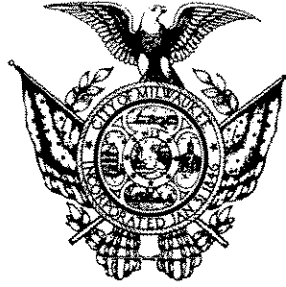


CITY OF MILWAUKEE

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 10, 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 a Vice Control Detective
C.I. File No. 03-S-216; EC 1897

Dear Council Members:


Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing a Vice Control Detective. The claim is in the amount of \$968.48 including \$11.48 in disbursements for 8.70 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 detective 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.

90135/ 1032-2003-1635

THOMAS O. GARTNER
BRUCE D. SHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
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
VINCENT J. BOBOT
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

May 9, 2003

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

**RE: MPD Criminal Investigation of a Vice Control Detective
Allegations Regarding Misconduct in Public Office
Date of Incident: December 31, 2001
Location of Incident: 2000 West Forest Home Avenue
EC No.: 1897**

Dear Mr. Leonhardt:

The above-referenced detective 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 a drug arrest.


The complaint was cleared as baseless. Attached is a copy of the clearance report; the MPD has deleted the names of the officers in the report since they are involved in undercover drug investigations. Also enclosed is an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.

Laurie A. Eggert
Attorney at Law

*1/30/05
O.K.
JAS
Letter 2276*



CITY OF MILWAUKEE
RECEIVED
MAY 14 PM 3:42
OFFICE OF
CITY ATTORNEY

LAE/ldl
attachment
DETECTIVE

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

May 8, 2003

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

RE: MPD Criminal Investigation regarding misconduct in public office
Regarding: a Vice Control Detective
Date of Incident: December 31, 2001
Location of Incident: 2000 West Forest Home Avenue
Professional services

	<u>Hours</u>
1/4/02 Telephone call from client; open file; memo to file.	0.90
1/23/02 Review of file; intra-office conference; memo to file.	0.40
1/28/02 Preparation for and appearance at PI-21 statements for witnesses; conference with client; memo to file; travel.	2.40
2/20/02 Telephone call from client; memo to file.	0.60
2/25/02 Review of file; preparation for and appearance at PI-21 statement; travel; memo to file;	2.20
2/27/02 Review of file.	0.30
4/10/02 Telephone call from and to client; review of file.	0.30
4/15/02 Telephone call from client; memo to file.	0.30
9/27/02 Telephone call from client; memo to file; review of file.	0.50

	<u>Hours</u>	
10/28/02 Correspondence to MPD Open Records.	0.10	
4/3/03 Review closed criminal investigation; close file.	0.70	
		<u>Amount</u>
For professional services rendered	8.70	\$957.00
Additional charges:		
4/3/03 MPD Open Records request		11.48
Total costs		<u>\$11.48</u>
Total amount of this bill		<u>\$968.48</u>
Balance due		<u><u>\$968.48</u></u>

(Rate: \$110.00 per hour)

INVESTIGATIVE NARRATIVE:

This report was dictated by Detective Glenn ZIRGIBEL, of the Criminal Investigation Unit/Internal Affairs Division (CIU/IAD), day shift.

During the course of this criminal investigation, Assistant District Attorney Kathryn SARNER and Assistant District Attorney Jeanette CORBETT stated that Detective # 5 made a statement in the District Attorney's office that a suspect under arrest for Delivery of Controlled Substance, by the name of Ronald J. DAVIS, had swallowed six corner cuts of crack cocaine at the time of his arrest on 12-31-01.

The two Assistant District Attorneys further alleged that Detective # 5 stated that, "No one wanted to wait all night at a hospital with DAVIS, because it was New Years Eve, and we were all hoping he wouldn't die."

Based on Assistant District Attorney SARNER's complaint to the Milwaukee Police Department, Ronald DAVIS was interviewed at the Criminal Justice Facility and denied that he had ever swallowed any crack cocaine at the time of his arrest on 12-31-01. Ronald DAVIS stated that he only had two bindles of crack cocaine, one that was on his person when he was arrested, and the other one that he sold to undercover Milwaukee Police Officer #25

Police Officer #25 was interviewed regarding his arrest of Ronald DAVIS and gave a statement that matched Mr. DAVIS'. Police Officer #25 stated that Mr. DAVIS sold him one bindle of crack cocaine, and that a second bindle was subsequently obtained at the time Ronald DAVIS was arrested.

Additionally, Police Officer #25 and Detective #25 of the Vice Control Division were interviewed regarding this arrest, and both of them also stated that Mr. DAVIS at the time of his arrest only had two bindles of crack cocaine in his possession. One that he had initially sold to Detective #25 and one other that was on his person when the arrest was effected.

It should be noted that Ronald DAVIS was subsequently charged with Delivery of Controlled Substance, Possession of Controlled Substance with Intent to Deliver, and Resisting an Officer.

Detective # 5 declined to make any statement regarding this investigation.

Due to the totality of this investigation, there is no evidence what so ever to indicate that Ronald DAVIS had swallowed any quantity of crack cocaine on December 31, 2001, at the time of his arrest by the Milwaukee Police Department.

This complaint is therefore cleared as baseless, and no further criminal investigation in regards to this matter is warranted.

GZ:tl 02-18-02

Cr/02-005

REVIEWING D.A.	P.O./DET. ASSIGNED DETECTIVE GLENN ZIRGIBEL	COURT CASE NUMBER
FINAL CHARGE	DISPOSITION/DATE 02-18-02	VICTIM NOTIFIED BY
INCIDENT STATUS	<input type="radio"/> CLEARED BY ARREST 18 OR OVER <input type="radio"/> PARTIAL CLEARANCE BY ARREST <input checked="" 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 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 ATTKCD PO AND SAME PO KILLED SUSP <input type="radio"/> B. SUSP ATTKCD PO AND OTHER PO KILLED SUSP <input type="radio"/> C. SUSP ATTKCD 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

June 5, 2003

TO: VCD DETECTIVE
DISTRICT 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 DECEMBER 31, 2001
- 2) A citizen's complaint made by MISCONDUCT IN PUBLIC OFFICE
- 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: DET. Kurt Sutter

Print your name: DET. KURT SUTTER.

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

Steven M. Settingsgaard
Police Commander
Internal Affairs Division

SMS:kjs

ADVISED BY UNNAMED DETECTIVE THAT THE
ABOVE INFORMATION IS CORRECT.
KJS