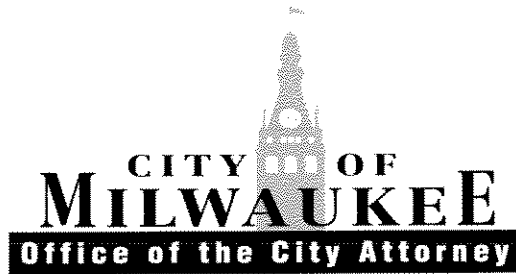


GRANT F. LANGLEY

City Attorney

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



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

April 30, 2007

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

Re: Communication from Laurie A. Eggert, Eggert & Cermele, S.C.
for legal fees for Police Officer Jeffrey Grambow
C.I. File No. 04-S-376; EC No. 2074

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officer Jeffrey Grambow. The claim is in the amount of \$1,226.00 including \$16.00 in disbursements for 11.00 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. 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.

1032-2004-3020/118522

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele
Rachel L. Pings

1840 North Farwell Avenue
Suite 303
Milwaukee, Wisconsin 53202
(414) 276-8750
FAX (414) 276-8906

October 8, 2004

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

**RE: MPD Criminal Investigation of PO Jeffrey Grambow
Allegations Regarding Mr. Daryl Griffin
Date of Incident: May 17, 2004
Location of Incident: 3005-A North 22nd Street
EC No.: 2074**

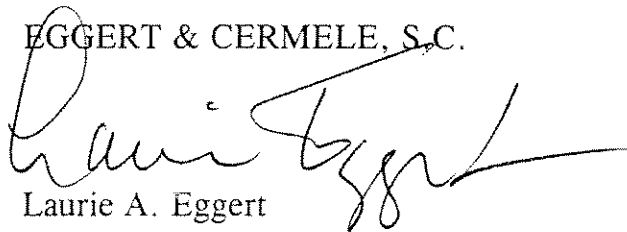
Dear Mr. Leonhardt:

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 an officer-involved shooting. The ADA reviewed the matter and did not issue charges against the officer. Attached is a copy of ADA Licata's letter and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.



Laurie A. Eggert
Attorney at Law

4/27/07

O.I.

JRS

Letter 2276

JC/ldl
attachment
GRAMBOW

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele
Rachel L. Pings

1840 North Farwell Avenue
Suite 303
Milwaukee, Wisconsin 53202
(414) 276-8750
FAX (414) 276-8906

October 08, 2004

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

RE: MPD Criminal Investigation regarding the Shooting of Mr. Daryl Griffin
Regarding: PO Jeffrey Grambow
Date of Incident: May 17, 2004
Location of Incident: 3005-A North 22nd Street
Professional services

	<u>Hours</u>
5/17/2004 Telephone call from PO Brousseau regarding officer involved shooting; telephone call to MPA; open file.	0.60
5/18/2004 Telephone call from PO Kline; meeting with Det. Lt. Dubis; meeting with Dep. Chief O'Keefe; meeting with PO Grambow; meeting with PO Kline; attend PO Grambow's statement to CIB; attend PO Kline's statement to CIB; travel; telephone call from Tom Casper (DA's investigator); memo to file.	4.20
5/19/2004 Telephone call to PO Grambow.	0.10
5/20/2004 Telephone call to and from PO Grambow; telephone call to and from District Attorney's investigator Tom Casper; schedule date and time for statement to DA; calendar same; advise client of same.	0.50
5/21/2004 Review file; travel to DA's office; meeting with PO Grambow; attend PO Grambow's statement to DA; return travel; memo to file.	2.50
5/26/2004 Telephone call from DA's investigator; telephone call to PO Grambow; telephone call to DA's investigator; travel to shooting scene; meeting with PO Grambow, ADA Lacata, DA's	2.50

Hours

investigators and Detective Lt. Spingola; attend PO Grambow's "walk through"; return travel.

6/10/2004 Receive and review Fax from ADA Licata, confirming that he had "No Processed" the investigation and that PO Grambow's use of deadly force was justified; telephone call and letter to PO Grambow regarding same; close file. 0.60

Amount

For professional services rendered 11.00
Additional charges: \$1,210.00

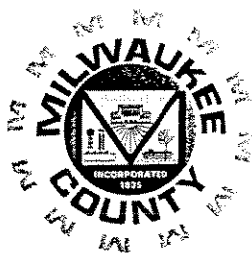
5/18/2004 Parking

5/21/2004 Parking

Total costs \$16.00

Total amount of this bill \$1,226.00

Balance due \$1,226.00



OFFICE OF DISTRICT ATTORNEY

Milwaukee County

E. MICHAEL McCANN • District Attorney

Robert D. Donohoe
Jon N. Reddin
Carol Lynn White
Patrick J. Kenney
James J. Martin
Thomas A. Schulz
Alexander G. Skienarz
William J. Molitor
Donald S. Jackson
Gale G. Shelton
Terry Magowan
Gary D. Mahkorn
David Robles

