

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
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FAX (414) 286-8550

February 3, 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 Andrew Gebhardt and Tom Dineen
C.I. File No. 03-S-216; EC No. 1883

Dear Council Members:


Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Andrew Gebhardt and Tom Dineen. The claim is in the amount of \$555.81 including \$5.81 in disbursements for 5.00 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 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.

89851/ 1032-2003-1619

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. 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

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 Andrew Gebhardt and Tom Dineen
Allegations Regarding Mr. Ricky Beard
Date of Incident: October 7, 2002
Location of Incident: 2054 North 28st Street
EC No.: 1883

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 field interview.

The MPD initiated a criminal investigation in which the officers initially declined to give a statement without counsel. When they requested counsel, IAD compelled POs Gebhardt and Dineen to give statements concerning the incident after issuing PI-21s. Later, the MPD did not bring 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

JC/ldl
attachment
GEBDIN BEARD

1/29/05
O.K.
JAS
LE Her

2277

CITY OF MILWAUKEE
RECEIVED
03 MAY 14 PM 3:42
CITY ATTORNEY

EGGERT & CERMELE, S.C.*Attorneys at Law*Laurie A. Eggert
Jonathan Cermele1840 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 53202RE: MPD Criminal Investigation re: Mr. Ricky Beard
Regarding: POs Andrew Gebhardt and Tom Dineen
Date of Incident: October 7, 2002
Location of Incident: 2054 North 28th Street

Professional services

	<u>Hours</u>	
10/7/02 Telephone call from PO Gebhardt regarding new criminal investigation; telephone call to and from client; open file; memo to file.	0.90	
10/8/02 Telephone call to and from PO Gebhardt; memo to file; telephone call to PO Dineen; memo to file.	1.00	
10/10/02 Telephone call to and from PO Gabhardt; memo to file; review of file; meeting with POs Gebhardt and Dineen at IAD; attend PO Gebhardt's PI-21 statement; attend PO Dineen's PI-21 statement; travel; memos to file.	2.50	
1/9/03 Fax to DDA Reddin.	0.10	
4/14/03 Review of correspondence from MPD Open Records; correspondence to clients; close file.	0.50	
		<u>Amount</u>
For professional services rendered	5.00	\$550.00

Mr. Ronald D. Leonhardt

Page 2

Additional charges:

4/14/03 MPD Open Records request

Amount

5.81

Total costs

\$5.81

Total amount of this bill

\$555.81

Balance due

\$555.81

(Rate: \$110.00 per hour)

INCIDENT INFORMATION	INCIDENT ESBUODW	DATE OF INCIDENT 09-28-02	DATE OF REPORT 10-08-02
	VICTIM BEARD, RICKEY D.	LOCATION OF INCIDENT 2054 NORTH 28TH ST (REAR OF)	
	VICTIM'S ADDRESS CITY/STATE/ZIP CODE 2054 NORTH 32ND STREET/MILWAUKEE WI 53208	REPORTED BY SAME	DIST. 3

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

QUAN.	TYPE OF PROPERTY	DESCRIPTION	SERIAL #	INVENTORY #	CODE	VALUE
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RELATED INCIDENT NUMBER(S)	EVIDENCE INVENTORY NUMBER(S)	ADDED PROPERTY ON ATTACHED PO-14 <input type="checkbox"/>	TOTAL VALUE RECOVERED PROPERTY \$
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USE FOR WEAPONS IN POSSESSION OF PRISONER AT TIME OF ARREST - CHECK ALL APPLICABLE ITEMS

1 <input type="checkbox"/> 2 <input type="checkbox"/> ALTERED STOCK	1 <input type="checkbox"/> 2 <input type="checkbox"/> CHROME/NICKEL	1 <input type="checkbox"/> 2 <input type="checkbox"/> HANDGUN	1 <input type="checkbox"/> 2 <input type="checkbox"/> OTHER	1 <input type="checkbox"/> 2 <input type="checkbox"/> REVOLVER	1 <input type="checkbox"/> 2 <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 WPN.
<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

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
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 <input type="checkbox"/> <input type="checkbox"/>	GANG RELATED? <input type="checkbox"/> <input type="checkbox"/> DRUG RELATED? <input type="checkbox"/> <input type="checkbox"/>	LOCATION OF ARREST	DATE/TIME OF ARREST
COUNTY?			TYPE OF ARREST
CHARGES		POSSESSED SUSPECTED DRUGS AT TIME OF ARREST? Y N <input type="checkbox"/> <input type="checkbox"/>	

