

# CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY  
City Attorney

RUDOLPH M. KONRAD  
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KATHRYN M. ZALEWSKI

Assistant City Attorneys

February 7, 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 Police Officers Patrick McDermott and Dena Martinez  
C.I. File No. 03-S-216; EC 1891

Dear Council Members:


Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Patrick McDermott and Dena Martinez. The claim is in the amount of \$849.58 including \$2.58 in disbursements for 7.70 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 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. 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.

89978/ 1032-2003-1628

**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  
200 East Wells Street, Room 800  
Milwaukee, WI 53202

**RE: MPD Criminal Investigation of POs Patrick McDermott and Dena  
Martinez  
Allegations Regarding Anton Matos  
(on behalf of David and Julie Clark)  
Date of Incident: September 2, 2002  
Location of Incident: 10707 West Calumet  
EC No.: 1891**

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 an investigation of removal of political signs.

The MPD initiated a criminal investigation in which the officers initially declined to give a statement without counsel. When they requested counsel, IAD compelled POs McDermott and Martinez to give statements concerning the incident after issuing PI-21s. Later, the MPD did not bring criminal charges against the officers. 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

*1/29/05  
o.k.  
JMS*

*Letter 2276*

JC/ldl  
attachment  
McDMART

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

**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 re: Antonio Matos on behalf of David and Julie Clark  
Regarding: POs Patrick McDermott and Dena Martinez  
Date of Incident: September 2, 2002  
Location of Incident: 10707 West Calumet

Professional services

|  | <u>Hours</u> |
|--|--------------|
| 9/6/02 Telephone call from PO McDermott regarding new criminal investigation; open file; memo to file.   | 0.70         |
| 9/11/02 Telephone call from PO Martinez; memo to file; telephone call to and from PO McDermott; memo to file.                                    | 1.00         |
| 9/12/02 Telephone call from PO McDermott; memo to file; meeting with PO McDermott at IAD; attend PO McDermott's PI-21; travel.                   | 2.50         |
| 9/13/02 Discussion with IAD; telephone call to PO Martinez.  | 0.30         |
| 9/18/02 Telephone call to and from PO Martinez; memo to file; meeting with PO Martinez at IAD; attend PO Martinez's PI-21; travel; memo to file. | 2.10         |
| 1/9/03 Fax to DDA Reddin.  | 0.10         |
| 1/31/03 Telephone call to IAD regarding criminal complaint being cleared; correspondence to MPD Open Records; correspondence to clients.         | 0.50         |

|   | <u>Hours</u> |                        |
|---|--------------|------------------------|
| 4/24/03 Review of correspondence from MPD Open Records;<br>correspondence to clients; close file. | 0.50         |                        |
|   |              | <u>Amount</u>          |
| For professional services rendered  | 7.70         | \$847.00               |
| Additional charges:   |              |                        |
| 4/24/03 MPD Open Records request  |              | 2.58                   |
| Total costs   |              | <u>\$2.58</u>          |
| Total amount of this bill   |              | <u>\$849.58</u>        |
| Balance due   |              | <u><u>\$849.58</u></u> |

(Rate: \$110.00 per hour)

|                      |   |   |                            |             |
|----------------------|---|---|----------------------------|-------------|
| INCIDENT INFORMATION | INCIDENT<br>THEFT SS #943.20              | DATE OF INCIDENT<br>09-02-02                              | DATE OF REPORT<br>09-04-02 | REP<br>CON# |
|                      | VICTIM<br>MATOS, ANTONIO S.               | LOCATION OF INCIDENT (ADDRESS)<br>10707 WEST CALUMET ROAD |                            | DIST.<br>4  |
|                      | VICTIM'S ADDRESS<br>749 WEST STATE STREET | REPORTED BY<br>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  |
|-------|------------------|---|----------|-------------|--------|--------|
| 2     | CAMPAIGN SIGNS   | STAR SHAPE THAT STATED DAVID CLARKE FOR SHERIFF |          |             | 77     | \$4.00 |

|                      |                        |                               |                                   |
|----------------------|------------------------|-------------------------------|-----------------------------------|
| 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

|  |  |  |  |   |   |
|--|--|--|--|---|---|
| <input type="checkbox"/> 1 ALTERED STOCK | <input type="checkbox"/> 2 CHROME/NICKEL | <input type="checkbox"/> 1 HANDGUN           | <input type="checkbox"/> 2 OTHER         | <input type="checkbox"/> 1 REVOLVER     | <input type="checkbox"/> 2 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"/> THROWN 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<br><input type="checkbox"/> HISPANIC<br><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<br>Y N<br><input type="checkbox"/> <input type="checkbox"/> | GANG RELATED<br>Y N<br><input type="checkbox"/> <input type="checkbox"/> | DRUG RELATED<br><input type="checkbox"/> <input type="checkbox"/>  |
| LOCATION OF ARREST   | DATE/TIME OF ARREST  | TYPE OF ARREST<br><input type="checkbox"/> ORDERED IN/CITED<br><input type="checkbox"/> W/WARR/SUSP CARD<br><input type="checkbox"/> ALL OTHER ARRESTS |
| CHARGES  |  | POSSESSED SUSPECTED DRUGS AT TIME OF ARREST<br>Y N<br><input type="checkbox"/> <input type="checkbox"/>  |

