

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

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
TDD 286-2025
FAX (414) 286-8550

March 19, 2003

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 Mark Wagner and Courston Court
C.I. File No. 00-S-356; ELO No. 1704

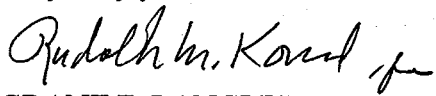
Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Mark Wagner and Courston Court. The claim is in the amount of \$334.07 including \$4.07 in disbursements for 3.00 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 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
DAVID R. HALBROOKS
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

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

October 8, 2001

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

RE: MPD Criminal Investigation of POs Mark Wagner and
Courston Court
Allegations Regarding Mr. Raymond Brandy
Date of Incident: February 9, 2001
Location of Incident: 2929 West Wisconsin Avenue
ELO No.: 1704

Dear Mr. Leonhardt:

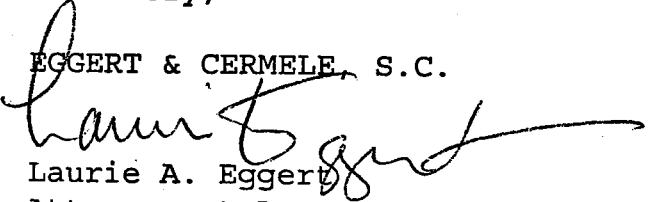
The above-named police officers have retained us to represent them in connection with the above-referenced matter.

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 response to a call regarding man with a gun.

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
Attorney at Law

JC/LAE/ldl
WAGNER COURT

3/4/03

O.K.

JAS

Letter 2276

EGGERT & CERMELE, S.C.

Attorneys at Law

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Jonathan Cermele

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200 East Wells Street
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RE: MPD Criminal Investigation re: Mr. Raymond Brandy
Regarding: POs Mark Wagner and Courston Court
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Location of Incident: 2929 West Wisconsin Avenue

Professional services

	<u>Hours</u>
03/22/01 Telephone call from IAD regarding new criminal investigation.	0.10
03/27/01 Telephone call from PO Wagner; intra-office conference; telephone call to IAD.	0.30
03/28/01 Telephone call to and from PO Wagner; open file; memo to file; several telephone calls to and from IAD.	0.60
03/30/01 Telephone call from PO Wagner; telephone call to and from IAD; telephone call to and from witness.	0.60
05/07/01 Telephone call to IAD.	0.20
05/14/01 Telephone call to IAD.	0.20
05/15/01 Telephone call to IAD.	0.10

Mr. Ronald D. Leonhardt

Page 2

	<u>Hours</u>	
07/02/01 Telephone call to IAD; correspondence to clients; correspondence to MPD Open Records.	0.40	
09/19/01 Review of correspondence from MPD Open Records; correspondence to clients; close file.	0.50	
		<u>Amount</u>
For professional services rendered	3.00	\$330.00
Additional charges:		
09/19/01 MPD Open Records request		4.07
Total costs		<u>\$4.07</u>
Total amount of this bill		<u>\$334.07</u>
Balance due		<u><u>\$334.07</u></u>

(Rate: \$110.00 per hour)

