

GRANT F. LANGLEY
City Attorney

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



THOMAS O. GARTNER
BRUCE D. SHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
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
KATHRYN Z. BLOCK
MEGAN T. CRUMP
ELOISA OE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
HEIDI E. GALVÁN
Assistant City Attorneys

May 19, 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 Officer Christopher Chu
C.I. File No. 07-S-41-1; EC 2407

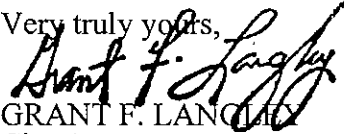
Dear Council Members:

Returned herewith is a document filed by Attorney Jonathan Cermele for attorney's fees for representing Police Officer Christopher Chu. The claim is in the amount of \$800.00 including \$8.00 in disbursements for 7.20 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 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


Assistant City Attorney

JAS:amp
Enc.

1032-2007-452:124858v1

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

February 15, 2007

TO: P.O. CHRISTOPHER CHU
DISTRICT: SEVEN

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

RECEIVED
07 FEB 20 PM 1:13
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

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 AUGUST 14, 2006
- 2) A citizen complaint made by N/A
- 3) A police shooting incident occurring on AUGUST 14, 2006

Is this information correct?

YES NO

Did you receive legal representation
in this matter?

YES NO

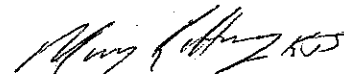
Your signature: _____



Print your name: _____

P. CHRISTOPHER CHU

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


MARY K. HOERIG
Deputy Inspector
Professional Performance Division

MKH: kjs

CERMELE & ASSOCIATES, S.C.

ATTORNEYS AT LAW

JONATHAN CERMELE
LAURIE A. EGGERT
RACHEL L. PINGS
MATTHEW L. GRANITZ

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

January 26, 2007

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

**RE: MPD Criminal Investigation PO Christopher Chu
Regarding: Officer-Involved Shooting
Date of Incident: August 14, 2006
Location of Incident: 4255 North 19th Street**

Dear Mr. Leonhardt:

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

Officer Chu is considered a "protective services officer" under the statute. He has incurred the fees compiled in this claim as a direct result of his being investigated for actions taken within his official capacity, and in the performance of his duties, in connection with the use of deadly force.

RECEIVED
CITY CLERK
2007 FEB -1 PM 2:00
RECEIVED
CITY ATTORNEY
2007 FEB -1 PM 9:17

None of the "exceptions" apply¹.

The incident resulted in the District Attorney's Office conducting a criminal investigation into the shooting of Mr. Valco's Bliss, under Chapter 979, STATS. The DA found my client's actions to be in self-defense and, as a result, did not issue any charges. A copy of Deputy District Attorney Patrick Kenney's letter confirming the same is attached. That investigation qualifies as a "proceeding" which mandates payment under 895.35(2), STATS.

Sincerely,

~~CERMELE & ASSOCIATES, S.C.~~

Jon Cermele

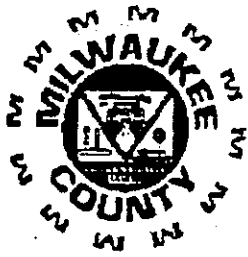
/kjs
Enclosures
CHU

¹ 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.*

RECEIVED

OCT 03 2006

CERMELE & ASSOCIATES, S.C.

OFFICE OF DISTRICT ATTORNEY
CHILDREN'S COURT CENTER*Milwaukee County*

E. MICHAEL MCCANN • District Attorney

October 2, 2006

Chief Nannette H. Hegerty
Milwaukee Police Department
941 N. James Lovell St.
Milwaukee, WI 53233

RE: Review of Police Shooting of Valcos Bliss

Dear Chief Hegerty:

I have reviewed a Milwaukee Police Department investigation and an investigation conducted independently by our office into the August 14, 2006 non-fatal shooting of Valcos Bliss. This shooting occurred in an alley located in the 4200 block of North 19th Street in the City of Milwaukee. During this incident, Sgt. Kimberlee Foster and Officer Christopher Chu each fired at Valcos Bliss, resulting in non-fatal gunshot wounds. After reviewing this matter, I am satisfied that the actions of Sgt. Foster and Officer Chu were privileged under the law of self-defense, and defense of others. Having reached that conclusion, no criminal charges will be brought against either officer for their involvement in this incident.

Thank you for the cooperation of your department in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick J. Kenney".

Patrick J. Kenney
Deputy District Attorney

PJK/yma

cc: DA E. Michael McCann
Atty. Raymond M. Dall'Osto
Atty. Jonathan Cermele
Lt. Thomas Stigler
Inv. Joseph Link

CERMELE & ASSOCIATES, S.C.

ATTORNEYS AT LAW

JONATHAN CERMELE
LAURIE A. EGGERT
RACHEL L. PINGS
MATTHEW L. GRANITZ

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

January 26, 2007

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

RE: MPD Criminal Investigation re: Officer-Involved Shooting
Regarding: PO Christopher Chu
Date of Incident: August 14, 2006
Location of Incident: 4255 North 19th Street
Professional services

	<u>Hours</u>
8/14/2006 Telephone call regarding officer-involved shooting; open file; travel to scene; meeting with witnesses; several telephone calls to and from PO Chu; travel to PAB; meeting with CIB; meeting with PO Chu; attend PO Chu's statement to CIB and DA; return travel; memo to file.	6.50
8/15/2006 Organize file.	0.20
10/3/2006 Receive and review copy of DDA Kinney's letter to Chief Hegerty, confirming that client's use of force was justified and appropriate; correspondence to client regarding same; close file.	0.50
	<u>Amount</u>
For professional services rendered	7.20
Additional charges:	\$792.00
8/14/2006 Parking	8.00

Mr. Ronald Leonhardt

Page 2

	<u>Amount</u>
Total costs	<u>\$8.00</u>
Total amount of this bill	<u>\$800.00</u>
Balance due	<u>\$800.00</u>

(Rate: \$110.00 per hour)