

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys



THOMAS O. GARTNER
BRUCE D. SCHRIMPF
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
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
DDNALD L. SCHRIEFER
EDWARD M. EHRlich
LEONARD A. TOKUS
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KATHRYN Z. BLOCK
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ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEAI
THOMAS D. MILLER
HEIDI E. GALVÁN
JARELY M. RUIZ
ROBIN A. PEDERSON
Assistant City Attorneys

December 29, 2008

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

Re: Communication from Attorney Jonathan Cermele, Cermele & Associates,
S.C. for legal fees for Police Officers Willie Huerta, Matthew Cooper,
Brian Stott, Harold Young, Michael Crivello and Charles Libal
C.I. File No. 07-S-403(13); EC No. 2537

Dear Council Members:

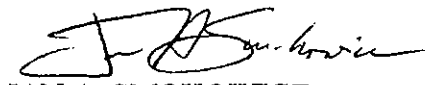
Returned herewith is a document filed by Attorney Jonathan Cermele for attorney's fees for representing Police Officers Willie Huerta, Matthew Cooper, Brian Stott, Harold Young, Michael Crivello, and Charles Libal. The claim is in the amount of \$1254.00 for 11.40 hours of service billed at the rate of \$110 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. A criminal investigation was initiated against the police officers on whose behalf this claim was filed, but they were ultimately not charged.

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
Enc.
2277

OFFICE OF THE CITY ATTORNEY

Milwaukee City Hall Suite 800 • 200 East Wells Street • Milwaukee, Wisconsin 53202-3551 Telephone: 414.286.2601 • TDD: 414.286.2025 • Fax: 414.286.8550

CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -
WWW.CERMELELAW.COM

JONATHAN CERMELE
RACHEL L. PINGS
MATTHEW L. GRANITZ

6310 WEST BLUEMOUND ROAD
SUITE 200
MILWAUKEE, WISCONSIN 53213
(414) 276-8750
FAX (414) 276-8906

LAURIE A. EGGERT
- OF COUNSEL -

November 27, 2007

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

**RE: MPD Criminal Investigation of Det.'s Willie Huerta, Matt Cooper, Brian Stott,
Harold Young, Mike Crivello and Charles Libal
Allegations Regarding Death-in-custody
Date of Incident: September 19, 2007
Location of Incident: Vice Control Division Booking Room**

Dear Mr. Leonhardt:

Pursuant to Article 58 of the 2007-2009 Collective Bargaining Agreement between the City and the Milwaukee Police Association, the City should request that this claim be placed on the Common Council Committee agenda within 180 days of its receipt.

This claim is being submitted under §895.35(2), STATS., which provides that:

Notwithstanding sub (1), the City . . . shall reimburse a protective services officer for reasonable attorney fees incurred by the officer in connection with a criminal proceeding arising from the officer's conduct in the performance of official duties, unless, in relation to that conduct, any of the following applies:

- a. The officer is convicted of a crime;
- b. The officer's employment is terminated for cause;
- c. The officer resigned for reasons other than retirement before the attorneys fees are incurred;
- d. The officer is demoted or reduced in rank
- e. The officer is suspended without pay for 10 or more working days. §895.35(2), STATS.

Detective's Huerta, Cooper, Stott, Young, Crivello and Libal are considered "protective services officer" under the statute. They have incurred the fees compiled in this claim as a direct result of their being investigated for actions taken within their official capacity, and in the performance of their duties, in connection with the use of deadly force. None of the "exceptions" apply.¹

The incident resulted in the MPD conducting a criminal investigation into the death of Mr. Ronald Stewart, under Chapter 979, STATS. That investigation qualifies as a "proceeding" which mandates payment under §895.35(2), STATS.

Thank you.

Sincerely,

CERMELE & ASSOCIATES, S.C.

Jon Cermele

/kjs
Attachment
HUERTA, et al

¹ Neither officer was convicted of a crime, terminated for cause, resigned prior to incurring the fees associated with this claim, demoted, or suspended without pay for more than 10 days. *See §895.35(2)(b), STATS.*

CERMELE & ASSOCIATES, S.C.

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November 27, 2007

Mr. Ronald Leonhardt
Milwaukee City Clerk
City Hall, Room 205
200 East Wells Street
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**RE: MPD Criminal Investigation of Det.'s Willie Huerta, Matt Cooper,
Brian Stott, Harold Young, Mike Crivello and Charles Libal
Allegations Regarding Death-in-custody
Date of Incident: September 19, 2007
Location of Incident: Vice Control Division Booking Room**

