

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
TDD (414) 286-2025
FAX (414) 286-8550

January 12, 2004

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 Michael Murphy, Jeffrey Dollhopf, Vincent Lopez,
Tom Harter and Andrew Spangler; C.I. File No. 02-S-263; EC No. 1776

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Michael Murphy, Jeffrey Dollhopf, Vincent Lopez, Tom Harter and Andrew Spangler. The claim is in the amount of \$1,761.82 including \$45.82 in disbursements for 15.60 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. 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

BEVERLY A. TEMPLE
THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
HARRY A. STEIN
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
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

August 1, 2002

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

RECEIVED
CITY CLERK
AUG 5 5 50 PM '02
CITY OF MILWAUKEE

**RE: MPD Criminal Investigation of POs Michael Murphy, Jeffrey Dollhopf, Vincent Lopez, Tom Harter and Andrew Spangler
Allegations Regarding Mr. Charles E. Walton
Date of Incident: September 18, 2001
Location of Incident: 2143 North Hopkins Avenue
EC No.: 1776**

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 the search of an "after hours house."

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 Murphy, Dollhopf, Lopez, Harter and Spangler to give statements concerning the incident after issuing PI-21s. 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
Laurie A. Eggert
Attorney at Law

1/9/04
o.k.
JAS
Letter 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

August 1, 2002

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

RE: MPD Criminal Investigation re: Mr. Charles E. Walton
Regarding: POs Michael Murphy, Jeffrey Dollhopf, Vincent Lopez,
Tom Harter and Andrew Spangler
Date of Incident: September 18, 2001
Location of Incident: 2143 North Hopkins Avenue

Professional services

	<u>Hours</u>
10/17/01 Telephone call from PO Murphy regarding new criminal investigation; open file; memo to file; telephone call from PO Dollhopf; memo to file.	0.90
10/18/01 Telephone call to IAD.	0.30
11/28/01 Telephone call from PO Harter; memo to file; telephone call to IAD.	0.60
12/11/01 Telephone call to and from PO Harter; telephone call to and from Sgt. Drezek.	0.50
12/14/01 Telephone call to and from PO Harter regarding PI-21; memo to file; telephone call from MPD Open Records.	0.40
02/05/02 Receive and review audio tape regarding transmissions to console; telephone call from DDA Reddin; telephone call to POs Murphy, Dollhopf, Spangler and witness.	1.20

	<u>Hours</u>
03/26/02 Review of file; meeting with PO Harter at DA's office; attend PO Harter's statement to DA; meeting with PO Dollhopf; attend PO Dollhopf's statement to DA; travel; memo to file; telephone call to POs Murphy, Lopez, Spangler and witness.	2.50
04/09/02 Telephone call to and from PO Murphy; telephone call to DDA Reddin.	0.50
04/10/02 Review of file; meeting with PO Murphy at DA's office; attend PO Murphy's statement to DDA Reddin; discussion with DDA Reddin; return travel; telephone call to PO Lopez.	1.60
04/13/02 Telephone call from Lopez; memo to file.	0.10
04/16/02 Telephone call to District 7, leave message for PO Lopez.	0.30
04/17/02 Review of file; meeting with PO Lopez at DA's office; meeting with DA; reschedule date and time for PO Lopez's statement to DA; travel; memo to file.	2.50
04/20/02 Review of file.	0.30
04/22/02 Telephone call to and from DDA Reddin.	0.30
04/23/02 Telephone call to DDA Reddin.	0.20
04/24/02 Telephone call from DDA Reddin; telephone call to client; travel to DA's office; reschedule date and time for PO Lopez's statement to DDA Reddin.	0.50
04/25/02 Telephone call to and from PO Lopez; meeting with PO Lopez at DA's office; attend PO Lopez's statement to DA; travel; memo to file; correspondence to MPD Open Records.	1.80
04/26/02 Review of file; telephone call to DA; correspondence to MPD Open Records; correspondence to clients.	0.60

