

GRANT F. LANGLEY
City Attorney

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Deputy City Attorneys



THOMAS O. GARTNER
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JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
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MELANIE R. SWANK
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DONALD L. SCHRIEFER
EDWARD M. EHRlich
LEONARD A. TOKUS
VINCENT J. BOBOT
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
KATHRYN M. ZALEWSKI
MEGANT T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
Assistant City Attorneys

March 17, 2008

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

Re: Communication from Attorney Laurie A. Eggert for legal fees for
Police Officers Matthew Knight and Rick Sandoval
C.I. File No. 07-S-50 (2); EC 2430

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie A. Eggert for attorney's fees for representing Police Officers Matthew Knight and Rick Sandoval. The claim is in the amount of \$525.00 including \$8.00 in disbursements for 4.70 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 officers on whose behalf this claim was filed.

Pursuant to Wis. Stat. § 895.35 (2), the Common Council no longer has discretion with regard to this claim as all fees and expense were incurred after the effective date (January 7, 2006) of the amendment to the statute, and because all of the requirements of the statute have been met in this case.

Very truly yours,


GRANT F. LANGLEY
City Attorney


JAN A. SMOKOWICZ
Assistant City Attorney

JAS:amp
Enc.

1032-2007-569:124858v1

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

February 23, 2007

TO: P.O. MATTHEW KNIGHT
DISTRICT: INTELLIGENCE DIVISION

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 the following situation:

1) A police shooting incident occurring on NOVEMBER 22, 2006

Is this information correct?

YES NO

Did you receive legal representation
in this matter?

YES NO

Your signature:

Print your name:

Matthew J. Knight
MATTHEW J. KNIGHT

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

Mary K. Hoerig
MARY K. HOERIG
Deputy Inspector
Professional Performance Division

MKH: kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

February 23, 2007

TO: P.O. RICK SANDOVAL
DISTRICT: INTELLIGENCE DIVISION

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 the following situation:

1) A police shooting incident occurring on NOVEMBER 22, 2006

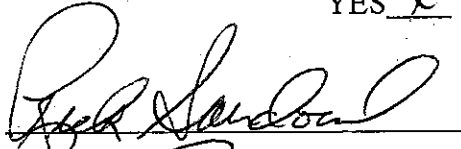
Is this information correct?

YES NO

Did you receive legal representation
in this matter?

YES NO


Your signature:



Print your name:

RICK SANDOVAL

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


MARY K. HOERIG
Deputy Inspector
Professional Performance Division

MKH: kjs

CERMELE & ASSOCIATES, S.C.

ATTORNEYS AT LAW

JONATHAN CERMELE
LAURIE A. EGGERT
RACHEL L. PINGS
MATTHEW L. GRANITZ

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

February 8, 2007

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

MILWAUKEE
2007 FEB 13 AM 8:04

**RE: MPD Criminal Investigation of PO's Matthew Knight and Rick Sandoval
Regarding Officer-Involved Shooting
Date of Incident: November 22, 2006
Location of Incident: 322 West Center Street**

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, this claim is hereby made on their behalf for the indicated legal fees. This incident involved a foot chase and the use of deadly force.

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 of more working days. §895.35(2), STATS.

Officers Knight and Sandoval are both considered a "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 District Attorney's Office conducting a criminal investigation into the shooting of Roderick Buford, under Chapter 979, STATS. That investigation qualifies as a "proceeding" which mandates payment under 895.35(2), STATS.

Attached is copy of Assistant District Attorney Tiffin's letter from November 28, 2006 stating that based on all the information reviewed, none of the officers involved committed a crime.

Sincerely,

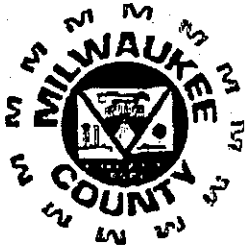
CERMELE & ASSOCIATES, S.C.



Jon Cermele

/kjs
Attachments

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.



OFFICE OF DISTRICT ATTORNEY

Milwaukee County

E. MICHAEL McCANN • District Attorney

November 28, 2006

Chief Nannette Hegerty
Milwaukee Police Department
749 W State St., Room 716
Milwaukee WI 53233

Re: November 22, 2006, shooting involving Milwaukee Police Officer
Matthew Knight and Civilian Roderick Buford (Incident 063260120)

Chief Hegerty:

On November 22, 2006, Milwaukee Police Officer Matthew Knight shot Roderick
Buford. The injuries suffered by Mr. Buford as a result of being shot were not
fatal, although surgery was needed to repair those injuries.

Consistent with established practice, the Milwaukee District Attorney's Office did
investigate this shooting. That investigation included interviewing Officer
Knight, interviewing his squad partners at the time of the shooting, interviewing
two civilian witnesses, and a review of the police reports regarding this shooting.

