

**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  
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SUSAN E. LAPPEN  
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PATRICIA A. FRICKER  
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KATHRYN Z. BLOCK  
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ELOISA DE LEÓN  
ADAM B. STEPHENS  
KEVIN P. SULLIVAN  
BETH CONRADSON CLEARY  
THOMAS D. MILLER  
HEIDI E. GALVÁN  
Assistant City Attorneys

July 16, 2008

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

Re: Communication from Attorney Jonathan Cermele, Cermele & Associates, S.C.  
for legal fees for Police Officers Rob Thiel, Diana Barchus, Chad Vartanian, Joseph  
Zingsheim, and Nichole Noet; EC 2572

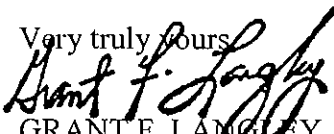
Dear Council Members:


Returned herewith is a document filed by Attorney Jonathan Cermele for attorney's fees for representing Police Officers Rob Thiel, Diana Barchus, Chad Vartanian, Joseph Zingsheim, and Nichole Noet. The claim is in the amount of \$735.00 including \$9.00 in disbursements for 6.60 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 officers on whose behalf this claim was filed.

Pursuant to Wis. Stat. § 895.35 (2), the Common Council no longer has discretion with regard to this claim as all fees and expense were incurred after the effective date (January 7, 2006) of the amendment to the statute, and because all of the requirements of the statute have been met in this case.

Very truly yours,

  
GRANT F. LANGLEY  
City Attorney

  
JAN A. SMOKOWICZ  
Assistant City Attorney

JAS:amp  
Enc.

1032-2008-921.011:124858v1

OFFICE OF THE CITY ATTORNEY

Milwaukee City Hall Suite 800 • 200 East Wells Street • Milwaukee, Wisconsin 53202-3551 • Telephone: 414.286.2601 • TDD: 414.286.2025 • Fax: 414.286.8550

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

May 26, 2008

TO: P.O. ROBERT THIEL

DISTRICT: SEVEN

RE: Receipt of Legal Services from Law Firm of  
Attorney Jonathan Cermele

Attorney Jonathan Cermele 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 15, 2008
- 2) A citizen complaint made by:
- 3) A police shooting incident occurring at: 3968A N. 28th

Is this information correct?

YES ☒ NO ☐

Did you receive legal representation  
in this matter?

YES ☒ NO ☐

Your signature: P.O. [Signature]

Print your name: Robert Thiel

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

KURT R. LEIBOLD  
Acting Captain of Police  
Professional Performance Division

KRL: kjs

P

**MILWAUKEE POLICE DEPARTMENT**

**MEMORANDUM**

**June 24, 2008**

**TO: P.O. DIANA BARCHUS**  
**DISTRICT: SEVEN**

**RE: Receipt of Legal Services from Law Firm of**  
**Attorney Jonathan Cermele**

Attorney Jonathan Cermele 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 15, 2008
- 2) An incident regarding POLICE OFFICER SHOOTING
- 3) A police shooting incident occurring on FEBRUARY 15, 2008

Is this information correct?

YES ☒ NO ☐

Did you receive legal representation  
in this matter?

YES ☒ NO ☐

Your signature: \_\_\_\_\_

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

*P.O. Diana Barchus*

Diana Barchus

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

**KURT R. LEIBOLD**  
Acting Captain of Police  
Professional Performance Division

KRL: lrc

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

May 26, 2008

TO: P.O. CHAD VARTANIAN  
DISTRICT: SEVEN

RE: Receipt of Legal Services from Law Firm of  
Attorney Jonathan Cermele

Attorney Jonathan Cermele 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 15, 2008
- 2) A citizen complaint made by:
- 3) A police shooting incident occurring at: 3968A N. 28th

Is this information correct?

YES ☒ NO ☐

Did you receive legal representation  
in this matter?

YES ☒ NO ☐

Your signature: \_\_\_\_\_



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

CHAD VARTANIAN

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

KURT R. LEIBOLD  
Acting Captain of Police  
Professional Performance Division

KRL: kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

May 26, 2008

TO: P.O. JOSEPH ZINGSHEIM  
DISTRICT: SEVEN

RE: Receipt of Legal Services from Law Firm of  
Attorney Jonathan Cermele

Attorney Jonathan Cermele 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 15, 2008
- 2) A citizen complaint made by:
- 3) A police shooting incident occurring at: 3968A N. 28th

Is this information correct?