	<u>Hours</u>	
06/28/02 Review of correspondence from MPD Open Records; correspondence to clients; close file.	0.50	
		<u>Amount</u>
For professional services rendered .	15.60	\$1,716.00
Additional charges:		
01/25/02 MPD Open Records request		10.57
03/26/02 Parking		8.00
04/10/02 Parking		6.00
04/17/02 Parking		6.00
04/24/02 Parking		4.00
04/25/02 Parking		4.00
06/28/02 MPD Open Records request		7.25
Total costs		<u>\$45.82</u>
Total amount of this bill		<u>\$1,761.82</u>
Balance due		<u><u>\$1,761.82</u></u>

(Rate: \$110.00 per hour)

INCIDENT INFORMATION

INCIDENT		DATE OF INCIDENT	DATE OF REPORT	REP CON#
MISCONDUCT IN PUBLIC OFFICE SS #945.12		09-18-01	05-06-02	
VICTIM		LOCATION OF INCIDENT (ADDRESS)		DIST.
WALTON, CHARLES		2143 WEST HOPKINS AVENUE		7
VICTIM'S ADDRESS		REPORTED BY		
2143 WEST HOPKINS AVENUE MILWAUKEE, WI 53206		SAME		

PROPERTY CODES --- LIST CODE FOR EACH ITEM OF PROPERTY IN "CODE #1" 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 DWG	35-STRUCT-OTHER	
04-BICYCLES	11-DRUG/NARC EQUIP	17-JEWELRY/PREC METAL	23-OFFICE EQUIPMENT	30-STRUCT-OTHER DWG	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 MPG	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 <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 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
							<input type="checkbox"/> HISPANIC <input type="checkbox"/> 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	LOCATION OF ARREST
	<input type="checkbox"/> <input type="checkbox"/>	
CHARGES	GANG RELATED <input type="checkbox"/> <input type="checkbox"/>	DATE/TIME OF ARREST
	DRUG RELATED <input type="checkbox"/> <input type="checkbox"/>	
		TYPE <input type="checkbox"/> ORDERED IN/CITED OF ARREST <input type="checkbox"/> W/WARR/SUSP CARD <input type="checkbox"/> ALL OTHER ARRESTS
		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
							<input type="checkbox"/> HISPANIC <input type="checkbox"/> 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	LOCATION OF ARREST
	<input type="checkbox"/> <input type="checkbox"/>	
CHARGES	GANG RELATED <input type="checkbox"/> <input type="checkbox"/>	DATE/TIME OF ARREST
	DRUG RELATED <input type="checkbox"/> <input type="checkbox"/>	
		TYPE <input type="checkbox"/> ORDERED IN/CITED OF ARREST <input type="checkbox"/> W/WARR/SUSP CARD <input type="checkbox"/> ALL OTHER ARRESTS
		POSSESSED SUSPECTED DRUGS AT TIME OF ARREST Y N <input type="checkbox"/> <input type="checkbox"/>

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

REPORTING OFFICER	PAYROLL #	LOC #	ASSISTING OFFICER	SUPERVISOR	TOTAL ARRESTS
<i>T. Charles Shepard Jr.</i>	50334	04		<i>It Det Raymond E. Richard 50144</i>	

REPORT

INVESTIGATIVE NARRATIVE:

This report was dictated by Detective Charles SHEPARD Jr., of the Criminal Investigation Unit/Internal Affairs Division (CIU/IAD), Day Shift.

On Friday, December 21, 2001, I, Detective SHEPARD, brought this matter before the Milwaukee County District Attorney's Office, particularly Deputy District Attorney Jon REDDIN. At this time Deputy District Attorney REDDIN needed to review the reports, and would get back to me with the disposition as to whether he would charge or no process this matter. On Monday, April 29, 2002, at 4:00 P.M., I, Detective SHEPARD, did receive a call from Deputy District Attorney Jon REDDIN. At this time he advised me that he would not be pursuing any charges against the officers involved in this matter. Deputy District Attorney REDDIN further advised that he did not think the case was provable and that the damage that was apparently caused by the officers did not appear to be fresh, he also added that the location where this incident occurred was an After Hours House.

Deputy District Attorney REDDIN stated that this is a warrant refused case, and will not be processed.