ARRESTED #2 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
ALIAS		SCARS, MARKS, MOLES, DEFORMITIES, AMPUTATIONS, FACIAL HAIR, SKINTONE, TATTOOS, PECULIARITIES, ETC.					
ID. DIV. #	SOC. SEC. #	ADDED WEAPON INFO. ARRESTED #2					
RESIDENT Y N OF <input type="checkbox"/> <input type="checkbox"/>	GANG RELATED? <input type="checkbox"/> <input type="checkbox"/> DRUG RELATED? <input type="checkbox"/> <input type="checkbox"/>	LOCATION OF ARREST	DATE/TIME OF ARREST				
COUNTY?			TYPE OF ARREST				
CHARGES		POSSESSED SUSPECTED DRUGS AT TIME OF ARREST? Y N <input type="checkbox"/> <input type="checkbox"/>					

VEH. YEAR USED	MAKE	MODEL	TYPE	COLOR	LICENSE #	STATE	EXP	TYPE	V.I.N.
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REPORTING OFFICER <i>Det. Charles Hernandez</i>	PAYROLL # 50339	LOC. # 04	ASSISTING OFFICER PR #	SUPERVISOR <i>Det. Bryan E. Richards</i>	TOTAL ARRESTS
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This report was dictated by Detective Charles SHEPARD, Jr., of the Criminal Investigation Unit/Internal Affairs Division (CIU/IAD), Day Shift.

On Wednesday, October 2, 2002, at approximately 11:00 A.M., I, Detective SHEPARD, had telephone contact with the complainant in this matter. The complainant is Rickey D. BEARD, B/M, Date of Birth 08-13-76, last known address of 1553 North 32nd Street. Telephone contact was made by a neighbor of the complainant after I had arrived at his home on this date to arrange for him to come in and have a DNA sample collected. Upon arrival at the complainant's home at 1553 North 32nd Street, it was soon learned that the home was vacant. A neighbor to the south of this location was able to make contact with Mr. BEARD via telephone, during which time he was advised to meet me at the office at 6680 North Teutonia Avenue to have a DNA sample collected. The reason for the DNA sample was to try and determine if his DNA was on the barrel of the suspect's (officer's) gun which was allegedly placed in his mouth during his arrest. Mr. BEARD did not give me his telephone number where he could be reached, nor did he give me his current address, only stating that he was in the process of moving. During my telephone conversation with Mr. BEARD, he assured me that he would meet me at my office at the Police Training Bureau at 12:00 noon to have the sample collected. Mr. BEARD was supposed to meet me on Thursday, October 3, 2002, at 12:00 noon, however, at 8:00 A.M. that date he was supposed to call me first.

As of Tuesday, October 8, 2002, at 11:00 A.M., I have not yet heard from Mr. BEARD regarding this complaint. It should be noted that Mr. BEARD was advised of the importance of cooperation at this time if he wished this complaint to proceed. At that time Mr. BEARD indicated to me that he was quite clear on the importance of cooperation, and would do so. Due to the fact that Mr. BEARD has failed to cooperate during this investigation by declining to appear on a predetermined date, time, and location, it is believed that Mr. BEARD is no longer interested in pursuing this matter. Due to the fact that Mr. BEARD has failed to cooperate in this investigation, it is believed at this time that this matter should be determined unfounded.

It should be noted that Lieutenant of Detectives Raynard E. RICHARDS was advised on the facts concerning Mr. BEARD's lack of cooperation in this matter, at which time Lieutenant RICHARDS was in agreement with this disposition. This criminal investigation is closed.

REVIEWING D.A.		P.O./DET. ASSIGNED DET. CHARLES SHEPARD, JR.		COURT CASE NUMBER	
FINAL CHARGE		DISPOSITION/DATE OCTOBER 8, 2002		VICTIM NOTIFIED BY	
INCIDENT STATUS	<input type="checkbox"/> CLEARED BY ARREST 18 OR OVER <input type="checkbox"/> PARTIAL CLEARANCE BY ARREST <input checked="" type="checkbox"/> UNFOUNDED/BASELESS <input type="checkbox"/> VICTIM REFUSES TO COOPERATE (SUSPECT INFORMATION NEEDED)	<input type="checkbox"/> PROPERTY RECOVERED <input type="checkbox"/> WARRANT REFUSED <input type="checkbox"/> RETENTION PERIOD EXPIRED	<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	
<div style="background-color: black; color: black;">[REDACTED]</div>					
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

June 5, 2003

TO: P.O. ANDREW GEBHARDT
DISTRICT THREE

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 OCTOBER 7, 2002
- 2) A citizen's complaint made by RICKY BEARD
- 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: _____


Andrew M. GEBHARDT

MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

03 JUN 12 PM 3:44

RECEIVED

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. TOM DINEEN
DISTRICT THREE

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 OCTOBER 7, 2002
- 2) A citizen's complaint made by RICKY BEARD
- 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: PO Thomas Dineen

Print your name: PO Thomas Dineen

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

Steven M. Settingsgaard

Steven M. Settingsgaard
Police Commander
Internal Affairs Division

SMS:kjs

RECEIVED
03 JUN 11 PM 12:50
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION