

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

THOMAS E. HAYES
PATRICK B. McDONNELL
LINDA ULISS BURKE
Special Deputy City Attorneys



OFFICE OF CITY ATTORNEY
800 CITY HALL
200 EAST WELLS STREET
MILWAUKEE, WISCONSIN 53202-3551
TELEPHONE (414) 286-2601
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JAN A. SMOKOWICZ
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GREGG C. HAGOPIAN
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MELANIE R. SWANK
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DONALD L. SCHRIEFER
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LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY

Assistant City Attorneys

November 26, 2002

To the Honorable Common Council
of the City of Milwaukee
Room 205 - City Hall

Re: Communication from Attorney Laurie A. Eggert, Eggert Law Office, S.C. for legal fees
for Police Officers Tim Trumble, Rodney Casarez and Walter McCullough
C.I. File No. 00-S-150; ELO No. 1439

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Tim Trumble, Rodney Casarez and Walter McCullough. The claim is in the amount of \$753.99 including \$5.99 in disbursements for 6.80 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

CITY OF MILWAUKEE

Form CA-43

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May 17, 2000

BEVERLY A. TEMPLE
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LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN

Assistant City Attorney

Commander Dale Schunk
Milwaukee Police Department
Internal Affairs Division
6680 North Teutonia Avenue, Rm 325
Milwaukee, WI 09

Re: C.I. File No. 00-S-150
Communication from EGGERT LAW OFFICE

Dear Commander Schunk:

Enclosed please find a claim filed by attorney Laurie A. Eggert for Attorney's fees incurred during her representation of officers Gary Brown, Richard Gordy, Jan Karow, Charles Roessler and Justin Carloni, Charistopher Gull, Manuel Molina, Deborah Moody, Dan Rice and Scott Thorne, Michael Sarenac and William Walsh, James MacGillis and Jeffrey Theile, and Tim Trumble, Rodney Casarez and Walter McCullough.

Please determine whether these officers were in fact involved in the matter described in Ms. Eggert's claim, and have these officers verify Ms. Eggert's representation. Thank you for your anticipated cooperation in this matter.

Very truly yours,

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:beg
Enclosure
5091

11/25/02

O.K.

JAS

Letter

2276

EGGERT LAW OFFICE, 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, 2000

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

RONALD D. LEONHARDT
CITY CLERK
CITY OF MILWAUKEE
MAY 11 PM 2:07

**RE: MPD Criminal Investigation of POs Tim Trumble, Rodney Casarez and Walter McCullough
Allegations Regarding Mr. Jimmy McVey
Date of Incident: December 19, 1999
Location of Incident: 4512 West Lloyd Street
ELO No.: 1439**

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 Battery/DV arrest. Charges will not be issued against the officers. Attached is a copy of the clearance report and an itemization of the time and services rendered.

Sincerely,

EGGERT LAW OFFICE, S.C.

Laurie Eggert
Laurie A. Eggert
Attorney at Law

OFFICE OF
CITY ATTORNEY
CITY OF MILWAUKEE
RECEIVED
MAY 11 PM 3:02

JC/ldl
TRUMBLE

4/16/2001

Info provided in
clearance rpt = inadequate

EGGERT LAW OFFICE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele

1840 North Farwell Avenue
Suite 303
Milwaukee, Wisconsin 53202
(414)276-8750
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May 8, 2000

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

RE: MPD Criminal Investigation
Regarding: POs Tim Trumble, Rodney Casarez & Walter McCullough
Date of Incident: December 19, 1999
Location of Incident: 4512 West Lloyd Street

Professional services

	<u>Hours</u>
12/22/99 Telephone call from PO Trumble; open file; telephone call from PO Casarez.	1.10
12/29/99 Office conference with PO Casarez; telephone call to and from PO Trumble; telephone call to IAD.	1.40
12/30/99 Office conference with PO Trumble; memo to file.	1.10
1/14/00 Review file; office conference with PO McCullough; memo to file.	1.20
1/17/00 Telephone call to IAD; memo to file.	0.40
1/18/00 Telephone call to IAD; review file; preparation for statement by POS Trumble and Casarez.	0.60
2/15/00 Discussion with IAD; correspondence to clients; correspondence to MPD Open Records.	0.50

	<u>Hours</u>	
5/1/00 Review of correspondence from MPD Open Records; correspondence to clients; close file.	0.50	
		<u>Amount</u>
For professional services rendered	6.80	\$748.00
Additional charges:		
5/1/00 MPD Open Records request		5.99
Total costs		<u>\$5.99</u>
Total amount of this bill		<u>\$753.99</u>
Balance due		<u><u>\$753.99</u></u>

(Rate: \$110.00 per hour)

INVESTIGATION NARRATIVE

This report was dictated by Det. Hattie NICHOLS, of the Criminal Investigation Unit/Internal Affairs Division (CIU/IAD), early shift.

On Thursday, January 20, 2000, Mr. MCVEY was ordered in to the District Attorney's office for review of this case. Mr. MCVEY failed to appear as requested and Assistant District Attorney Thomas MCADAMS stated that Mr. MCVEY should be contacted and reordered in.

On Monday, January 24, 2000, Mr. MCVEY was contacted and given a new order in date of Tuesday, February 8, 2000, at 9:00 a.m. Mr. MCVEY stated that he would appear.

On Tuesday, February 8, 2000, this case was reordered in and Assistant District Attorney MCADAMS reviewed the case in the presence of Capt. James C. SHEPARD and Det. Hattie NICHOLS, both of the CIU/IAD, in the absence of Mr. MCVEY.

In reviewing the case Assistant District Attorney MCADAMS no processed the case due to the lack of cooperation of Mr. MCVEY.

HN:vii 02-08-00
99-310/99-310.CLR

Hattie Nichols

REVIEWING D.A. ADA Thomas MCADAMS		P.O./DET. ASSIGNED Det. Hattie NICHOLS	COURT CASE NUMBER
FINAL CHARGE NONE		DISPOSITION/DATE 02-08-2000	VICTIM NOTIFIED BY
INCIDENT STATUS	<input type="checkbox"/> CLEARED BY ARREST 18 OR OVER <input type="checkbox"/> PARTIAL CLEARANCE BY ARREST <input type="checkbox"/> UNFOUNDED/BASELESS <input type="checkbox"/> NO PROSECUTION DESIRED	<input type="checkbox"/> PROPERTY RECOVERED <input checked="" type="checkbox"/> WARRANT REFUSED	<input type="checkbox"/> ARREST UNDER 18 <input type="checkbox"/> A. DETAINED AT M.C.C.C. <input type="checkbox"/> B. ORDER IN TO MC.C.C.C. <input type="checkbox"/> WAIVED AS AN ADULT DATE: _____
C.I.B. ADMINISTRATIVE USE ONLY			
<input type="checkbox"/> CLEARED <input type="checkbox"/> EXCEPTIONALLY	<input type="checkbox"/> A. DEATH OF OFFENDER <input type="checkbox"/> B. PROSECUTION DECLINED	<input type="checkbox"/> C. EXTRADITION DENIED <input type="checkbox"/> D. REFUSED TO COOPERATE	<input type="checkbox"/> E. JUVENILE NO CUSTODY <input type="checkbox"/> F. NOT APPLICABLE
<input type="checkbox"/> JUSTIFIABLE <input type="checkbox"/> HOMICIDE	<input type="checkbox"/> A. SUSP. ATTACKED P.O. AND SAME P.O. KILLED SUSP. <input type="checkbox"/> B. SUSP. ATTACKED P.O. AND OTHER P.O. KILLED SUSP. <input type="checkbox"/> C. SUSP. ATTACKED CIVILIAN <input type="checkbox"/> D. SUSP. ATTEMPTED FLIGHT FROM CRIME	<input type="checkbox"/> E. SUSP. KILLED IN COMMISSION OF CRIME <input type="checkbox"/> F. SUSP. RESISTED ARREST <input type="checkbox"/> G. UNABLE TO DETERMINE/NOT ENOUGH INFORMATION <input type="checkbox"/> H. SUSPECT KILLED BY PRIVATE CITIZEN <input type="checkbox"/> I. SUSPECT KILLED BY POLICE OFFICER	

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

JUNE 9, 2000

TO: PO TIM TRUMBLE
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 DECEMBER 19, 1999
- 2) A citizen's complaint made by
- 3) A police shooting incident occurring on

Is this information correct?

YES NO

Did you receive legal representation
in this matter?

YES NO

Your signature: Tim J. Trumble
Print your name: Tim TRUMBLE

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

Dale T. Schunk
DALE T. SCHUNK
Police Commander
Internal Affairs Division

DTS:dnp

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

JUNE 9, 2000

TO: ^{JAMES} PO ~~RODNEY~~ CASAREZ
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 DECEMBER 19, 1999
- 2) A citizen's complaint made by
- 3) A police shooting incident occurring on

Is this information correct?

YES X NO _____

Did you receive legal representation
in this matter?

YES X NO _____

Your signature: PO James Casarez
Print your name: JAMES CASAREZ

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

Dale T. Schunk
DALE T. SCHUNK *JD*
Police Commander
Internal Affairs Division

DTS:dnp

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

JUNE 9, 2000

TO: PO WALTER MCCULLOUGH
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 DECEMBER 19, 1999
- 2) A citizen's complaint made by
- 3) A police shooting incident occurring on

Is this information correct?

YES X NO _____

Did you receive legal representation
in this matter?

YES X NO _____

Your signature: _____

Walter A. McCullough

Print your name: _____

WALTER A. MCCULLOUGH

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

Dale T. Schunk

DALE T. SCHUNK J#
Police Commander
Internal Affairs Division

DTS:dnp

CITY OF MILWAUKEE

Form CA-43

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CHRISTOPHER J. CHERELLA
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MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY

Assistant City Attorneys

May 16, 2001

Laurie A. Eggert, Esq.
Eggert Law Office, S.C.
1840 North Farwell Avenue
Milwaukee, WI 53202

Re: **MPD Criminal Investigation of POs Tim Trumble, Rodney Casarez
and Walter McCullough; ELO File No. 1439; C.I. File No. 00-S-150**

Dear Ms. Eggert:

With respect to the above noted claim, you provided me with only the second page of the clearance report. While that does identify the same complainant as noted in your claim letter (Jimmy McVey), it does not identify any of the officers allegedly involved in the incident. Please provide me with that portion of the clearance report identifying the officers, so that I can confirm the connection to this claim.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jan A. Smokowicz".

Jan A. Smokowicz
Assistant City Attorney

JAS:enm
41105

OFFICE COPY

EGGERT LAW OFFICE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele

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

May 25, 2001

Mr. Jan Smokowicz
Assistant City Attorney
800 City Hall
200 East Wells Street
Milwaukee, WI 53202

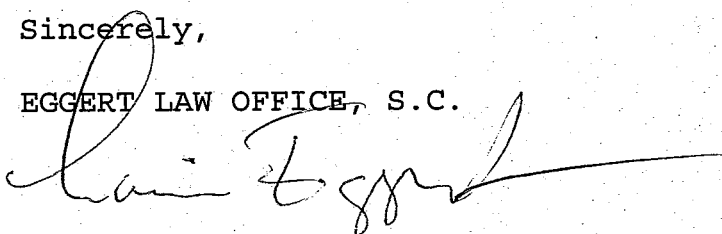
**RE: MPD Criminal Investigation of POs Tim Trumble, Rodney
Casarez and Walter McCullough
C.I. File No. 00-S-150; ELO No. 1439**

Dear Mr. Smokowicz:

Your letter of May 16, 2001, asked for that section of the
clearance report which refers to these officers. Here it is.

