CITY OF MILWAUKEE

GRANT F. LANGLEY

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 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,

GRANTALANGLEY City Attorney

JAN A. SMOKOWICZ Assistant City Attorney

JAS:enm

89718/1032-2003-1613

THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
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
DAWN M ROIL AND

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

May 9, 2003

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

> RE: MPD Criminal Investigation of POs Justin Carloni and Michael

Allegations Regarding Mr. Travis Carter

Date of Incident: May 28, 2002

Location of Incident: 4253 North 47th 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

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

		Hours
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

Mr	. Ronald	D. Leonhardt		Page	2
			Hours		
	4/3/03	Review documents from MDP Open Records; close file.	0.50		-
			4	Amou	<u>ınt</u>
		For professional services rendered	6.70	\$737.0	0
		Additional charges:			
	4/3/03	MPD Open Records request		6.2	9
		Total costs	-	\$6.2	- 9
•		Total amount of this bill		\$743.2	9
		Balance due	***************************************	\$743.2	- 9 =

(Rate: \$110.00 per hour)

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J/95) CLEARANCE F		PAGE 1	OF_2_		r # 02-149-	,		
	INCIDENT BATTERY SS #940.19			DATE OF 05-28-02	INCIDENT	DATE OF 10-08-02	REPORT	REP CON#
INCIDENT INFORMATION	VICTIM CARTER, TRAVIS L.			LOCATIO 4253 NO	ON OF INCIDE	ENT (ADDRE	ess)	DIST.
	VICTIM'S ADDRESS 4253 NORTH 47 TH STRE	ET		REPORTE SAME	ED BY			
	MILWAUKEE, WI 53216		<u></u>					
04-BICYCLES 11-DRUG/N 06CLOTHES/FURS 12-FARM E 07-COMPUTER WARES 13-FIREAR	NARCOTICS 16-HOUSEHOLD GOO NARC EQUIP 17-JEWELRY/PREC QUIPMENT 18-LIVESTOCK MS 19-MERCHANDISE	DS 22-NON METAL 23-OFF 77-OTH 25-PUR	OTIABLE INSTRUMENT NEGOT INSTRUMENT ICE EQUIPMENT ER SE/BAG/WALLET IO/TY/VCR	29-5 30-5 31-5 32-5	ECORD/AUDIO VI STRUCT-SINGLE D STRUCT-OTHER DW STRUCT-OTHER CO STRUCT-INDUST M STRUCT-PUBLIC	WL 35-1 L 36-1 MM 38-1	STRUCT-STORAGE STRUCT-OTHER TOOLS VEH/PART/ACC WATERCRAFT	
08-CONSUMARLES 14-GAMBLI	TYPE OF PROPERTY	DESCRIPTI	ON	SERIAL	# INVE	NTORY #	CODE #	VALUE
RELATED INCIDENT #'S		EVIDENCE INVENTORY	r #'s		PROPERTY ED PO-14	TOTAL V RECOVER	ALUE ED PROPERTY	\$
UBE FOR MEAPONE IN POSSESSION OF PRISONER A 1 2 1 2 0 O ALTERED STOCK O O CHROME O O AUTOMATIC O O DOUBLE O O BOLT ACTION O O DRUG/N O O BLUE STEEL O O EXPLOS O O BLUNT OBJECT O O FIRE/I	/NICKEL O O HANDGUN BBL O O IMPLIED WEAL ARCOTIC O O ENIFE/CUTTI	PON O C PON O C PON TRIN O C O C	OTHER OTHER FIREARM		VOLVER	1 2 O C SHOTGUN O O SINULAT O O SINULAT O O THROWN O O UNRNOWN	TED WEAFON BBL OBJECT	
ARRESTED #1 LAST NAME	FIRST NAME	MID	RACE	SEX	DATE OF BI	RTH AG	Он	C ORIGIN ISPANIC ON-HISPANIC
ADDRESS	CITY	STATE	HEIGHT		WEIGHT	BUILD	HAIR	EYES
ALIAS	SCARS, MARKS, MOLES, DE	FORMITIES, AME	PUTATIONS, FACIAL	HAIR, SKI	NTONE, TATTOOS.	PECULIARITI	ES ETC.	
		•		1	WEAPON INFO	ARRESTED	#1	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
I.D. DIV #		SOC. SEC	• #			-		
RESIDENT Y N OF	GANG RELATEDOO DRUG RELATEDOO	LOCATION	OF ARREST	DATE/T ARREST	IME OF	TYPE OF ARREST		SUSP CARD ER ARRESTS
COUNTY O O CHARGES	DRUG REDAILED			-		POSSESS DRUGS A OF ARRE	EST	0 0
ARRESTED #2 LAST NAME	FIRST NAM	E MI	D RACE	SEX	DATE OF BI	RTH AG	Он	IC ORIGIN HISPANIC HON-HISPANIC
ADDRESS	CITY	STAT	E HEIGHT		WEIGHT	BUILD	HAIR	EYES
ALIAS	SCARS, MARKS, MOLES, DE	FORMITIES, AM	PUTATIONS, FACIA	E HAIR, SKI	NTONE, TATTOOS,	PECULIARITI	ES ETC.	
I.D. DIV #	!	SOC. SEC	. #	ADDED	WEAPON INFO	ARRESTED	#1	
RESIDENT Y N	y n gang relatedo o drug relatedo o	LOCATION	N OF ARREST	DATE/T ARREST		TYPE OF ARREST	O W/WARR/ O ALL OTE	IN/CITED SUSP CARD HER ARRESTS
COUNTY O O	DRUG RELATEDO U						SED SUSPECTE AT TIME	
v VEHICLE MAKE	MODEL	TYPE	COLOR	STATE	EXP TYPE	V.I.N.		
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REPORTING OFFICER	PAYROLL #	LOC #	ASSISTING OF	FICER		SUPERV:	ISOR XE. Kichards Soiyy	TOTAL ARRESTS
This he had to	(Martine	- Annual Control of the Control of t					50,44	0
DET.MICHELE HARRISON		04						