PO-14B (3/95) CLEARANCE REPORT MILWAUKEE POLICE DEPARTMENT				PAGE 1 OF 2		INCIDENT # 01-082-3125											
INCIDENT INFORMATION		INCIDENT			DATE OF INCIDENT		DATE OF REPORT		REP CON#								
		BATTERY			02-10-01		06-27-01										
		VICTIM			LOCATION OF INCIDENT (ADDRESS)				DIST.								
		BFANDY, RAY A.			2929 W. WISCONSIN AVENUE				3								
		VICTIM'S ADDRESS			REPORTED BY												
		2929 W. WISCONSIN AVENUE #207			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 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 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 \$									
USE FOR WEAPONS IN POSSESSION OF PRISONER AT TIME OF ARREST -- CHECK ALL APPLICABLE ITEMS 1 2 ☐ ALTERED STOCK ☐ CHROME/NICKEL ☐ HANDGUN ☐ OTHER 1 2 ☐ AUTOMATIC ☐ DOUBLE BBL ☐ IMPLIED WEAPON ☐ OTHER FIREARM 1 2 ☐ BOLT ACTION ☐ DRUG/NARCOTIC ☐ KNIFE/CUTTING INSTR ☐ PERSONAL WEAPON 1 2 ☐ BLUE STEEL ☐ EXPLOSIVES ☐ LIQUID GAS ☐ POISON 1 2 ☐ BLUNT OBJECT ☐ FIRE/INCENDIARY ☐ MOTOR VEHICLE ☐ PUMP ACTION 1 2 ☐ REVOLVER ☐ RIFLE ☐ SAWED OFF ☐ SEMI AUTO 1 2 ☐ SHOTGUN ☐ SIMULATED WEAPON ☐ SINGLE BBL ☐ THROWN OBJECT 1 2 ☐ UNKNOWN																	
ARRESTED #1 LAST NAME		FIRST NAME		MID		RACE		SEX		DATE OF BIRTH		AGE		ETHNIC ORIGIN ☐ HISPANIC ☐ 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 ☐ ☐		LOCATION OF ARREST		DATE/TIME OF ARREST		TYPE ☐ ORDERED IN/CITED ☐ W/WARR/SUSP CARD ☐ ALL OTHER ARRESTS							
CHARGES										POSSESSED SUSPECTED OF ARREST Y N ☐ ☐							
ARRESTED #2 LAST NAME		FIRST NAME		MID		RACE		SEX		DATE OF BIRTH		AGE		ETHNIC ORIGIN ☐ HISPANIC ☐ NON-HISPANIC			
ADDRESS		CITY		STATE		HEIGHT		WEIGHT		BUILD		HAIR		EYES			
ALIAS		SCARS, MARKS, MOLES, DEFORMITIES, AMPUTATIONS, FACIAL HAIR, SKINTONE, TATTOOS, PECULIARITIES ETC.															
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VEHICLE USED		MAKE		MODEL		TYPE		COLOR		STATE		EXP		TYPE		V.I.N. #	
REPORTING OFFICER		PAYROLL #		LOC #		ASSISTING OFFICER				SUPERVISOR				TOTAL ARRESTS			
DET. JEFFERY HOOVER		50062		04													

INVESTIGATIVE NARRATIVE:

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

On Wednesday, June 27, 2001 at 3:00 P.M., I, Detective Jeffery HOOVER, appeared in the District Attorney's office for a charging conference pertaining to this incident. Deputy District Attorney Jon REDDIN reviewed this case and after learning all the facts and circumstances surrounding this incident he decided not to issue any type of criminal charges. He based his decision on the following:

1. Mr. BRANDY admits to being beaten by robbery suspects prior to the arrival of the police and his potential injuries possibly already existed.
2. Credibility issue, Mr. BRANDY waited five weeks before reporting this incident to the police.
3. Can't prove who did what
4. It appears that the police holds were proper use of force.

JH:laf
01-083

REVIEWING D.A. DDA JON REDDIN FINAL CHARGE		P.O./DET. ASSIGNED DET. JEFFERY HOOVER DISPOSITION/DATE 06-27-01 / No Prosecution	COURT CASE NUMBER VICTIM NOTIFIED BY DET. HOOVER
INCIDENT STATUS	☐ CLEARED BY ARREST 18 OR OVER ☐ PARTIAL CLEARANCE BY ARREST ☐ UNFOUNDED/BASELESS ☐ NO PROSECUTION DESIRED	☐ PROPERTY RECOVERED ☒ WARRANT REFUSED	☐ ARREST UNDER 18 ☐ A. Detained at MCCC ☐ B. Ordered in to MCCC DATE: _____ ☐ WAIVED AS AN ADULT
----- C.I.B. ADMINISTRATIVE USE ONLY -----			
CLEARED EXCEPTIONALLY	☐ A. Death of Offender ☐ B. Prosecution Declined	☐ C. Extradition Denied ☐ D. Refused to Cooperate	☐ E. Juvenile, no custody ☐ F. Not Applicable
JUSTIFIABLE HOMICIDE INFORMATION	☐ A. SUSP ATTKCD PO AND SAME PO KILLED SUSP ☐ B. SUSP ATTKCD PO AND OTHER PO KILLED SUSP ☐ C. SUSP ATTKCD CIVILIAN ☐ D. SUSP ATTEMPTED FLIGHT FROM CRIME	☐ E. SUSP KILLED IN COMMISSION OF CRIME ☐ F. SUSP RESISTED ARREST ☐ G. UNABLE TO DETERMINE/NOT ENOUGH ☐ H. SUSPECT KILLED BY PRIVATE CITIZEN ☐ I. SUSPECT KILLED BY POLICE OFFICER	

