

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

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Assistant City Attorneys

March 14, 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 Alfonzo Glover, James Campbell and Paul Lough
C.I. File No. 03-S-378; EC 1928

Dear Council Members:


Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Alfonzo Glover, James Campbell and Paul Lough. The claim is in the amount of \$1,186.75 including \$9.75 in disbursements for 10.70 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.
91114/ 1032-2003-3092.006

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele
Rachel L. Schneider

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

September 18, 2003

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

**RE: MPD Criminal Investigation of POs Alfonzo Glover, James Campbell
and Paul Lough
Allegations Regarding Mr. James Montesano
Date of Incident: July 6, 2002
Location of Incident: 2114 West Michigan Avenue
EC No.: 1928**

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 foot chase.

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 Glover, Campbell and Lough 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 Eggert
Laurie A. Eggert
Attorney at Law

3/9/05
o.k.
JAS
Letter 2276

JC/ldl
attachment
GLOVER Montesano

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele
Rachel L. Schneider

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September 18, 2003

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

RE: MPD Criminal Investigation re: Mr. James Montesano
Regarding: POs Alfonso Glover, James Campbell and Paul Lough
Date of Incident: July 6, 2002
Location of Incident: 2114 West Michigan Avenue
Professional services

	<u>Hours</u>
10/7/2002 Telephone call from PO Glover regarding new criminal investigation; open file; memo to file.	0.60
10/11/2002 Telephone call to IAD.	0.20
10/12/2002 Telephone call to client; memo to file.	0.50
10/18/2002 Discussion with witnesses; review of file; meeting with PO Glover at IAD; attend PO Glover's PI-21; travel; memo to file.	2.40
12/3/2002 Review of file; meeting with PO Lough at IAD; attend PO Lough's PI-21 statement; travel; memo to file.	1.80
1/7/2003 Telephone call from PO Campbell; memo to file.	0.50
1/8/2003 Review statements of POs Glover and Lough; telephone call to and from PO Campbell; meeting with Campbell at IAD; attend PO Campbell's PI-21; travel; memo to file.	2.50
2/6/2003 Receive and review arrest and detention reports.	0.30
4/10/2003 Fax to DDA Reddin; discussion with DDA Reddin.	0.40
4/24/2003 Receive and review information from DA; telephone call to IAD; Fax to IAD.	0.30
4/25/2003 Discussion with IAD; correspondence to MPD Open Records; correspondence to clients.	0.60

Mr. Ronald D. Leonhardt

Page 2

	<u>Hours</u>	
8/18/2003 Correspondence to clients.	0.10	
9/8/2003 Review of correspondence from MPD Open Records; correspondence to client; close file.	0.50	
		<u>Amount</u>
For professional services rendered	10.70	\$1,177.00
Additional charges:		
9/8/2003 MPD Open Records request		9.75
Total costs		<u>\$9.75</u>
Total amount of this bill		<u>\$1,186.75</u>
Balance due		<u><u>\$1,186.75</u></u>

(Rate: \$110.00 per hour)

INCIDENT INFORMATION

INCIDENT BATTERY SS #940.19

DATE OF INCIDENT 07-06-02

DATE OF REPORT 12-20-02

REP CON#

VICTIM MONTESANO, JAMES R.

LOCATION OF INCIDENT (ADDRESS) 2114 WEST MICHIGAN AVENUE

DIST. 3

VICTIM'S ADDRESS 2114 WEST MICHIGAN AVENUE, APT. 1

REPORTED BY SAME

PROPERTY CODES --- LIST CODE FOR EACH ITEM OF PROPERTY IN "CODE 9" 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
<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"/> AUTOMATIC	<input type="checkbox"/> DOUBLE BBL	<input type="checkbox"/> IMPLIED WEAPON	<input type="checkbox"/> OTHER FIREARM	<input type="checkbox"/> RIFLE	<input type="checkbox"/> SIMULATED WEAPON
<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 BBL
<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 NAME MID RACE SEX DATE OF BIRTH AGE ETHNIC ORIGIN
 HISPANIC
 NON-HISPANIC

ADDRESS CITY STATE HEIGHT WEIGHT BUILD HAIR EYES

ALIAS 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 Y N DRUG RELATED Y N LOCATION OF ARREST DATE/TIME OF ARREST TYPE OF ARREST
 ORDERED IN/CITED
 W/WARR/SUSP CARD
 ALL OTHER ARRESTS