|                       |   |       |        |        |               |      |   |
|-----------------------|---|-------|--------|--------|---------------|------|---|
| ARRESTED #2 LAST NAME | FIRST NAME  | MID   | RACE   | SEX    | DATE OF BIRTH | AGE  | ETHNIC ORIGIN<br><input type="checkbox"/> HISPANIC<br><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<br>Y N<br><input type="checkbox"/> <input type="checkbox"/> | GANG RELATED<br>Y N<br><input type="checkbox"/> <input type="checkbox"/> | DRUG RELATED<br><input type="checkbox"/> <input type="checkbox"/>  |
| LOCATION OF ARREST   | DATE/TIME OF ARREST  | TYPE OF ARREST<br><input type="checkbox"/> ORDERED IN/CITED<br><input type="checkbox"/> W/WARR/SUSP CARD<br><input type="checkbox"/> ALL OTHER ARRESTS |
| CHARGES  |  | POSSESSED SUSPECTED DRUGS AT TIME OF ARREST<br>Y N<br><input type="checkbox"/> <input type="checkbox"/>  |

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

|   |                    |             |                   |   |                    |
|---|--------------------|-------------|-------------------|---|--------------------|
| REPORTING OFFICER<br><i>Michele Harrison</i><br>DET. MICHELE HARRISON | PAYROLL #<br>60822 | LOC #<br>04 | ASSISTING OFFICER | SUPERVISOR<br><i>Edward Raymond C. Richards</i><br>5-1-17 | TOTAL ARRESTS<br>0 |
|---|--------------------|-------------|-------------------|---|--------------------|

were replaced, however the internal investigation can continue. Officer MATOS described the campaign sign as being a gold star, that resembles a badge, and inside the star it has Sheriff CLARKE, and on the bottom it has Sheriff. He stated they were dual signs.

I, Detective HARRISON attempted to contact some neighbors at 10615 West Calumet Road, however I was unable to interview any parties at that residence.

I, Detective HARRISON then proceeded to District Four Police Station to find out who was working the night of September 02, 2002, with a white male and a white female partner. I, Detective HARRISON did find a HIT sheet (PD-10), which included a white female and white male, Police Officer Dena MARTINEZ, payroll number 69432 and Police Officer Patrick MCDERMOTT, payroll number 64026.

I, Detective HARRISON and Detective William C. SMITH attempted to speak with Police Officer Patrick MCDERMOTT, payroll number 64026, date of appointment 06-08-96, who is currently assigned to District Four, early shift. This interview took place at the Police Training Bureau, located at 6680 North Teutonia Avenue, third floor, interview room. At this time, Officer MCDERMOTT was advised that this is a criminal investigation of a Theft complaint, however he himself was not the focus in said investigation. Officer MCDERMOTT was further advised of the circumstances surrounding this matter, at which time he requested union representation/lawyer and preferred not to make a statement at this time. Sergeant Kurt DREZEK then issued Police Officer Patrick MCDERMOTT a PI-21.

We also spoke with Officer Dena MARTINEZ, payroll number 69432, date of appointment 11-26-02, currently assigned to District Four, early shift, and she is currently on probation. Officer MARTINEZ was advised that this is a criminal investigation of a Theft complaint, and she may or may not be the focus in said investigation.

After advising Officer MARTINEZ of the circumstances surrounding this matter, she at this time requested a lawyer or union representation and did not want to make a statement. Sergeant Kurt DREZEK then issued Police Officer MARTINEZ a PI-21 regarding this incident.

After speaking with Police Officer MATOS, who advised me that he did not want to prosecute regarding this incident, I also spoke with Commander Steven M. SETTINGSGAARD who also advised me that Sheriff David CLARKE also did not want to prosecute regarding this incident. This incident will be cleared as "No Prosecution Desired."

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

June 5, 2003

TO: P.O. PATRICK MCDERMOTT  
DISTRICT FOUR

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 SEPTEMBER 2, 2002
- 2) A citizen's complaint made by ANTON MATOS
- 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: P.O. Patrick T. McDermott

Print your name: P.O. PATRICK T. MCDERMOTT

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  
INTERNAL AFFAIRS DIVISION  
03 JUN 16 PM 3:13

MILWAUKEE POLICE DEPARTMENT

June 5, 2003

MEMORANDUM

TO: P.O. DENA MARTINEZ  
DISTRICT FOUR

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 SEPTEMBER 2, 2002
- 2) A citizen's complaint made by ANTON MATOS
- 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: \_\_\_\_\_

*Dena Martinez*

Print your name: \_\_\_\_\_

DENA MARTINEZ

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

*Steven M. Settingsgaard*  
KJB

Steven M. Settingsgaard  
Police Commander  
Internal Affairs Division

SMS:kjs

MILWAUKEE POLICE DEPARTMENT  
INTERNAL AFFAIRS DIVISION

03 JUN 16 PM 3:13

RECEIVED