 2606 North 31st Street
EC No.: 1748**

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. This incident involved a D/C 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 the officers 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
Attorney at Law

1/22/04
O.K.
JMS
Letter 2276

JC/ldl
RIESROB

202 MAR 14 11:01 AM

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 27, 2002

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

RE: MPD Criminal Investigation re: Winfred LaBrose
Regarding: POs Kristin Riestra, Stacy Robrahn,
Juan Lopez, and Gilbert Carrasco, Jr.
Date of Incident: May 25, 2001
Location of Incident: 2606 South 31st Street

Professional services

Hours

06/05/01 Telephone call from PO Riestra regarding new criminal investigation; open file; memo to file; telephone call to IAD; telephone call to PO Carrasco; memo to file; telephone call to PO Robrahn; memo to file; telephone call to witness; memo to file.	1.70
06/06/01 Telephone call to PO Riestra; review of file; meeting with PO Riestra at IAD; attend PO Riestra's statement to IAD; meeting with PO Lopez; attend PO Lopez's PI-21; travel; memos to file.	2.50
06/07/01 Telephone call to PO Robrahn; review of file; meeting with PO Robrahn at IAD; attend PO Robrahn's PI-21; travel; memo to file.	1.70
06/12/01 Telephone call from PO Corrasco; review of file; telephone call to IAD; telephone call to PO Corrasco.	0.70

	<u>Hours</u>	
06/13/01 Telephone call to PO Corrasco; meeting with PO Corrasco at IAD; attend PO Corrasco's PI-21; travel; memo to file.	1.90	
07/10/01 Telephone call from DDA Reddin; memo to file.	0.20	
07/24/01 Telephone call to DA; telephone calls to POs Corrasco, Lopez, Robrahn and Riestra.	0.40	
07/30/01 Review of file; meeting with PO Riestra at DA; attend PO Riestra's statement to DA; travel; memo to file.	2.70	
07/31/01 Review of file; meeting with PO Robrahn at DA; attend PO Robrahn's statement to DA; meeting with PO Lopez; attend PO Lopez's statement to the DA; meeting with PO Carrasco; attend PO Carrasco's statement to DA; travel; memo to file.	2.90	
08/01/01 Correspondence to client; correspondence to MPD Open Records.	0.40	
02/15/02 Review of correspondence from MPD Open Records; correspondence to clients; close file.	0.50	
		<u>Amount</u>
For professional services rendered	15.60	\$1,716.00
Additional charges:		
07/30/01 Parking		4.00
07/31/01 Parking		8.00

Mr. Ronald D. Leonhardt

Page 3

01/21/02 MPD Open Records request

Amount

6.28

Total costs

\$18.28

Total amount of this bill

\$1,734.28

Balance due

\$1,734.28

(Rate: \$110.00 per hour)

01-145-3045

INCIDENT INFORMATION	INCIDENT Battery	DATE OF INCIDENT 5-20-01	DATE OF REPORT 8-02-01
	VICTIM Labrosse , Winfield	LOCATION OF INCIDENT (Address) 2606 S. 30th	
	VICTIM'S ADDRESS CITY/STATE/ZIP CODE 2636 S.31st St.	REPORTED BY	Same <input checked="" type="checkbox"/>

- PROPERTY CODES LIST CODE FOR EACH ITEM OF PROPERTY IN CODE# COLUMN. IF PROPERTY WAS DAMAGED BEGIN CODE WITH "D" (e.g. D-00)
- | | | | | | |
|-------------------|-------------------------|------------------------|------------------------|-------------------------|-------------------|
| 01-AIRCRAFT | 08-CONSUMABLES | 15-HEAVY EQUIPMENT | 22-NON-NEGOT. INSTR. | 29-STRUCT.-SINGLE DWL. | 36-TOOLS |
| 02-ALCOHOL | 09-CREDIT CARDS | 16-HOUSEHOLD GOODS | 23-OFFICE EQUIPMENT | 30-STRUCT.-OTHER DWL. | 37-TRUCK |
| 03-AUTOMOBILE | 10-DRUGS/NARCOTICS | 17-JEWELRY/PREC. METAL | 24-OTHER VEHICLE | 31-STRUCT.-OTHER COM. | 38-VEH. PART/ACC. |
| 04-BICYCLES | 11-DRUG/NARC. EQUIPMENT | 18-LIVESTOCK | 25-PURSE/BAG/WALLET | 32-STRUCT.-INDUST. MFG. | 39-WATERCRAFT |
| 05-BUS | 12-FARM EQUIPMENT | 19-MERCHANDISE | 26-RADIO/T.V./V.C.R. | 33-STRUCT.-PUBLIC | 60-ATV |
| 06-CLOTHES/FURS | 13-FIREARMS | 20-MONEY | 27-RECORD/AUDIO VISUAL | 34-STRUCT.-STORAGE | 61-SNOWMOBILE |
| 07-COMPUTER WARES | 14-GAMBLING EQUIPMENT | 21-NEGOTIABLE INSTR. | 28-RV | 35-STRUCT.-OTHER | 77-OTHER |