Deborah Daley
Peg Tarrant
Douglas J. Simpson
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Norman A. Gahn
Stephanie Giners Rothstein
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Steven H. Gamm
Mary Anne Smith
Mark S. Williams
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Rayann Chandler Szychlinski
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Warren D. Zier
Timothy J. Cotler
Carol Berry Crowley
Steven V. Licata
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Nancy Etenheim
Ronald S. Dague
Lori S. Kornblum
Karine O'Byrne
Maria Williams
James W. Frisch
Kurt B. Benkley
James C. Griffin
William P. Pipp
Audrey Skwierawski
Joanne L. Hardtke
John T. Chisholm
Christopher A. Liegel
Megan P. Carmody
Laura A. Crivello
Shawn Pompe
Brian J. Resler
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Rebecca F. Daliet
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Jeffrey J. Altenburg
Rachael Stencel
Julius Kim
Patti Wabitsch
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Paul R. Sander
Bradford J. Logsdon
Joy Bertrand
Margaret M. Zimmer
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Michael T. Mahoney
Mary M. Sowinski
Kathryn K. Samer
Jeanette Corbett
Jeffrey P. Greipp
Thomas C. Binger
David Maas
Jeremy L. Resar
Daniel J. Gabler
Dara P. Scullen
Terese M. Hooks
Brent Nistler
T. Christopher Dee
Katharine Kucharski
Lisa P. Fricker
Robin J. Rosche
Robany J. Hams
Daniel R. Humble
Jacob D. Corr
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Martin T. Lundquist
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Eiisabeth Mueller
Aaron Weiss
Megan J. Vawler
Grani I. Huebner
Catie Kidder-Lacy
Stephan Eduard Nollen
John Rusch
Enc D. Delton
Christine M. Quinn
Mary C. Theisen
Michelle A. Ackerman
Adam J. Levin
Jeffrey B. Norman

June 8, 2004

RECEIVED

JUN 14 2004

EGGERT & CERNELE, S.C.

City of Milwaukee Police Chief Nan Hegerty
Milwaukee Police Department
749 W. State Street
Milwaukee, Wisconsin 53233

Re: May 17, 2004, Police Shooting Incident Involving Officer Jeffrey Grambow

Dear Chief Hegerty,

During the late evening hours on May 17, 2004, Milwaukee Police Officer Jeffrey Grambow exchanged gunshots with an individual named Darrell Griffin (d.o.b 2-28-69) while in an alley at the rear of 3005 N. 22nd Street in Milwaukee. One of Officer Grambow's shots struck Mr. Griffin. The bullet lodged in the body armor that Mr. Griffin was wearing but did cause Mr. Griffin to suffer a non-life threatening wound to his back. Multiple felony charges, including Attempted First Degree Intentional Homicide, have been filed against Mr. Griffin for his actions during this incident which included Griffin firing three shots at Officer Grambow.

I have completed an investigation of this shooting incident on behalf of the Milwaukee County District Attorney's Office. The focus of my inquiry was to assess whether Officer Grambow acted lawfully in firing his weapon at Mr. Griffin during this incident. I have concluded that Officer Grambow did act lawfully and reasonably and that his use of potentially deadly force toward Mr. Griffin was privileged under the law. I am writing to you to officially notify you of my decision and the reasons supporting it.

First, I believe that Officer Grambow was entitled under the law of self-defense to fire his weapon at Mr. Griffin. The incident began when Officer Grambow and his partner attempted to conduct a Terry stop of Mr. Griffin and several other individuals. Instead of complying with Officer Grambow's commands, Mr. Griffin ran from the scene and Officer Grambow pursued him on foot. Griffin ran for approximately one block before running northbound from West Chambers Street into the alley that runs behind the 3000 blocks of North 22nd and North 23rd Streets. Officer Grambow pursued Griffin into the alley.

Officer Grambow did not initially see Griffin when Grambow turned into the alley. Officer Grambow began to proceed northbound on foot in the alley looking for where Mr. Griffin may have hidden himself. At this point, Mr. Griffin emerged from a location on the east side of the alley and Officer Grambow observed that Griffin was now holding a handgun. Officer Grambow ordered Griffin to drop the gun, repeating this command at least two times. Griffin did not drop the gun but instead swung the gun around so that it was pointing at Officer Grambow. At this point Officer Grambow fired his weapon at Mr. Griffin.

I believe that the evidence indicates that Officer Grambow was in legitimate fear that Griffin was about to shoot him at the point that Griffin pointed the gun at Officer Grambow. Griffin had fled from the initial Terry stop, had pulled out a gun after concealing himself in the alley, had refused repeated commands to drop the gun and had then turned the gun on Officer Grambow.