Sincerely,

EGGERT LAW OFFICE, S.C.



Laurie A. Eggert
Attorney at Law

LAE/ldl
SMO52500

MILWAUKEE POLICE DEPARTMENT

CIU/Internal Affairs Division

Tuesday, February 29, 2000

S U M M A R Y

**IN THE MATTER OF: CIU#99-310 - BATTERY
 P.O. WALTER MCCULLOUGH, PR#59075
 P.O. JAMES CESAREZ, PR#60306
 P.O. TIMOTHY TRUMBLE, PR#60857
 ALL OF DISTRICT THREE, EARLY POWER SHIFT**

PRIMARY INVESTIGATOR(S): DET. HATTIE NICHOLS

**TO: DALE T. SCHUNK
 POLICE COMMANDER**

SIR:

This report was authored by Captain of Police James C. SHEPARD, of the Internal Affairs Division/Criminal Investigation Unit (IAD/CIU), day shift.

ALLEGATION:

Complainant Jimmy MCVEY alleges that at the time of his for DV - Battery three uniform officers involved in said arrest did strike him with the use of a baton, push his head against the side of a patrol wagon and did forcibly push him into said patrol wagon causing him to fall. The actions of the officers reportedly were done without provocation and resulted in injury to the complainant's left shoulder and superficial scratches to his face.

INVESTIGATION:

On Sunday, December 19, 1999, complainant Jimmy MCVEY reports that he was arrested for DV - Battery, as he was accused of battering his live-in girlfriend. Mr. MCVEY states that while outside he did argue with his girlfriend but denied battering her. He states during the course of the argument with his girlfriend he identifies as Carrie SCOTT, she flagged down a uniform squad car. He reports that this initial squad car consisted of police officers determined to be Timothy TRUMBLE and James CESAREZ. He reports the officers

refused to hear his side of the incident with his girlfriend, at which time he was subsequently handcuffed to the rear. He reports that a third officer did arrive on the scene and was determined to be Officer Walter MCCULLOUGH. He reports that during the course of his arrest Officer MCCULLOUGH did approach him with night stick in hand and pushed him with same in his back. He reports that Officer MCCULLOUGH made statements to the effect, "I'm going to show you something for hitting a woman." He states that he tried to tell Officer MCCULLOUGH that he had not struck his girlfriend but he refused to listen as Officer MCCULLOUGH pushed his head into a patrol wagon. He states the officer continued to state words to the effect, "I'll teach you how to beat a woman." He states that he was eventually put into the patrol wagon facing backwards at which time he inquired of the officers why he was being arrested. He reports that it is at this time that one of the officers who he could not state did push him into the patrol wagon causing him to fall on his left side. He reports as a result he injured his left shoulder and sustained facial scratches. MCVEY contends that these actions by the officers were done without provocation.

During the course of this investigation the complainant's girlfriend Carrie SCOTT was interviewed. Miss SCOTT offered that while outside she did witness the arrest of her boyfriend Jimmy MCVEY. She reports that a Black male officer determined to be Officer MCCULLOUGH did arrive on the scene with "a billy club" in his hand. She states that this officer told MCVEY to sit down. MCVEY then replied, "Put the billy club down," and he would "whip his ass." MCVEY who was seated was then ordered to stand in order to be handcuffed. It was at this time that MCVEY then pushed an officer determined to be CESAREZ in the chest. She states the officers then leaned MCVEY over the hood of her auto and then placed him in handcuffs. She reports that MCVEY was kicking as the officers attempted to spread his legs apart in order to search him. She reports that the officers then brought MCVEY to the side of her auto at which time his head was pushed onto the top of her vehicle as his hair was being pulled. She further states she observed MCVEY'S head being smashed into her auto but could not state which officer had done this. She states MCVEY was then pushed into the patrol wagon by the upper torso and lower half of his body. She states however MCVEY'S hips and legs were hanging out of the patrol wagon at which time Officer CESAREZ then hit his body with the patrol wagon door. She further indicates that Officer