CHARGES POSSESSED SUSPECTED DRUGS AT TIME OF ARREST Y N

ARRESTED #2 LAST NAME FIRST NAME MID RACE SEX DATE OF BIRTH AGE ETHNIC ORIGIN
 HISPANIC
 NON-HISPANIC

ADDRESS CITY STATE HEIGHT WEIGHT BUILD HAIR EYES

ALIAS 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 Y N DRUG RELATED Y N LOCATION OF ARREST DATE/TIME OF ARREST TYPE OF ARREST
 ORDERED IN/CITED
 W/WARR/SUSP CARD
 ALL OTHER ARRESTS

CHARGES POSSESSED SUSPECTED DRUGS AT TIME OF ARREST Y N

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

REPORTING OFFICER PAYROLL # LOC # ASSISTING OFFICER SUPERVISOR TOTAL ARRESTS

William C. Smith 53908 04 *Richard* 50144 0

PORT

RE NARRATIVE:

This report was dictated by Detective William C. SMITH, of the Criminal Investigation Unit/Internal Affairs Division (CIU/IAD), Early Shift.

On Sunday, June 07, 2002, at approximately 9:30 P.M., I, Detective SMITH was instructed by Police Lieutenant Kurt LEIBOLD to respond to District Number Three Police Station to investigate a battery complaint.

Upon arrival, I was met by the victim/complainant, James R. MONTESANO, white male, date of birth 08-29-79, of 2114 West Michigan Avenue, apartment No. 1, phone number (414) 934-8825.

MONTESANO related that he is the apartment manager at 2114 West Michigan Avenue. He stated that he resides in Apartment #1. Regarding this incident, MONTESANO stated that the police were called to the apartment complex for #19 complaint. He stated that the police arrived on the scene to investigate the incident and he, his girlfriend, Gemma E. GREER and his friend Louis went to check on the welfare of the person #19. MONTESANO stated that he went to Apartment #19 #19 was located. He stated that the police were inside the apartment when he knocked on the door and asked if they needed a ladder to get through a bedroom where #19 was located.

MONTESANO stated that the police advised him to get the ladder when a person identified as "Toni" started screaming, "Don let the police hurt him." He stated that the police told Toni to leave the apartment. MONTESANO stated that everyone in the hallway got excited because Toni was screaming. He stated that Toni was yelling that the police was hurting #19. MONTESANO stated that he returned to the apartment and advised the police that he was the manager, and he needed to enter the apartment. He stated that he was told by Officer Donald SANFORD to get back into his own apartment, because they were conducting an investigation. MONTESANO stated that he demanded an explanation when Officer SANFORD stated, "If you don't get back in the apartment you're going to regret it." MONTESANO stated that he said, "No," at which time Officer SANFORD grabbed him by his head and slammed his face into the ground. MONTESANO stated that the next thing he remembered several officers were punching him numerous times about his body and face.

I interviewed the girlfriend, Ms. GREER who related that she was inside the apartment when the police were beating her boyfriend. She stated that she looked through the peephole and observed that #19 was thrown to the floor. She stated that it appeared that numerous officers were throwing punches at her boyfriend. While continuing this investigation, I along with Detectives Michele HARRISON and Joe GROCE interviewed several officers concerning this incident. Officer Donald SANFORD related that on the date of this incident, he was working Squad 333 alone. He stated that some squads called for additional units to respond to 2114 West Michigan Avenue, due to some unruly family members that were interfering with an investigation. Officer SANFORD stated that he was in the area and responded to the scene. He stated when he got to the scene, there were four to five family members attempting to gain entry into the apartment where the Fire Department and officers were attempting to get #19 out of the bathroom. He stated that the complainant, JAMES R. MONTESANO, and his girlfriend were two of the parties involved in the incident with the family members. He stated that they were knocking on the door to the apartment. Officer SANFORD stated that MONTESANO stated that he was the apartment manager, he had keys, and he was going to enter the apartment to let the family members inside. Officer SANFORD further stated that MONTESANO tried to get past him, and he (MONTESANO) related that he had the legal right to enter the apartment. Officer SANFORD stated that he tried to explain to MONTESANO that he did not have the right to enter the apartment because Police and Fire Department personnel were attempting to #19. Officer SANFORD stated that he told the complainant that he could be arrested for obstructing. He stated that the complainant finally went down the hall to his