PROPERTY RECOVERED

QUAN.	TYPE OF PROPERTY	DESCRIPTION	SERIAL#	INVENTORY#	CODE#	VALUE

RELATED INCIDENT NUMBER(S)	EVIDENCE INVENTORY NUMBER(S)	ADDED PROPERTY ON ATTACHED PD-14 <input type="checkbox"/>	TOTAL VALUE RECOVERED PROPERTY \$
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WEAPON ARREST NUMBER ONE

USE FOR WEAPONS IN POSSESSION OF PRISONER AT TIME OF ARREST - CHECK ALL APPLICABLE ITEMS

<input type="checkbox"/> 1 <input type="checkbox"/> 2	<input type="checkbox"/> 1 <input type="checkbox"/> 2	<input type="checkbox"/> 1 <input type="checkbox"/> 2	<input type="checkbox"/> 1 <input type="checkbox"/> 2	<input type="checkbox"/> 1 <input type="checkbox"/> 2	<input type="checkbox"/> 1 <input type="checkbox"/> 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"/> AUTOMATIC	<input type="checkbox"/> DOUBLE BARREL	<input type="checkbox"/> IMPLIED WEAPON	<input type="checkbox"/> OTHER FIREARM	<input type="checkbox"/> RIFLE	<input type="checkbox"/> SIMULATED WEAPON
<input type="checkbox"/> BOLT ACTION	<input type="checkbox"/> DRUG/NARCOTIC	<input type="checkbox"/> KNIFE/CUTTING INSTR.	<input type="checkbox"/> PERSONAL WEAPON	<input type="checkbox"/> SAWED OFF	<input type="checkbox"/> SINGLE BARREL
<input type="checkbox"/> BLUE STEEL	<input type="checkbox"/> EXPLOSIVES	<input type="checkbox"/> LIQUID GAS	<input type="checkbox"/> POISON	<input type="checkbox"/> SEMI AUTO.	<input type="checkbox"/> THROWN OBJECT
<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 BBL.	<input type="checkbox"/> UNKNOWN

ARRESTEE NUMBER TWO

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

VEHICLE

VEH. YEAR USED	MAKE	MODEL	TYPE	COLOR	LICENSE#	STATE	EXP	TYPE	V.I.N.
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REPORTING OFFICER Det. Michael Carlson	PAYROLL# LOC.# 36620 04	ASSISTING OFFICER PAYROLL#	SUPERVISOR <i>J. Mary Henry</i>	TOTAL ARRESTS
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Michael Carlson

INVESTIGATION NARRATIVE

This report is written by Det. Michael Carlson assigned to CIU-IAD days.

On Wednesday August 1st 2001 Dept. D.A. John Reddin notified this office that he had reviewed this complaint and he has declined to issue any charges against the Officers involved. This complaint will be cleared as Warrant Refused.