CESAREZ then kicked MCVEY in his leg. She states the officers kept yelling at MCVEY to get into the wagon as MCVEY attempted to tell him that he could not. She reports that MCVEY then repositioned his body putting his feet on the bumper as he attempted to get into the wagon. She reports that Officer MCCULLOUGH then pushed him causing MCVEY to bump his head on the top of the entrance to the wagon. She indicated that she could not tell if MCVEY fell inside of the wagon. She reports it was her belief that the officers used unnecessary force during the arrest of MCVEY. She however contends that this force may have been used due to MCVEY spitting, cursing and referring to Officer MCCULLOUGH in racial epithets.

Also interviewed was the mother of Carrie SCOTT identified as Audrey SCOTT. She states when observing the arrest of MCVEY one of the officers pulled MCVEY'S hair and slammed his face against the top of her daughter's auto. She however could not identify which officer had done so but did observe three officers. She further states she heard the officers yelling at MCVEY to get into the patrol wagon and to put his feet up. She reports that these observations were made from her residence window.

A statement was also obtained from the sister of Carrie SCOTT identified as Maxine SCOTT. Maxine offered that upon observing the arrest of MCVEY she did see an officer slam MCVEY'S face onto the hood of her sister's auto. She could not however identify which officer had done so. She did report observing three officers one of which was a Black male. She stated she further witness the police handcuff MCVEY and throw him into the patrol wagon face down. She further indicated that MCVEY was half hanging out of the patrol wagon at which time a Hispanic officer (P.O. CESAREZ) did kick MCVEY in his legs as he was telling him to get into the patrol wagon. She further offered that she did witness MCVEY'S hair being pulled prior to being placed in the patrol wagon but could not state which officer had done so.

Officers Walter MCCULLOUGH, Timothy TRUMBLE and James CESAREZ all declined to make a statement relative to this investigation. In review however of a narrative of an offense report authored by P.O. TRUMBLE, he and his partner James CESAREZ were dispatched to a DV - Battery investigation at 4512 W. Lloyd Street. The report indicates that the complainant's girlfriend Carrie SCOTT reported that during the course of an argument

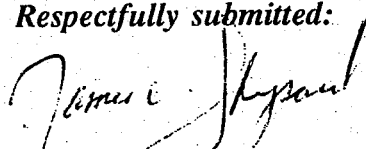
RE: CIU#99-310 - BATTERY
PAGE 4

complainant MCVEY had struck her in the mouth with his fist and pulled her hair. During the course of the investigation MCVEY was found to be "disruptive and uncooperative." The narrative continued stating that MCVEY would lunge quickly toward Carrie SCOTT and the officers and then stop and laugh. Due to MCVEY'S behavior Officer TRUMBLE did call for additional assistance at which time Officer MCCULLOUGH did respond. MCVEY reportedly then spat and kicked at the officers and refused to enter the patrol wagon. TRUMBLE states via the report "After considerable effort, MCVEY was placed in the patrol wagon and conveyed to District #3."

CONCLUSION:

On Thursday, January 20, 2000, this incident was reviewed in the office of the District Attorney however complainant MCVEY after being ordered to appear failed to do so without explanation. MCVEY was then recontacted and reordered in for review of his allegations on Tuesday, February 8, 2000 at which time he did state he would appear. On this date (02-08-00) complainant MCVEY failed again to appear. It was the determination at this time by Assistant District Attorney Thomas MCADAMS that charges preferred against any officer relative to this incident would be declined due the apparent lack of cooperation of complainant MCVEY. It is for said reasons that this incident will be cleared as warrant refused.

Respectfully submitted:



James C. SHEPARD
Captain of Police
CIU/IAD, Day Shift