YES ☒ NO ☐

Did you receive legal representation  
in this matter?

YES ☒ NO ☐

Your signature: \_\_\_\_\_



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

PO Joseph ZINGSHEIM

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

KURT R. LEIBOLD  
Acting Captain of Police  
Professional Performance Division

KRL: kjs

**MILWAUKEE POLICE DEPARTMENT**

**MEMORANDUM**

**May 26, 2008**

**TO: P.O. NICOLE NOET**  
**DISTRICT: SENSITIVE CRIMES**

**RE: Receipt of Legal Services from Law Firm of**  
**Attorney Jonathan Cermele**

Attorney Jonathan Cermele 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 15, 2008
- 2) A citizen complaint made by:
- 3) A police shooting incident occurring at: 3968A N. 28th

Is this information correct?

YES X NO    

Did you receive legal representation  
in this matter?

YES X NO    

Your signature: Nicole Noet

Print your name: Nicole Noet

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

**KURT R. LEIBOLD**  
Acting Captain of Police  
Professional Performance Division

KRL: kjs

**GRANT F. LANGLEY**  
City Attorney

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

**CITY OF**  
**MILWAUKEE**  
**Office of the City Attorney**

**THOMAS O. GARTNER**  
**BRUCE D. SCHRIMPF**  
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**ELOISA DE LEÓN**  
**ADAM B. STEPHENS**  
**KEVIN P. SULLIVAN**  
**BETH CONRADSON CLEARY**  
**THOMAS D. MILLER**  
Assistant City Attorneys

May 1, 2008

Acting Captain Kurt Leibold  
Milwaukee Police Department  
Professional Performance Division  
6680 North Teutonia Avenue, Rm. 325  
Milwaukee, WI 53209

Re: Communication from CERMELE & ASSOCIATES, S.C.  
EC No: 2572; Our File No. 1032-2008-921.011

Dear Captain Leibold:

Enclosed please find a claim filed by attorney Jonathan Cermele for Attorney's fees incurred during his representation of Police Officers Rob Thiel, Diana Barchus, Chad Vartanian, Joseph Zingsheim, and Nichole Noet.

Please determine whether this officer was in fact involved in the matter described in Mr. Cermele's claim, and have this officer verify Mr. Cermele's representation. Please return the claims and verification forms to our office at your earliest convenience to Angelique M. Pettigrew, Paralegal.

Thank you for your anticipated cooperation in this matter.

Very truly yours,



JAN A. SMOKOWICZ  
Assistant City Attorney

JAS:amp

Enclosure

1032-2008-921.011:130254

OFFICE OF THE CITY ATTORNEY

1032-2008-921.6

# CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -  
WWW.CERMELELAW.COM

JONATHAN CERMELE  
RACHEL L. PINGS  
MATTHEW L. GRANITZ

LAURIE A. EGGERT  
- OF COUNSEL -

6310 WEST BLUEMOUND ROAD  
SUITE 200  
MILWAUKEE, WISCONSIN 53213  
(414) 276-8750  
FAX (414) 276-8906

April 3, 2008

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

CITY OF MILWAUKEE  
2008 APR -7 PM 2:25  
RONALD D. LEONHARDT  
CITY CLERK

**RE: MPD Criminal Investigation of PO's Rob Thiel, Diana Barchus,  
Chad Vartanian, Joseph Zingsheim and Nicole Noet  
Allegations Regarding Officer-Involved Shooting  
Date of Incident: February 15, 2008  
Location of Incident: 3968-A North 28<sup>th</sup> Street**

Dear Mr. Leonhardt:

Pursuant to Article 58 of the 2007-2009 Collective Bargaining Agreement between the City and the Milwaukee Police Association, the City should request that this claim be placed on the Common Council Committee agenda within 180 days of its receipt.

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



Officer's Thiel, Barchus, Vartanian, Zingsheim and Noet 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" apply.<sup>1</sup>

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

Thank you.