JE 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 reported that he had administered a focused forearm strike to the lower sternum area to prevent Mr. JL5 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 Based on these findings, charges of Battery were not issued.

This criminal investigation is complete and cleared as Warrant Refused.

MH:tls

1/02-128/02-0581			
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 O CLEARED BY ARREST 18 OR STATUS O FARTIAL CLEARANCE BY ARR O UNFOUNDED/BASELESS O NO PROSECUTION DESIRED	· · · · · · · · · · · · · · · · · · ·		
C.I.B. ADMINISTRATIVE USE ONLY	·		
	O C. Extradition Denied ned O D. Refused to Cooperate	O E. Juvenile, no custody O F. Not Applicable	
O B. SUSP AT	TCKD PO AND SAME PO KILLED SUSP TCKD PO AND OTHER PO KILLED SUSP TCKD CIVILIAN	O E. SUSP KILLED IN COMMISSION OF CRIME O F. SUSP RESISTED ARREST O G. UNABLE TO DETERMINE/NOT ENOUGH	
INFORMATION O D. SUSP AT	TEMPTED FLIGHT FROM CRIME	O H. SUSPECT KILLED BY PRIVATE CITIZEN O I. SUSPECT KILLED BY POLICE OFFICER	

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

June 5, 2003

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:

Print your name: Justill

DADLOUT

<u>(673</u>3 (

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

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:

- An incident occurring on MAY 28, 2002 1)
- A citizen's complaint made by TRAVIS CARTER 2)
- A police shooting incident occurring on N/A

Is this information correct?

in this matter?

Did you receive legal representation P.O. 7 Your signature:___ Print your name: f.o. Michae Pewsk

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

Steven M. Settingsqaard

Police Commander

Internal Affairs Division

SMS:kjs

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

Attachment(s)

MILWAUAL PALICE
INTERNAL APPAIRS

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