REVIEWING D.A. DEPUTY DISTRICT ATTORNEY JON REDDIN	P.O./DET. ASSIGNED DETECTIVE CHARLES SHEPARD, JR.	COURT CASE NUMBER
FINAL CHARGE	DISPOSITION/DATE 04-29-02	VICTIM NOTIFIED BY
INCIDENT STATUS	<input type="radio"/> CLEARED BY ARREST 18 OR OVER <input type="radio"/> PARTIAL CLEARANCE BY ARREST <input type="radio"/> UNFOUNDED/BASELESS <input type="radio"/> NO PROSECUTION DESIRED	<input type="radio"/> PROPERTY RECOVERED <input type="radio"/> WARRANT REFUSED <input type="radio"/> ARREST UNDER 13 <input type="radio"/> A. Detained at MCCC <input type="radio"/> B. Ordered in to MCCC DATE: _____ <input type="radio"/> WAIVED AS AN ADULT
----- C.I.B. ADMINISTRATIVE USE ONLY -----		
CLEARED EXCEPTIONALLY	<input type="radio"/> A. Death of Offender <input type="radio"/> B. Prosecution Declined	<input type="radio"/> C. Extradition Denied <input type="radio"/> D. Refused to Cooperate <input type="radio"/> E. Juvenile, no custody <input type="radio"/> F. Not Applicable
JUSTIFIABLE HOMICIDE	<input type="radio"/> A. SUSP ATTCKD PO AND SAME PO KILLED SUSP <input type="radio"/> B. SUSP ATTCKD PO AND OTHER PO KILLED SUSP <input type="radio"/> C. SUSP ATTCKD CIVILIAN <input type="radio"/> D. SUSP ATTEMPTED FLIGHT FROM CRIME	<input type="radio"/> E. SUSP KILLED IN COMMISSION OF CRIME <input type="radio"/> F. SUSP RESISTED ARREST <input type="radio"/> G. UNABLE TO DETERMINE/NOT ENOUGH <input type="radio"/> H. SUSPECT KILLED BY PRIVATE CITIZEN
INFORMATION		

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 13, 2002

TO: P.O. MICHAEL MURPHY
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 SEPTEMBER 18, 2001
- 2) A citizen's complaint made by CHARLES WALTON
- 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: MICHAEL S. MURPHY

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



STEVEN M. SETTINGSGAARD *KSJ*
POLICE COMMANDER
Internal Affairs Division

SMS:kjs

RECEIVED
02 SEP 23 AM 11:24
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 13, 2002

TO: P.O. JEFFREY DOLLHOPF
DISTRICT FIVE

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 SEPTEMBER 18, 2001
- 2) A citizen's complaint made by CHARLES WALTON
- 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: JEFFREY DOLLHOPF

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

RECEIVED
02 SEP 20 AM 11:02
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 13, 2002

TO: P.O. VINCENT LOPEZ
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 SEPTEMBER 18, 2001
- 2) A citizen's complaint made by CHARLES WALTON
- 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: *Vincent Lopez*
Print your name: Vincent J. Lopez

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

St. Settingsgaard

STEVEN M. SETTINGSGAARD *KTS*
POLICE COMMANDER
Internal Affairs Division

SMS:kjs

RECEIVED
02 SEP 23 AM 11:24
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 13, 2002

TO: P.O. TOM HARTER
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 SEPTEMBER 18, 2001
- 2) A citizen's complaint made by CHARLES WALTON
- 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: PO Thomas Harter

Print your name: PO Thomas Harter

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

St. Settingsgaard
 STEVEN M. SETTINGSGAARD
 POLICE COMMANDER
 Internal Affairs Division *KJS*

SMS:kjs

RECEIVED
 02 SEP 23 AM 11:24
 MILWAUKEE POLICE
 INTERNAL AFFAIRS
 DIVISION

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 13, 2002

TO: P.O. ANDREW SPENGLER
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 SEPTEMBER 18, 2001
- 2) A citizen's complaint made by CHARLES WALTON
- 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: Andrew Spengler

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


STEVEN M. SETTINGSGAARD *KJS*
POLICE COMMANDER
Internal Affairs Division

SMS:kjs

MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION
RECEIVED
02 SEP 23 AM 11:24