

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
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Assistant City Attorneys

March 19, 2003

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 Officer Brian Matte
C.I. File No. 00-S-356; ELO No. 1695

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officer Brian Matte. The claim is in the amount of \$448.01 including \$8.01 in disbursements for 4.00 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 Officer 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

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

October 8, 2001

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

**RE: MPD Criminal Investigation of PO Brian Matte
Allegations Regarding: Mr. Arnold Severson
Date of Incident: April 8, 2001
Location of Incident: District #2
ELO No.: 1695**

Dear Mr. Leonhardt:

The above-named police officer has retained us to represent him in connection with the above-referenced matter.

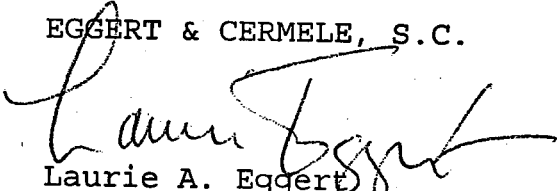
Consistent with its policy, the City Attorney's Office has refused to represent him, and as he was performing the duties of his office at the time of the events giving rise to the incident, the claim is hereby made on his behalf for the indicated legal fees. This incident involved the booking of a prisoner.

The MPD initiated a criminal investigation in which the officers initially declined to give a statement without counsel. When they requested counsel, IAD compelled PO Matte to give a statement concerning the incident after issuing a PI-21.

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

3/5/03

b.k.

JAS

Letter 2276

JC/LAE/ldl

MATTE

EGGERT & CERMELE, S.C.

Attorneys at Law

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October 8, 2001

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

RE: MPD Criminal Investigation re: Mr. Arnold Severson
Regarding: PO Brian Matte
Date of Incident: April 8, 2001
Location of Incident: District #2

Professional services

	<u>Hours</u>	
04/25/01 Several telephone calls from PO Matte regarding new criminal investigation; open file; memos to file.	0.70	
05/02/01 Review of file; meeting with IAD Det.; meeting with PO Matte at IAD; attend PO Matte's PI-21; travel; memo to file.	2.30	
08/02/01 Telephone call to IAD; correspondence to client; correspondence to MPD Open Records.	0.50	
09/25/01 Review of correspondence from MPD Open Records; correspondence to client; close file.	0.50	
		<u>Amount</u>
For professional services rendered	4.00	\$440.00

Mr. Ronald D. Leonhardt

Page 2

Additional charges:

	<u>Amount</u>
09/25/01 MPD Open Records request	8.01
Total costs	<u>\$8.01</u>
Total amount of this bill	<u>\$448.01</u>
Balance due	<u><u>\$448.01</u></u>

(Rate: \$110.00 per hour)

INCIDENT INFORMATION	INCIDENT	DATE OF INCIDENT	DATE OF REPORT	REP CON#
	BATTERY	04-08-01	05-14-01	
	VICTIM	LOCATION OF INCIDENT (ADDRESS)		DIST.
	SEVERSON, ARNOLD	245 W. LINCOLN AVENUE		2
	VICTIM'S ADDRESS	REPORTED BY		
	UNKNOWN	SAME		

PROPERTY CODES --- LIST CODE FOR EACH ITEM OF PROPERTY IN 'CODE #' COLUMN---

01-AIRCRAFT	09-CREDIT CARDS	15-HEAVY EQUIPMENT	21-NEGOTIABLE INSTRUMENT	27-RECORD/AUDIO VISUAL	34-STRUCT-STORAGE
02-ALCOHOL	10-DRUGS/NARCOTICS	16-HOUSEHOLD GOODS	22-NONNEGOT INSTRUMENT	29-STRUCT-SINGLE DWL	35-STRUCT-OTHER
04-BICYCLES	11-DRUG/NARC EQUIP	17-JEWELRY/PREC METAL	23-OFFICE EQUIPMENT	30-STRUCT-OTHER DWL	36-TOOLS
06--CLOTHES/FURS	12-FARM EQUIPMENT	18-LIVESTOCK	77-OTHER	31-STRUCT-OTHER COMM	38-VEH/PART/ACC
07-COMPUTER WARES	13-FIREARMS	19-MERCHANDISE	25-PURSE/BAG/WALLET	32-STRUCT-INDUST MFG	39-WATERCRAFT
08-CONSUMABLES	14-GAMBLING EQUIP	20-MONEY	26-RADIO/TV/VCR	33-STRUCT-PUBLIC	99-