Sincerely,

CERMELE & ASSOCIATES, S.C.

Jon Cermele

/kjs  
Attachment  
THIEL, et al

---

<sup>1</sup> 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.

# CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -  
WWW.CERMELELAW.COM

JONATHAN CERMELE  
RACHEL L. PINGS  
MATTHEW L. GRANTZ

6310 WEST BLUEMOUND ROAD  
SUITE 200  
MILWAUKEE, WISCONSIN 53213  
(414) 276-8750  
FAX (414) 276-8906

LAURIE A. EGGERT  
- OF COUNSEL -

April 03, 2008

Mr. Ronald Leonhardt  
Milwaukee City Clerk  
City Hall, Room 205  
200 East Wells Street  
Milwaukee WI 53202

RE: MPD Criminal Investigation of Officer-Involved Shooting  
Allegations Regarding PO's Rob Thiel, Diana Barchus, Chad Vartanian,  
Joseph Zingsheim and Nicole Noet  
Date of Incident: February 15, 2008  
Location of Incident: 3968-A North 28th Street  
Professional services

	<u>Hours</u>
2/16/2008 Several telephones call from Officers regarding officer-involved shooting; telephone calls to and from several witnesses; open file; travel to PAB; interview all officers; attend interviews of PO's to DA; memos to file; return travel.	6.00
2/18/2008 Conference with MPD regarding status.	0.30
3/10/2008 Receive and review clearance letter from DA; correspondence to clients; close file.	0.30

	<u>Amount</u>
For professional services rendered	6.60
Additional charges:	\$726.00
2/16/2008 Parking	9.00
Total costs	<u>\$9.00</u>

Mr. Ronald Leonhardt

Page 2

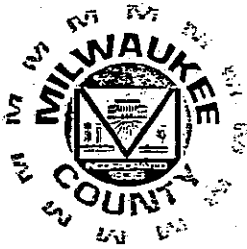
Amount

Total amount of this bill

\$735.00

Balance due

\$735.00



OFFICE OF DISTRICT ATTORNEY

MAR 11 2008

# Milwaukee County

JOHN T. CHISHOLM • District Attorney

March 7, 2008

Chief Edward A. Flynn  
Milwaukee Police Department  
749 W. State St., Rm. 716  
Milwaukee, WI 53233

RE: Milwaukee Police Officer Robert Thiel, Employee No. 016641

Dear Chief Flynn:

I participated in the investigation related to the use of force by City of Milwaukee Police Officer Robert Thiel and have reviewed the reports and interviews related to the incident.

My investigation shows that on February 15, 2008, Officer Thiel responded with other officers to 3968A N. 28<sup>th</sup> Street, to assist in a sexual assault investigation. The focus of the investigation was Mr. Jamar Redmond, and the officers were speaking to Redmond's mother at the above address. Officer Thiel was dressed in his official uniform and came into contact with Redmond in the stairwell of the residence, in extremely close quarters. Thiel attempted to detain Redmond, who retreated from the officers and was ordered to stop and show his hands. Redmond stopped, turned toward officers, pulled a large butcher knife from his front pants pocket, and began waving it in a threatening manner. At this time the subject stood approximately 4-5 feet away from Officer Thiel, and he disobeyed commands for him to drop the knife. The subject's actions caused Officer Thiel to fear for his safety and the safety of nearby fellow officers. Officer Thiel then fired one shot at the individual, causing non-lethal injury.

The subject, Jamar Redmond (d.o.b. 07-06-1986), was treated by Milwaukee Fire Department personnel and conveyed to Froedtert Memorial Hospital for further medical treatment.

Redmond is charged in Count 2 of Milwaukee County Circuit Court Case Number 2008CF000843 with the offense of First Degree Recklessly Endangering Safety While Armed, Use of a Dangerous Weapon, in connection with his actions toward Officer Thiel. Count 1 charges Redmond with the offense of First Degree Sexual Assault of a Child. These charges remain pending.