REVIEWING D.A. Dept. D.A. John Reddin	P.O./DET. ASSIGNED Det. Michael Carlson	COURT CASE NUMBER
FINAL CHARGE Warrant Refused	DISPOSITION/DATE 8-02-2001	VICTIM NOTIFIED BY Det. Carlson
INCIDENT STATUS <input type="checkbox"/> CLEARED BY ARREST 18 OR OVER <input type="checkbox"/> PARTIAL CLEARANCE BY ARREST <input type="checkbox"/> UNFOUNDED/BASELESS <input type="checkbox"/> NO PROSECUTION DESIRED	<input type="checkbox"/> PROPERTY RECOVERED <input type="checkbox"/> WARRANT REFUSED	<input type="checkbox"/> ARREST UNDER 18 <input type="checkbox"/> A. DETAINED AT M.C.C.C. <input type="checkbox"/> B. ORDER IN TO M.C.C.C. <input type="checkbox"/> WAIVED AS AN ADULT DATE: / /
C.I.B. ADMINISTRATIVE USE ONLY		
<input type="checkbox"/> CLEARED EXCEPTIONALLY <input type="checkbox"/> A. DEATH OF OFFENDER <input type="checkbox"/> B. PROSECUTION DECLINED	<input type="checkbox"/> C. EXTRADITION DENIED <input type="checkbox"/> D. REFUSED TO CO-OPERATE	<input type="checkbox"/> E. JUVENILE NO CUSTODY <input type="checkbox"/> F. NOT APPLICABLE
JUSTIFIABLE HOMICIDE <input type="checkbox"/> A. SUSP. ATTACKED P.O. AND SAME P.O. KILLED SUSP. <input type="checkbox"/> B. SUSP. ATTACKED P.O. AND OTHER P.O. KILLED SUSP. <input type="checkbox"/> C. SUSP. ATTACKED CIVILIAN <input type="checkbox"/> D. SUSP. ATTEMPTED FLIGHT FROM CRIME	<input type="checkbox"/> E. SUSP. KILLED IN COMMISSION OF CRIME <input type="checkbox"/> F. SUSP. RESISTED ARREST <input type="checkbox"/> G. UNABLE TO DETERMINE/NOT ENOUGH INFORMATION <input type="checkbox"/> H. SUSPECT KILLED BY PRIVATE CITIZEN <input type="checkbox"/> I. SUSPECT KILLED BY POLICE OFFICER	

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

DECEMBER 5, 2002

TO: Sgt
~~P.O.~~ KRISTIN Riestra
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:

RECEIVED
02 DEC 16 PM 1:39
MILWAUKEE POLICE DEPARTMENT
INTERNAL AFFAIRS
DIVISION

- 1) An incident occurring on MAY 25, 2001
- 2) A citizen's complaint made by WINFRED LABROSE
- 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: Kristin M Riestra

Print your name: KRISTIN M. RIESTRA

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

SMS:kjs

7th DIST
RECEIVED
DEC 12 2002
Signature & Rank

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

DECEMBER 5, 2002

TO: P.O. STACY ROBRAHN
DISTRICT ONE

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 25, 2001
- 2) A citizen's complaint made by WINFRED LABROSE
- 3) A police shooting incident occurring on N\A

Is this information correct?

YES Y NO _____

Did you receive legal representation in this matter?

YES Y NO _____

Your signature: _____

Print your name: _____

[Handwritten signature]

[Handwritten name: P.O. Stacy R. Loree]

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

RECEIVED
 02 DEC -9 AM 10:34
 MILWAUKEE POLICE DEPARTMENT
 INTERNAL AFFAIRS DIVISION

[Handwritten signature: Steven M. Settingsgaard]
 Steven M. Settingsgaard
 Police Commander
 Internal Affairs Division

SMS:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

DECEMBER 5, 2002

TO: P.O. JUAN LOPEZ
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 MAY 25, 2001
- 2) A citizen's complaint made by WINFRED LABROSE
- 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: _____

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

P.O. JUAN LOPEZ
IS CURRENTLY ON
EXTENDED MILITARY
LEAVE

RETURNS
11-12-03
LT. TUCZY-SIKI

St. Settingsgaard
Settingsgaard
Commander
Affairs Division

MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

RECEIVED
02 DEC 11 AM 10:18

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

DECEMBER 5, 2002

TO: DET. GILBERT CARRASCO JR.
CIB

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 25, 2001
- 2) A citizen's complaint made by WINFRED LABROSE
- 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: Gilbert Carrasco

Print your name: GILBERT CARRASCO

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

RECEIVED
03 JAN - 7 AM 10:18
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

Steven M. Settingsgaard
Steven M. Settingsgaard
Police Commander
Internal Affairs Division
KJS

SMS:kjs