Professional Services

			<u>Hours</u>
09/19/2007	JC	Telephone call from MPD regarding death-in-custody; numerous telephone calls to and from various MPD officers, detectives and captains regarding status of investigation; travel to PAB; meeting with CIB Captain and Lieutenant; meeting with CIB Detectives; separate meetings with Detectives Huerta, Cooper, Stott, Young and Crivello; attend separate statements to CIB of Detectives Huerta, Cooper, Stott, Young and Crivello; return travel; open file; memos to file; telephone call from Det. Libal; telephone call to CIB Det. Lt.; schedule statement for Det. Libal; travel; meeting with Det. Libal; attend statement of Det. Libal to CIB; return travel.	8.40
	RLP	Telephone call from Cermele; telephone call from and to witnesses; intra-office conference with Cermele regarding same.	1.10
09/20/2007	JC	E-mail to DA Chisholm.	0.40
10/25/2007	JC	Telephone call to and from DA's Chief Investigator.	0.40

			<u>Hours</u>
11/02/2007	JC	Telephone call to DA's Chief Investigator.	0.20
11/06/2007	JC	Telephone call to DA's Chief Investigator; e-mail to same; correspondence to clients; brief meeting with DA Chisholm confirming decision not to investigate incident.	0.50
11/07/2007	JC	Correspondence to clients; close file.	0.40
			<u>Amount</u>
		For professional services rendered	11.40
		Additional charges:	\$1,254.00
			<u>Amount</u>
09/19/2007	Mileage		9.00
	Mileage		8.00
			<u> </u>
		Total costs	\$17.00
			<u> </u>
		Total amount of this bill	\$1,271.00

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

January 10, 2008

TO: DET. WILLIE HUERTA
DISTRICT: VCD

RE: Receipt of Legal Services from Law Firm of
Attorney Jonathan Cermele

Attorney Jonathan Cermele 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 19, 2007
- 2) An incident regarding RONALD STEWART
- 3) ~~A police shooting incident occurring on N/A.~~ N/A

Is this information correct?

YES NO

Did you receive legal representation
in this matter?

YES NO

Your signature: Willie Huerta

Print your name: WILLIE M. HUERTA

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

KURT R. LEIBOLD
Acting Captain of Police
Professional Performance Division

KRL: lrc

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

January 10, 2008

TO: DET. MATTHEW COOPER
DISTRICT: VCD

RE: Receipt of Legal Services from Law Firm of
Attorney Jonathan Cermele

Attorney Jonathan Cermele 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 19, 2007
- 2) An incident regarding RONALD STEWART
- 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: _____

Det. Matthew J. Cooper

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

KURT R. LEIBOLD
Acting Captain of Police
Professional Performance Division

KRL: lrc

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

January 10, 2008

TO: DET. BRIAN STOTT
DISTRICT: VCD

RE: Receipt of Legal Services from Law Firm of
Attorney Jonathan Cermele

Attorney Jonathan Cermele 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 19, 2007
- 2) An incident regarding RONALD STEWART
- 3) ~~A police shooting incident occurring on N/A~~ *BL*

Is this information correct?

YES NO

Did you receive legal representation
in this matter?

YES NO

Your signature. *Brian Stott*

Print your name: BRIAN STOTT

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

KURT R. LEIBOLD
Acting Captain of Police
Professional Performance Division

KRL: lrc

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

January 10, 2008

TO: DET. HAROLD YOUNG
DISTRICT: VCD

RE: Receipt of Legal Services from Law Firm of
Attorney Jonathan Cermele

Attorney Jonathan Cermele 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 19, 2007
- 2) An incident regarding RONALD STEWART
- 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. Harold Young

Print your name:

DET. HAROLD YOUNG

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

KURT R. LEIBOLD
Acting Captain of Police
Professional Performance Division

KRL: lrc

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

January 10, 2008

TO: DET. MICHAEL CRIVELLO
DISTRICT: VCD

RE: Receipt of Legal Services from Law Firm of
Attorney Jonathan Cermele

Attorney Jonathan Cermele 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 19, 2007
- 2) An incident regarding RONALD STEWART
- 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: Michael V. Crivello

Print your name: MICHAEL V. CRIVELLO

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

KURT R. LEIBOLD
Acting Captain of Police
Professional Performance Division

KRL: lrc

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

January 10, 2008

TO: DET. CHARLES LIBAL
DISTRICT: VCD

RE: Receipt of Legal Services from Law Firm of
Attorney Jonathan Cermele

Attorney Jonathan Cermele 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 19, 2007
- 2) An incident regarding RONALD STEWART
- 3) A police shooting incident occurring on N/A

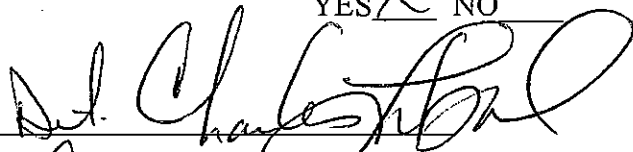
Is this information correct?

YES NO

Did you receive legal representation
in this matter?

YES NO

Your signature: _____



Print your name: _____

CHARLES LIBAL

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

KURT R. LEIBOLD
Acting Captain of Police
Professional Performance Division

KRL: lrc