RECEIVED

02 JAN 23 AM 10:51

MILWAUKEE POLICE DEPARTMENT
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

MEMORANDUM

JANUARY 21, 2002

TO: P.O. MARK WAGNER

SOB 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:

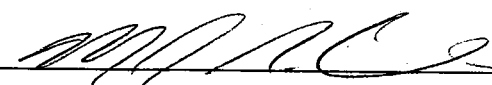
- 1) An incident occurring on FEBRUARY 9, 2001
- 2) A citizen's complaint made by RAYMOND BRANDY
- 3) A police shooting incident occurring on NA

Is this information correct?

YES X NO

Did you receive legal representation
in this matter?

YES X NO

Your signature: 

Print your name: MARK N. WAGNER

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


STEVEN SETTINGSGAARD
POLICE COMMANDER
Internal Affairs Division

DTS:dnp

LATL

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

NOVEMBER 13, 2001

TO: P.O. COURSTON COURT
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 FEBRUARY 9, 2001
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Is this information correct?

YES X NO

Did you receive legal representation
in this matter?

YES X NO

Your signature: P. O. Courston Court

Print your name: COURSTON D. COURT

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

STEVEN SETTINGSGAARD
POLICE COMMANDER
Internal Affairs Division

DTS:dnp

RECEIVED
NOV 15 2001

RECEIVED
NOV 15 2001

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele

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October 8, 2001

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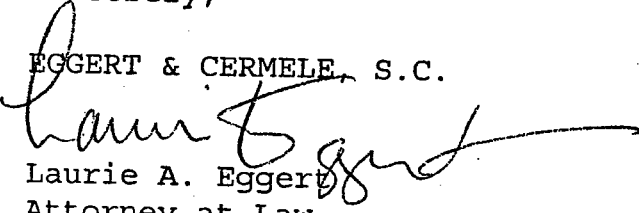
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Attached is a copy of the clearance report and an itemization of the time and services rendered.

Sincerely,

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Laurie A. Eggert
Attorney at Law

JC/LAE/ldl
WAGNER COURT

EGGERT & CERMELE, S.C.

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Mr. Ronald D. Leonhardt

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(Rate: \$110.00 per hour)

INCIDENT
INFORMATION

INCIDENT

BATTERY

VICTIM

BFANDY, RAY A.

VICTIM'S ADDRESS

2929 W. WISCONSIN AVENUE #207

DATE OF INCIDENT

02-10-01

DATE OF REPORT

06-27-01

REP
CON#

LOCATION OF INCIDENT (ADDRESS)

2929 W. WISCONSIN AVENUE

DIST.

3

REPORTED BY

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 DWL	35-STRUCT-OTHER
04-BICYCLES	11-DRUG/NARC EQUIP	17-JEWELRY/PREC METAL	23-OFFICE EQUIPMENT	30-STRUCT-OTHER DWL	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 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 \$