Based upon my personal review and information gathered through investigation of this incident, I am satisfied that Officer Robert Thiel committed no crime and his actions were

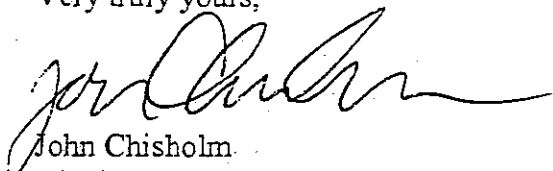
Jon N. Reedin,  
James J. Martin  
Patrick J. Kenney  
Lovell Johnson, Jr.  
Kent L. Lovem

Thomas A. Schulz  
Alexander G. Sklenarz  
William J. Molitor  
Donald E. Jackson  
Gale G. Shelton  
Gary D. Mahom  
David Rodies

Feg Tarrant  
Douglas J. Simpson  
Cynthia G. Brown  
Norman A. Gahn  
Stephanie Gienens-Rothstein  
Carol E. Janick  
Steven H. Glamm  
Mark S. Williams  
Linca Johnson  
John M. Stoiber  
Thomas L. Pickett  
David Feiss  
Ryanne Chandler Szychinski  
Carole Manchester  
Kenneth R. Berg  
Werner D. Ziel  
Timothy J. Cotter  
Carol Ferry Crowley  
Steven V. Licata  
Eric Vorpahl  
Paul Tiffin  
Miriam S. Falk  
Phyllis M. DeCarvalho  
Dennis P. Murphy  
Phillip A. Anieff  
Thomas J. McAcams  
Bruce J. Lanograt  
Denis J. Stigl  
David M. Lerman  
Janet C. Protasiewicz  
DeAnn L. Hearo  
Patricia A. McGowan  
Irene E. Farhum  
Karen A. Loebel  
Nancy Ettenheim  
Ronald S. Deque  
Lori S. Karmolun  
Karin C'Elyne  
Maria Dorsey  
James W. Froch  
Kurt E. Senkley  
James C. Griffin  
William P. Plop  
Avorey Skwiarawski  
Joanne L. Hardbke  
Christopher A. Liegel  
Megan F. Carmody  
Laura A. Crivello  
Shawn Pompe  
Kevin R. Shomin  
Eeth D. Zingibel  
Karen A. Vespalet  
Mark A. Sanders  
Paul C. Dedinsky  
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Kelly L. Heoge  
Jeffrey J. Altenburg  
Rachael Stencil  
Patti Wacitsch  
Bruce W. Eeeker  
Michael T. Mahoney  
Mary M. Scowinski  
Kathryn K. Sener  
Jeanette Corbett  
Jeffrey F. Greipp  
David Mass  
Daniel J. Gabler  
Sara P. Scullen  
T. Christopher Dee  
Lisa F. Fricker  
Daniel R. Humple  
Jacob D. Carr  
Joy Hammond  
Trevor A. Six  
Nancy A. Noet  
Katharine F. Kucharski  
Elizabeth Mueller  
Megan J. Paulson  
Grant I. Huebner  
Stephen-Eduard Notten  
Christina M. Quinn  
Michelle Ackerman Hayes  
Jenniler K. Rhoads  
Claire Stirling  
Zach Whitney  
Rebecca A. Kieler  
Matthew J. Torbenson  
Kathryn L. Childs  
Carah Helwig  
Mary C. Theisen  
Gibert Urter  
Jenna Merten  
Anthony White  
Antoni Apollo  
Nicole D. Loeb  
Enn Karshen  
Lucy Kronforst  
Elin Dineen  
Monica J. Hall  
Michael J. Lonski  
Paul M. Haver  
Sara Beth Lewis  
Aaron E. Hall  
Jenni Spies  
Latrice Pinson  
David M. Stegall  
Amanda Kirkewshi  
Benjamin Wesson  
Renée Heinitz  
Kari P. Hayes  
Jessica Zetley  
Holly L. Bunch  
Anson Kufakcek  
Jesse A. Mariani  
Heather M. Flacek  
Megan M. Williamson  
Dewey E. Martin  
Sarah Ebene  
Jennifer J. Kopp

privileged by self-defense under 939.48, Stats. I respectfully request that he be allowed to return to full duty.

Very truly yours,



John Chisholm  
District Attorney

JC:ss

cc\ Deputy Chief Brian O'Keefe  
Capt. David Zibolski  
Atty. Jon Cermele