

# 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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THOMAS O. GARTNER  
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THOMAS J. BEAMISH  
MAURITA F. HOUREN  
JOHN J. HEINEN  
MICHAEL G. TOBIN  
DAVID J. STANOSZ  
SUSAN E. LAPPEN  
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VINCENT J. BOBOT  
MIRIAM R. HORWITZ  
MARYNELL REGAN  
G. O'SULLIVAN-CROWLEY  
DAWN M. BOLAND  
KATHRYN M. ZALEWSKI

Assistant City Attorneys

January 31, 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 Justin Carloni and Michael Pelner  
C.I. File No. 03-S-216; ELO 1879

Dear Council Members:


Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Justin Carloni and Michael Pelner. The claim is in the amount of \$743.29 including \$6.29 in disbursements for 6.70 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.  
89718/1032-2003-1613

**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

May 9, 2003

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

CITY OF MILWAUKEE  
MAY 14 PM 2:28  
MILWAUKEE CITY CLERK

**RE: MPD Criminal Investigation of POs Justin Carloni and Michael Pelner  
Allegations Regarding Mr. Travis Carter  
Date of Incident: May 28, 2002  
Location of Incident: 4253 North 47<sup>th</sup> Street  
EC No.: 1879**

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 battery/domestic violence investigation. The DA found no evidence of wrongdoing. 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

LAE/ldl  
attachment  
CARPEL

1/29/05  
O.K.  
JAS  
Letter 2276

CITY OF MILWAUKEE  
RECEIVED  
MAY 14 PM 3:41  
OFFICE OF  
CITY ATTORNEY

**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

May 8, 2003

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

RE: MPD Criminal Investigation re: Mr. Travis Carter  
Regarding: POs Justin Carloni and Michael Pelner  
Date of Incident: May 28, 2002  
Location of Incident: 4253 North 47th Street  
Professional services

	<u>Hours</u>
5/29/02 Telephone call from PO Carloni regarding new criminal investigation; open file; memo to file; telephone call to IAD; telephone call from PO Pelnar; memo to file.	1.20
6/3/02 Telephone interview of Carloni.	0.60
6/4/02 Intra-office conference; review of file.	0.30
6/5/02 Preparation for and appearance at PI-21 statements; memo to file; travel; telephone call to Pelnar.	2.60
8/27/02 Review of file; memo to file; telephone call to clients.	0.30
9/9/02 Review of file; telephone call to Det.	0.30
11/15/02 Conference with client; review of file; telephone call to Det.; correspondence to clients; correspondence to MPD Open Records; memo to file.	0.80
2/3/03 Review of file.	0.10

	<u>Hours</u>	
4/3/03 Review documents from MDP Open Records; close file.	0.50	
		<u>Amount</u>
For professional services rendered	6.70	\$737.00
Additional charges:		
4/3/03 MPD Open Records request		6.29
Total costs		<u>\$6.29</u>
Total amount of this bill		<u>\$743.29</u>
Balance due		<u><u>\$743.29</u></u>

(Rate: \$110.00 per hour)



USE REPORT

INVESTIGATIVE NARRATIVE:

This report was dictated by Detective Michele HARRISON, of the Criminal Investigation Unit/Interna Affairs Division (CIU/IAD), early shift.

On Friday, September 06, 2002, Deputy District Attorney Jon REDDIN reviewed this matter at the Distric Attorney's Office. After examination of the facts and circumstances involving this matter, Deputy Distric Attorney REDDIN indicated that Mr. CARTER did resist arrest. DDA REDDIN indicated that Police Officer #5 reported that he had administered a focused forearm strike to the lower sternum area to prevent Mr. CARTER from injuring himself and officers. DDA REDDIN indicated this was a trained technique, as it was also documented in the Use of Force Report. DDA REDDIN indicated that he believed this was justified force by the officer and did not find evidence of criminal intent or wrong doing on behalf of Officer # 5. Based on these findings, charges of Battery were not issued.

This criminal investigation is complete and cleared as Warrant Refused.

MH:tls

CH/02-128/02-0581

REVIEWING D.A. DEPUTY DISTRICT ATTORNEY JON REDDIN	P.O./DET. ASSIGNED DETECTIVE MICHELE HARRISON	COURT CASE NUMBER
FINAL CHARGE NO PROCESS	DISPOSITION/DATE 09-06-02	VICTIM NOTIFIED BY DEPUTY DISTRICT ATTORNEY JON REDDIN
INCIDENT STATUS	<input type="radio"/> CLEARED BY ARREST 18 OR OVER <input type="radio"/> PARTIAL CLEARANCE BY ARREST <input type="radio"/> 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 ATTKCD PO AND SAME PO KILLED SUSP <input type="radio"/> B. SUSP ATTKCD PO AND OTHER PO KILLED SUSP <input type="radio"/> C. SUSP ATTKCD 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

June 5, 2003

MEMORANDUM

TO: P.O. JUSTIN CARLONI  
DISTRICT SENSITIVE CRIMES

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 TRAVIS CARTER
- 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: \_\_\_\_\_

*Justin Carloni*

Print your name: \_\_\_\_\_

JUSTIN CARLONI 67530

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

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

June 5, 2003

TO: P.O. MICHAEL PELNER  
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 MAY 28, 2002
- 2) A citizen's complaint made by TRAVIS CARTER
- 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: P.O. Michael Pelner

Print your name: P.O. Michael Pelner

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

  
Steven M. Settingsgaard *KES*  
Police Commander  
Internal Affairs Division

SMS:kjs



MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

JUNE 6, 2003

TO: Captain NANETTE HEGERTY  
District SENSITIVE CRIMES

RE: ATTACHED MEMORANDUM(S)

Please see that the police officer(s) named in the attached memorandum(s) respond by filling in the requested information.

Then return the memorandum(s) to the Internal Affairs Division.



Steven M. Settingsgaard  
Police Commander  
Internal Affairs Division

KSS

Attachment (s)

MILWAUKEE POLICE  
INTERNAL AFFAIRS  
DIVISION

03 JUN 10 PM 2:49