USE 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
☐ ☐ ALTERED STOCK	☐ ☐ CHROME/NICKEL	☐ ☐ HANDGUN	☐ ☐ OTHER	☐ ☐ REVOLVER	☐ ☐ SHOTGUN
☐ ☐ AUTOMATIC	☐ ☐ DOUBLE BBL	☐ ☐ IMPLIED WEAPON	☐ ☐ OTHER FIREARM	☐ ☐ RIFLE	☐ ☐ SIMULATED WEAPON
☐ ☐ BOLT ACTION	☐ ☐ DRUG/NARCOTIC	☐ ☐ KNIFE/CUTTING INSTR	☐ ☐ PERSONAL WEAPON	☐ ☐ SAWED OFF	☐ ☐ SINGLE BBL
☐ ☐ BLUE STEEL	☐ ☐ EXPLOSIVES	☐ ☐ LIQUID GAS	☐ ☐ POISON	☐ ☐ SEMI AUTO	☐ ☐ THROWN OBJECT
☐ ☐ BLUNT OBJECT	☐ ☐ FIRE/INCENDIARY	☐ ☐ MOTOR VEHICLE	☐ ☐ PUMP ACTION	☐ ☐ SHORT/SNUB BBL	☐ ☐ UNKNOWN

ARRESTED #1 LAST NAME		FIRST NAME	MID	RACE	SEX	DATE OF BIRTH	AGE	ETHNIC ORIGIN ☐ HISPANIC ☐ 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 ☐ ☐	LOCATION OF ARREST	DATE/TIME OF ARREST	TYPE OF ARREST ☐ ORDERED IN/CITED ☐ W/WARR/SUSP CARD ☐ ALL OTHER ARRESTS
CHARGES					POSSESSED SUSPECTED DRUGS AT TIME OF ARREST Y N ☐ ☐

ARRESTED #2 LAST NAME		FIRST NAME	MID	RACE	SEX	DATE OF BIRTH	AGE	ETHNIC ORIGIN ☐ HISPANIC ☐ 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		
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CHARGES					POSSESSED SUSPECTED DRUGS AT TIME OF ARREST Y N ☐ ☐

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

REPORTING OFFICER	PAYROLL #	LOC #	ASSISTING OFFICER	SUPERVISOR	TOTAL ARRESTS
DET. JEFFERY HOOVER	50062	04			

INVESTIGATIVE NARRATIVE:

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

On Wednesday, June 27, 2001 at 3:00 P.M., I, Detective Jeffery HOOVER, appeared in the District Attorney's office for a charging conference pertaining to this incident. Deputy District Attorney Jon REDDIN reviewed this case and after learning all the facts and circumstances surrounding this incident he decided not to issue any type of criminal charges. He based his decision on the following:

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JH:laf
01-083

REVIEWING D.A. DDA JON REDDIN	P.O./DET. ASSIGNED DET. JEFFERY HOOVER	COURT CASE NUMBER
FINAL CHARGE	DISPOSITION/DATE 06-27-01 / NO PROSEC	VICTIM NOTIFIED BY DET. HOOVER
INCIDENT STATUS	☐ CLEARED BY ARREST 18 OR OVER ☐ PARTIAL CLEARANCE BY ARREST ☐ UNFOUNDED/BASELESS ☐ NO PROSECUTION DESIRED	☐ PROPERTY RECOVERED ☒ WARRANT REFUSED ☐ ARREST UNDER 18 ☐ A. Detained at MCCC ☐ B. Ordered in to MCCC DATE: _____ ☐ WAIVED AS AN ADULT
----- C.I.B. ADMINISTRATIVE USE ONLY -----		
CLEARED EXCEPTIONALLY	☐ A. Death of Offender ☐ B. Prosecution Declined	☐ C. Extradition Denied ☐ D. Refused to Cooperate ☐ E. Juvenile, no custody ☐ F. Not Applicable
JUSTIFIABLE HOMICIDE INFORMATION	☐ A. SUSP ATTKCD PO AND SAME PO KILLED SUSP ☐ B. SUSP ATTKCD PO AND OTHER PO KILLED SUSP ☐ C. SUSP ATTKCD CIVILIAN ☐ D. SUSP ATTEMPTED FLIGHT FROM CRIME	☐ E. SUSP KILLED IN COMMISSION OF CRIME ☐ F. SUSP RESISTED ARREST ☐ G. UNABLE TO DETERMINE/NOT ENOUGH ☐ H. SUSPECT KILLED BY PRIVATE CITIZEN ☐ I. SUSPECT KILLED BY POLICE OFFICER