

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

February 18, 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 Detectives Robert Menzel, John Belsha, Abner Valcarcel and
Police Officer Rafael Rivera; C.I. File No. 02-S-391; EC No. 1830

Dear Council Members:


Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Detectives Robert Menzel, John Belsha, Abner Valcarcel and Police Officer Rafael Rivera. The claim is in the amount of \$558.54 including \$8.54 in disbursements for 5.00 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 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.

1032-2002-3646/78150

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. SCHRIFER
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

November 14, 2002

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

**RE: MPD Criminal Investigation of Dets. Robert Menzel, John Belsha
and Abner Valcarcel, and PO Rafael Rivera
Allegations Regarding Ms. Lisandra Velasquez
Date of Incident: March 27, 2002
Location of Incident: 1129 South 12th Street
EC No.: 1830**

CITY OF MILWAUKEE
RECEIVED
NOV 18 3:41 PM '02
CITY ATTORNEY

Dear Mr. Leonhardt:

The above-named detectives and police officer 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 damage to a door during an investigation.

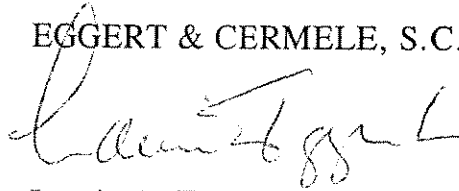
The MPD initiated a criminal investigation in which the officers initially declined to give a statement without counsel. When they requested counsel, IAD compelled Dets. Robert Menzel, John Belsha, Abner Valcarcel, and PO Rafael Rivera to give statements concerning the incident after issuing PI-21s. Later, the MPD decided not to issue criminal charges against the officers.

2/17/04
O.K.
JAS
Letter 2276

Attached is a copy of the clearance report and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.

A handwritten signature in cursive script, appearing to read "Laurie A. Eggert", written in black ink.

Laurie A. Eggert
Attorney at Law

JC/LAE/ldl
MENZEL ET AL.

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

November 14, 2002

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

RE: MPD Criminal Investigation re: Ms. Lisandra Velasquez
Regarding: Dets. Robert Menzel, John Belsha and Abner Valcarcel,
and PO Rafael Rivera
Date of Incident: March 27, 2002
Location of Incident: 1129 South 12th Street

Professional services

	<u>Hours</u>	
04/30/02 Telephone call from client; memo to file.	0.60	
05/07/02 Review of file; meeting with Det. Belsha at IAD; attend Det. Belsha's statement to IAD; meeting with Dets. Valcarcel and Menzel and PO Rivera; attend PI-21 statement of Dets. Valcarcel and Menzel and PO Rivera; travel; memos to file.	3.40	
07/22/02 Telephone call to and from IAD; correspondence to clients; correspondence to MPD Open Records.	0.50	
11/06/02 Review of correspondence from MPD Open Records; correspondence to clients; close file.	0.50	
		<u>Amount</u>
For professional services rendered	5.00	\$550.00
Additional charges:		
11/06/02 MPD Open Records request		8.54

Mr. Ronald D. Leonhardt

Page 2

	<u>Amount</u>
Total costs	\$8.54
Total amount of this bill	<hr/> \$558.54
Balance due	<hr/> <hr/> \$558.54

(Rate: \$110.00 per hour)

INCIDENT INFORMATION

INCIDENT
Criminal Damage to Property
VICTIM
VELAZQUEZ LISANDRA
VICTIM'S ADDRESS
1129 S. 12th Street
Milwaukee, Wi 53212

DATE OF INCIDENT 03-27-02 DATE OF REPORT 06-27-02 REP CON#
LOCATION OF INCIDENT (ADDRESS) 1129 S. 12th St DIST. 2
REPORTED BY 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
05-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 \$
----------------------	------------------------	-------------------------------	-----------------------------------

KEY 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"/> UNKNOWN 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	GANG RELATED	Y N	DRUG RELATED	Y N	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	Y N	DRUGS AT TIME OF ARREST	<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	GANG RELATED	Y N	DRUG RELATED	Y N	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	Y N	DRUGS AT TIME OF ARREST	<input type="checkbox"/> <input type="checkbox"/>
---------	---------------------	-----	-------------------------	---

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

REPORTING OFFICER <i>Michele Harrison</i> DET. Michele HARRISON	PAYROLL # 60822	LOC 04	ASSISTING OFFICER	SUPERVISOR <i>Richard P. Rickard</i> 5144	TOTAL ARRESTS 0
---	--------------------	-----------	-------------------	---	--------------------

ACTIVE NARRATIVE:

This report was dictated by Detective Michele HARRISON, assigned to the Criminal Investigation Unit/Internal Affairs Division (CIU/IAD), early shift.

On Monday May 26, 2002, I, Det. Michele HARRISON, along with Lieutenant of Detective Raynard E. RICHARDS, appeared in the District Attorney's Office for a conference pertaining to this incident. Reviewing this case was Deputy District Attorney Jon REDDIN. During this conference Deputy District Attorney Jon REDDIN indicated this is not a criminal incident. He stated the officer's involved in this incident had no intent to intentionally damage the door. The state statute indicates who ever intentionally causes damage to any physical property of another.

Deputy District Attorney REDDIN stated in his opinion this is a civil suit. Criminal investigation completed.

REVIEWING D.A. JON REDDIN	P.O./DET. ASSIGNED HARRISON	COURT CASE NUMBER
FINAL CHARGE WARRANT REFUSED	DISPOSITION/DATE 05-26-02	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"/> VICTIM RESUSES TO COOPERATE (SUSPECT INFORMATION NEEDED)	<input type="radio"/> PROPERTY RECOVERED <input checked="" type="radio"/> WARRANT REFUSED <input type="radio"/> ARREST UNDER 18 <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 INFORMATION	<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 <input type="radio"/> I. SUSPECT KILLED BY POLICE OFFICER

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

DECEMBER 10, 2002

TO: DET. ROBERT MANZEL
VCD

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 MARCH 27, 2002
- 2) A citizen's complaint made by LISANDRA VELASQUEZ
- 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: *Robert Manzuel*
 Print your name: ROBERT T. MANZEL

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

02 DEC 17 AM 11:13
 RECEIVED
 MILWAUKEE POLICE
 INTERNAL AFFAIRS
 DIVISION

SMS:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

DECEMBER 10, 2002

TO: DET. JOHN BELSHA
SOB CRIMINAL INTEL

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 MARCH 27, 2002
- 2) A citizen's complaint made by LISANDRA VELASQUEZ
- 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: DET. John Belsha

Print your name: JOHN BELSHA

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 DEPARTMENT

MEMORANDUM

DECEMBER 10, 2002

TO: DET. ABNER VALCARCEL
VCD

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 MARCH 27, 2002
- 2) A citizen's complaint made by LISANDRA VELASQUEZ
- 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: *Abner Valcarcel*

Print your name: Abner VALCARCEL

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

02 DEC 17 AM 11:13
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

RECEIVED

SMS:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

DECEMBER 10, 2002

TO: P.O. RAFAEL RIVERA
VCD

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 MARCH 27, 2002
- 2) A citizen's complaint made by LISANDRA VELASQUEZ
- 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. Rafael Rivera

Print your name: P.O. Rafael Rivera

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 DEC 17 AM 11:13
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

SMS:kjs