QUANT	TYPE OF PROPERTY	DESCRIPTION	SERIAL #	INVENTORY #	CODE #	VALUE

RELATED INCIDENT #'S	EVIDENCE INVENTORY #'S	ADDED PROPERTY ATTACHED PO-14	TOTAL VALUE RECOVERED PROPERTY \$
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USE FOR WEAPONS IN POSSESSION OF PRISONER AT TIME OF ARREST -- CHECK ALL APPLICABLE ITEMS

1 2	1 2	1 2	1 2	1 2	1 2	1 2	1 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"/> BOLT ACTION	<input type="checkbox"/> DOUBLE BBL	<input type="checkbox"/> OTHER FIREARM	<input type="checkbox"/> RIFLE	<input type="checkbox"/> SIMULATED WEAPON
<input type="checkbox"/> AUTOMATIC	<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 BBL	<input type="checkbox"/> BLUE STEEL	<input type="checkbox"/> EXPLOSIVES	<input type="checkbox"/> LIQUID GAS	<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"/> POISON	<input type="checkbox"/> PUMP ACTION	<input type="checkbox"/> SHORT/SNUB BBL	<input type="checkbox"/> UNKNOWN				

ARRESTED #1 LAST NAME	FIRST NAME	MID	RACE	SEX	DATE OF BIRTH	AGE	ETHNIC ORIGIN
ADDRESS	CITY	STATE	HEIGHT	WEIGHT	BUILD	HAIR	<input type="checkbox"/> HISPANIC <input type="checkbox"/> NON-HISPANIC
ALIASES	SCARS, MARKS, MOLES, DEFORMITIES, AMPUTATIONS, FACIAL HAIR, SKINTONE, TATTOOS, PECULIARITIES ETC.						

I.D. DIV #	SOC. SEC. #	ADDED WEAPON INFO ARRESTED #1						
RESIDENT OF COUNTY	Y N	GANG RELATED <input type="checkbox"/> <input type="checkbox"/>	Y N	DRUG RELATED <input type="checkbox"/> <input type="checkbox"/>	LOCATION OF ARREST	DATE/TIME OF ARREST	TYPE OF ARREST	<input type="checkbox"/> ORDERED IN/CITED <input type="checkbox"/> W/WARR/SUSP CARD <input type="checkbox"/> ALL OTHER ARRESTS
CHARGES							POSSESSED SUSPECTED DRUGS AT TIME OF ARREST	Y N <input type="checkbox"/> <input type="checkbox"/>

ARRESTED #2 LAST NAME	FIRST NAME	MID	RACE	SEX	DATE OF BIRTH	AGE	ETHNIC ORIGIN
ADDRESS	CITY	STATE	HEIGHT	WEIGHT	BUILD	HAIR	<input type="checkbox"/> HISPANIC <input type="checkbox"/> NON-HISPANIC
ALIASES	SCARS, MARKS, MOLES, DEFORMITIES, AMPUTATIONS, FACIAL HAIR, SKINTONE, TATTOOS, PECULIARITIES ETC.						

I.D. DIV #	SOC. SEC. #	ADDED WEAPON INFO ARRESTED #1						
RESIDENT OF COUNTY	Y N	GANG RELATED <input type="checkbox"/> <input type="checkbox"/>	Y N	DRUG RELATED <input type="checkbox"/> <input type="checkbox"/>	LOCATION OF ARREST	DATE/TIME OF ARREST	TYPE OF ARREST	<input type="checkbox"/> ORDERED IN/CITED <input type="checkbox"/> W/WARR/SUSP CARD <input type="checkbox"/> ALL OTHER ARRESTS
CHARGES							POSSESSED SUSPECTED DRUGS AT TIME OF ARREST	Y N <input type="checkbox"/> <input type="checkbox"/>

V E H	VEHICLE USED	MAKE	MODEL	TYPE	COLOR	STATE	EXP	TYPE	V.I.N. #

REPORTING OFFICER	PAYROLL #	LOC #	ASSISTING OFFICER	SUPERVISOR	TOTAL ARRESTS
<i>Michael Carlson</i>	36620	04		<i>Dr. Mary Abey</i>	
DET. MICHAEL CARLSON	36620	04			

INVESTIGATIVE NARRATIVE:

This report is being dictated by Detective Michael CARLSON, of the Criminal Investigation Unit/Internal Affairs Division (CIU/IAD), day shift.