Officer Grambow indicated that as soon as he fired at Griffin, that Griffin then opened fire and shot three times at Officer Grambow. This all occurred from a relatively close range, i.e. approximately 15 feet. Officer Grambow continued to fire as Grambow moved backward (southbound in the alley) toward a place of cover behind a nearby car and/or garbage cans. Mr. Griffin began to move northbound in the alley while still holding the gun and repeatedly looking back toward Officer Grambow's position. Officer Grambow continued to fire as Griffin moved down the alley. We know that Mr. Griffin fired a total of three shots and Officer Grambow fired a total of 11 shots from his fully loaded (15 shot) semiautomatic weapon.

I have considered carefully the question as to whether Officer Grambow was justified in continuing to fire at Mr. Griffin once Griffin started moving northbound in the alley away from Officer Grambow. Not only do I believe that subjectively Officer Grambow reasonably believed that Mr. Griffin continued to pose an imminent threat to Officer Grambow, but I have concluded that in fact Mr. Griffin very much continued to pose such a potential threat at this point in the incident. He had just fired three shots at the officer, he had refused repeated commands to drop the gun, he continued to look back at the officer as he moved northbound in the alley and the distance between Officer Grambow and Griffin was still relatively close as Officer Grambow continued to fire. Most importantly, Mr. Griffin never did drop his gun and as long as he still had the gun I believe he continued to pose a very real and imminent threat to Officer Grambow. Moreover, Officer Grambow indicated that Mr. Griffin did not sprint down the alley but instead moved at what appeared to be slow jog as he kept looking back toward Grambow. Officer Grambow did not know if Griffin was going to turn and open fire again or what his intentions might be. But as long as Griffin did not drop the gun and continued to look back toward Grambow as Griffin headed northbound in the alley, I believe Griffin still posed a significant threat to Officer Grambow thus justifying Officer Grambow's continued firing as legitimate and reasonable self-defense.

However, there is another legal basis which would justify Officer Grambow's continued firing at Mr. Griffin. That basis would relate to the privilege of the officer to use

potentially deadly force to stop the escape of a fleeing felon who is known to be armed and dangerous. That legal basis is set forth by the United States Supreme Court in Tennessee v. Garner 471 U.S. 1, 105 S. Ct. 1694, 85 L. Ed. 2d 1, 1985 U.S. Lexis 195 (1985), where the Court notes the following:


“Where the officer has probable cause to believe that the suspect poses a threat of serious physical harm, either to the officer or to others, it is not constitutionally unreasonable to prevent escape by using deadly force. Thus, if the suspect threatens the officer with a weapon or there is probable cause to believe that he has committed a crime involving the infliction or threatened infliction of serious physical harm, deadly force may be used if necessary to prevent such escape, and if, where feasible, some warning has been given.”

I believe Officer Grambow's actions were justified under the holding of Tennessee v. Garner given that Mr. Griffin had just fired three shots at Officer Grambow. In essence, Mr. Griffin had just committed the felony of Attempted Murder and/or Recklessly Endangering Safety and he never did relinquish possession of his gun as he started to take flight and move northbound in the alley.

It should be noted that I considered Mr. Griffin's statement that he was shot in the back in the alley, that he fell to the ground, that he heard additional bullets whistling past his head and that it was only then that he took out his own gun and fired shots in an effort to stop the shots that were being fired at him. I find Mr. Griffin's version to be incredible and my reason for discounting his version is based not only on what I find to be the credible account of the incident provided by Officer Grambow but by the statements of Griffin's own girlfriend, Ms. Krystal McKinnie. I conducted a videotaped interview of Ms. McKinnie during which she stated that Mr. Griffin was paranoid and that Griffin had previously told her that if the police tried to take him into custody, that he (Griffin) would shoot a cop. It appears that Mr. Griffin, while protected with a bullet-proof vest and armed with his own 9 mm semiautomatic handgun, attempted to carry out the very threat of which he had boasted to Ms. McKinnie. The information provided by Ms. McKinnie totally undermines Mr. Griffin's credibility.

For the above reasons, I have concluded that Officer Grambow's use of potentially deadly force towards Mr. Griffin during this incident was lawful both as a justified use of self-defense and as a privileged use of force to attempt to stop the escape of a fleeing felon who is known to be armed and dangerous.

Sincerely,


Steven Licata
Assistant District Attorney

cc: District Attorney E. Michael McCann
✓ Attorney Jonathan Cermele

MILWAUKEE POLICE DEPARTMENT

RECEIVED

04 NOV - 1 AM 10 09
October 28, 2004

MILWAUKEE POLICE
INTERNAL AFFAIRS

MEMORANDUM

TO: P.O. JEFFREY GRAMBOW
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 17, 2004
- 2) A citizen's complaint made by DARYL GRIFFIN
- 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: *J. Grambow*
Print your name: P.O. GRAMBOW, J.

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

Mary K. Hoerig
MARY K. HOERIG
Captain of Police
Professional Performance Division

MKH:kjs