REPORT

ent. He stated that other officers arrived on the scene. He stated that the other officers also tried to explain to MONTESANO that he did not have a right to enter the apartment. Officer SANFORD stated that he observed MONTESANO point his finger in one of the officer's chest, when this officer grabbed MONTESANO and pulled him onto the ground. He stated that other officers aided in the handcuffing of MONTESANO. Officer SANFORD stated that he grabbed the door to the complainant's apartment to prevent other people from exiting. Officer SANFORD stated that he did not assist the officers in handcuffing or arresting MONTESANO, and he did not strike MONTESANO at anytime.

It should be noted that Officers David KURZYNSKI, Jim CAMPBELL, Michelle BECKMAN, Anthony PORTNOY, and Paul LOUGH were all interviewed regarding this incident. These officers related that they did not batter the complainant in any way to harm him, however they related that the complainant interfered with the investigation and a reasonable amount of force had to be used to necessitate the arrest of him.

It should be noted that the complainant was arrested for Resisting/Obstructing, however no charges were issued at the District Attorney's Office at this time.

Based on the complainant's own statement that he interfered with the officers' investigation and it could not be at this time substantiated that any officers intentionally battered the complainant, this complaint will be cleared as warrant refused. Deputy District Attorney Jon REDDIN was contacted and advised of the circumstance surrounding this incident. He related it can not be proven beyond a reasonable doubt that the officers intentionally battered the complainant when effecting the arrest of him.

WS:tl
02-177 Clearance

REVIEWING D.A.	P.O./DET. ASSIGNED WILLIAM C. SMITH	COURT CASE NUMBER
FINAL CHARGE	DISPOSITION/DATE	VICTIM NOTIFIED BY
INCIDENT STATUS	<ul style="list-style-type: none"> • CLEARED BY ARREST 18 OR OVER • PARTIAL CLEARANCE BY ARREST X UNFOUNDED/BASELESS • NO PROSECUTION DESIRED 	<ul style="list-style-type: none"> • PROPERTY RECOVERED • WARRANT REFUSED • ARREST UNDER 18 • A. Detained at MCCC • B. Ordered in to MCCC DATE: _____ • WAIVED AS AN ADULT
----- C.I.B. ADMINISTRATIVE USE ONLY -----		
CLEARED EXCEPTIONALLY	<ul style="list-style-type: none"> • A. Death of Offender • B. Prosecution Declined 	<ul style="list-style-type: none"> • C. Extradition Denied • D. Refused to Cooperate • E. Juvenile, no custody • F. Not Applicable
JUSTIFIABLE HOMICIDE INFORMATION	<ul style="list-style-type: none"> • A. SUSP ATTCKD PO AND SAME PO KILLED SUSP • B. SUSP ATTCKD PO AND OTHER PO KILLED SUSP • C. SUSP ATTCKD CIVILIAN • D. SUSP ATTEMPTED FLIGHT FROM CRIME 	<ul style="list-style-type: none"> • E. SUSP KILLED IN COMMISSION OF CRIME • F. SUSP RESISTED ARREST • G. UNABLE TO DETERMINE/NOT ENOUGH • H. SUSPECT KILLED BY PRIVATE CITIZEN • I. SUSPECT KILLED BY POLICE OFFICER

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 30, 2003

TO: P.O. ALFONZO GLOVER
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 JULY 6, 2002
- 2) A citizen's complaint made by JAMES MONTESANO
- 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: _____

P.O. Alfonso L. Glover

Print your name: _____

ALFONZO L. GLOVER

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 OCT -6 AM 10:10
MILWAUKEE POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 30, 2003

TO: P.O. JAMES CAMPBELL
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 JULY 6, 2002
- 2) A citizen's complaint made by JAMES MONTESANO
- 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: _____


James A. Campbell

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

SEPTEMBER 30, 2003

TO: P.O. PAUL LOUGH
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 JULY 6, 2002
- 2) A citizen's complaint made by JAMES MONTESANO
- 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: 

Print your name: PAUL D. LOUGH

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