On Monday, April 9, 2001 at approximately 7:33am the complainant contacted the Milwaukee Police Department regarding a battery complaint. The complainant alleged that this occurred on Sunday, April 8, 2001 at approximately 6:15pm in the booking room at District #2, 245 W. Lincoln Avenue. The complainant further stated that he did not experience any pain when the alleged battery initially occurred but that at approximately 7:00am the next day, after sleeping in a vacant garage overnight, he did wake up with pain in the side of his rib. He states that he attributed this pain to allegedly being kned in the ribs by an unknown Milwaukee police officer.

Investigation revealed that the complainant was arrested on April 8, 2001 for a loitering city citation and was conveyed to District #2. Upon arriving at District #2 he was placed in the booking room with two other prisoners who sat on either side of him. The complainant allegedly was intoxicated, stood up, stated he was a Marine, and then was placed back down on the booking bench by Officer HERNANDEZ. The complainant then received a citation from the arresting officer and was released from District #2. During the time he was at District #2 until he was released he made no complaint of any mistreatment. Two non police witnesses to this offense one sitting on either side of the complainant gave contradicting statements as to what had occurred on that date.

On April 9, 2001 the complainant was interviewed by myself and at that time he informed me that he was homeless and had been living in vacant garages. He further informed me that after leaving District #2 on April 8, 2001 he did consume 12 cans of beer and slept in a vacant garage overnight and experienced the pain to his ribs when he woke in the morning. The subject was given a business car with my name and number on it and I instructed him to keep in touch with me due to the fact that I had no way of getting a hold of him. As of this date, May 14, 2001, I have had no contact from the complainant and do not know his whereabouts.

Based on the fact that the complainant has not bothered to make any contact with me and the contradicting statements given by the persons interviewed ir regards to this event this complaint will be cleared as unfounded.

MC:laf 05-17-01
01-106

REVIEWING D.A.	P.O./DET. ASSIGNED	COURT CASE NUMBER
FINAL CHARGE	DISPOSITION/DATE	VICTIM NOTIFIED BY
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 MCCC <input type="checkbox"/> B. Ordered in to MCCC DATE: _____ <input type="checkbox"/> WAIVED AS AN ADULT
----- C.I.B. ADMINISTRATIVE USE ONLY -----		
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 Cooperate <input type="checkbox"/> E. Juvenile, no custody <input type="checkbox"/> F. Not Applicable
JUSTIFIABLE HOMICIDE INFORMATION	<input type="checkbox"/> A. SUSP ATTCKD PO AND SAME PO KILLED SUSP <input type="checkbox"/> B. SUSP ATTCKD PO AND OTHER PO KILLED SUSP <input type="checkbox"/> C. SUSP ATTCKD 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 <input type="checkbox"/> H. SUSPECT KILLED BY PRIVATE CITIZEN <input type="checkbox"/> I. SUSPECT KILLED BY POLICE OFFICER

TO IAD

MILWAUKEE POLICE DEPARTMENT

NOV 13 2001

MEMORANDUM

NOVEMBER 13, 2001

TO: P.O. BRIAN MATTE
DISTRICT TWO

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 APRIL 8, 2001
- 2) A citizen's complaint made by ARNOLD SEVERSON
- 3) A police shooting incident occurring on

Is this information correct?

YES X NO _____

Did you receive legal representation in this matter?

YES X NO _____

Your signature: P.O. Brian Matte

Print your name: P.O. BRIAN MATTE

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

STEVEN SETTINGSGAARD
POLICE COMMANDER
Internal Affairs Division

DTS:dnp

NOV 13 2001

INTERNAL AFFAIRS

MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

01 NOV 26 PM 5:10

RECEIVED