The district attorney's office did not interview Mr. Buford regarding the shooting,
but I did read the report regarding the statement he gave to Detectives Jacks and
Salazar.

Based upon all of the information that I have reviewed, it is my opinion that there
is no credible evidence from which I can reasonably conclude that Officer Knight,
or any of the other officers involved in this incident, committed a crime.

Thank you for your department's cooperation.

Sincerely,

[Handwritten signature of Paul Tiffin]

Paul Tiffin
Assistant District Attorney

Cc: Jonathan Cermele, Esq.
Rachel Pings, Esq.

- Robert D. Donohoo
Jon N. Reddin
Patrick J. Konney
Lovell Johnson, Jr.
James J. Martin
Thomas A. Schuir
Alexander G. Sheeraz
William J. Molitor
Donald S. Jackson
Gale C. Shotton
Tony Magowan
Gary D. Mahrom
David Roles
Peg Turani
Douglas J. Simpson
Cynthia G. Brown
Nanette A. Benn
Eugenie Onelio Reinken
Carol E. Jarlek
Steven H. Giemm
Mary Anne Smith
Mark B. Williams
Linda Johnson
John M. Staber
Thomas L. Porter
David Felles
Rayann Chander Szychinski
Carole Manchester
Kenneth R. Borg
Warren D. Zier
Timothy J. Connor
Carol Berry Crowley
Steven V. Utala
Brad Vorpahl
Jana Carroll
Paul Tiffin
Miriam S. Falk
Phyllis M. DeCarvalho
Dennis P. Murphy
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Philip A. Anzell
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Bruce J. Landgraf
Doris J. Sings
David M. Lemman
Janet C. Przeslawicz
DeAnn L. Hearn
Patricia A. McGowan
Irene E. Parham
Karin A. Loebel
Nancy Ensmeyer
Ronald B. Dague
Lori S. Korubum
Karin O'Byrne
Marin Dansey
James W. Friesch
Kurt B. Bonisay
James C. Griffin
William P. Pico
Audrey Skowierski
Joanne L. Horgake
John T. Chisholm
Christopher A. Liegel
Magan P. Carmody
Laura A. Crivello
Shawn Pompa
Kevin B. Shornin
Jennifer Manock
Dah D. Zingel
Karen A. Vozolac
Rebecca F. Dellei
Mark A. Sanders
Paul C. Doolinay
David T. Malina
Kathy L. Hodge
Jeffrey J. Ahrensburg
Roanald Siencal
Paul Wroblech
Kirk L. Lovrin
Bruce W. Becker
Michael T. Mahoney
Mary M. Szwedko
Kathryn K. Sarnor
Joanetta Cornall
Jeffrey K. Orsello
David Maza
Jeremy L. Resau
Daniel J. Gebler
Bart P. Scullen
T. Christopher Das
Katherine Kuchewski
Lisa P. Fricker
Tiffany J. Merris
Daniel R. Humble
Jacob D. Carr
Joy Hammond
Thevor A. Bisk
Andrew J. Moler
Heidi E. Galvan
Nancy A. Noat
Esabell Mueller
Megan J. Thomas
Grant I. Huebner
Stephen Edward Notten
Chelina M. Quinn
Kecness Ackerman Marek
Adam J. Levin
Jennifer K. Rhoads
Claire Blaming
Zach Whitney
Rebecca A. Klator
Matthew J. Torbenon
Kathryn L. Childs
Jason M. Kieckhefer
Cora Helwig
Oliver Uter
Jenna Mahan
Anthony Whigg
Antoni Apollis
Jude Orisco
Nizze Dandinger
Erik Kerhan
Lucy Kromani
William Anthony Dell, Jr.
Erik Dineon
Maureen A. Brackish
Marilee J. Awe
Michael J. Lonski
Pete M. Houer

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(414) 276-8750
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February 08, 2007

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

RE: MPD Criminal Investigation re: Shooting
Regarding: PO's Matthew Knight and Rick Sandoval
Date of Incident: November 22, 2006
Location of Incident: 322 West Center Street
Professional services

| | <u>Hours</u> | |
|--|--------------|---------------|
| 11/22/2006 Several telephone calls regarding officer-involved shooting; travel to scene; travel to PAB; interview PO's; provide PO's to CIB and DA for statements; return travel; open file; memo to file. | 4.00 | |
| 11/27/2006 Correspondence to PO's regarding status. | 0.20 | |
| Telephone call to DA. | 0.20 | |
| 11/28/2006 Receive and review DA's clearance letter; correspondence to clients; close file. | 0.30 | |
| For professional services rendered | 4.70 | <u>Amount</u> |
| Additional charges: | | \$517.00 |
| 11/22/2006 Parking | | 8.00 |
| Total costs | | \$8.00 |

Mr. Ronald Leonhardt

Page 2

Total amount of this bill

Amount
\$525.00

Balance due

\$525.00

(Rate: \$110.00 per hour)