

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 Adam Lopez and Tom Harter
C.I. File No. 00-S-356; ELO No. 1694

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Adam Lopez and Tom Harter. The claim is in the amount of \$224.07 including \$4.07 in disbursements for 2.00 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,

Handwritten signature of Grant F. Langley in cursive script.

GRANT F. LANGLEY
City Attorney

Handwritten signature of Jan A. Smokowicz in cursive script.

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 Adam Lopez and Tom Harter
Allegations Regarding Mr. Larry Jefferson
Date of Incident: May 24, 2001
Location of Incident: 3140 North 28th Street
ELO No.: 1694**

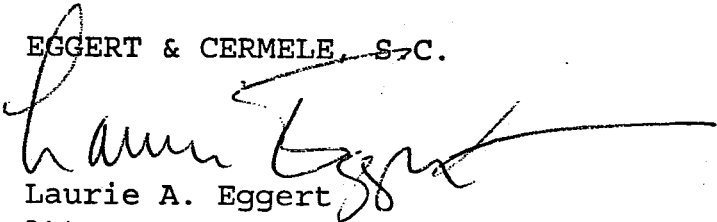
Dear Mr. Leonhardt:

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 domestic incident. 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
LOPEZ HARTER

3/4/03
O.K.
JAS
Letter # 2276

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 re: Mr. Larry Jefferson
Regarding: POs Adam Lopez and Tom Harter
Date of Incident: May 24, 2001
Location of Incident: 3140 North 28th Street

Professional services

	<u>Hours</u>	
06/12/01 Telephone call from PO Lopez regarding new criminal investigation; open file; memo to file; telephone call to PO Harter; memo to file.	0.70	
06/18/01 Telephone call to and from IAD.	0.40	
07/02/01 Telephone call to IAD; correspondence to clients; correspondence to MPD Open Records.	0.40	
09/18/01 Review of correspondence from MPD Open Records; correspondence to clients; close file.	0.50	
		<u>Amount</u>
For professional services rendered	2.00	\$220.00

Mr. Ronald D. Leonhardt

Page 2

Additional charges:

	<u>Amount</u>
09/18/01 MPD Open Records request	4.07
Total costs	<u>\$4.07</u>
Total amount of this bill	<u>\$224.07</u>
Balance due	<u><u>\$224.07</u></u>

(Rate: \$110.00 per hour)

INCIDENT INFORMATION	INCIDENT	DATE OF INCIDENT	DATE OF REPORT	REP CON#
	BATTERY	05-24-01	06-27-01	
	VICTIM	LOCATION OF INCIDENT (ADDRESS)		DIST.
	JEFFERSON, LARRY D.	3144 N. 28 TH STREET		7
	VICTIM'S ADDRESS	REPORTED BY		
	2714 W. BURLEIGH	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 \$
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USE FOR WEAPONS IN POSSESSION OF PRISONER AT TIME OF ARREST -- CHECK ALL APPLICABLE ITEMS

<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 1	<input type="checkbox"/> 2		
<input type="checkbox"/> ALTERED STOCK	<input type="checkbox"/> CHROME/NICKEL	<input type="checkbox"/> HANDGUN	<input type="checkbox"/> OTHER	<input type="checkbox"/> REVOLVER	<input type="checkbox"/> 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
ADDRESS		CITY	STATE	HEIGHT	WEIGHT	BUILD	HAIR
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	Y N	DRUG RELATED
CHARGES	POSESSED SUSPECTED	Y N
	OF ARREST	O O

ARRESTED #2 LAST NAME	FIRST NAME	MID	RACE	SEX	DATE OF BIRTH	AGE	ETHNIC ORIGIN
ADDRESS		CITY	STATE	HEIGHT	WEIGHT	BUILD	HAIR
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	Y N	DRUG RELATED
CHARGES	POSESSED SUSPECTED	Y N
	OF ARREST	O O

V E H	VEHICLE USED	MAKE	MODEL	TYPE	COLOR	STATE	EXP	TYPE	V.I.N. #
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REPORTING OFFICER	PAYROLL #	LOC #	ASSISTING OFFICER	SUPERVISOR	TOTAL ARRESTS
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Det. *Jeffery Hoover*
 DET. JEFFERY HOOVER 5062 04

J. Mary Hoover

STIGATIVE 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 3:00pm, 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 particular 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 fact that it appears that official police holds utilized on Mr. JEFFERSON were proper. Additionally, he is unable to prove intent to injure Mr. JEFFERSON during the course of the arrest process.

JH:laf
01 172

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

RECEIVED

01 NOV 19 AM 10:29

MILWAUKEE POLICE DEPARTMENT
DEPARTMENTAL MEMORANDUM

PM-11 Rev. 4/97

MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

NOV 17 2001

To: _____ District/Bureau _____ Date: _____
Subject: PO ADAM LOPEZ ON I.O.D. INDEFINITELY

- For immediate action _____
- For investigation _____
- For comment _____
- For recommendation _____
- For reply _____
- For report _____
- For approval _____
- For your information
- See me concerning _____
- Note and return _____
- Note and file _____
- Note, initial and route _____
- Make corrections noted _____
- Furnish requested information _____
- Use reverse side for reply or notes on action taken.

Remarks:

P.O. ADAM LOPEZ WAS JUST
 TRANSFERRED TO DISTRICT SIX LATE FROM
 7-LATE. HE IS ON I.O.D. FOR
 AN OLD DUTY INJURY BLOOD CLOT IN HIS
 LEG WITH NO ANTICIPATED RETURN DATE.
 I NOTIFIED SGT. YENKES OF THIS FACT
 + WAS ADVISED TO RETURN THESE TO IAD.

Signed: Phillip Tuozyski Title: LT
 District/Bureau 6 - Late Ext. _____

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

NOVEMBER 13, 2001

TO: P.O. ADAM LOPEZ
DISTRICT SIX

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 MAY 24, 2001
- 2) A citizen's complaint made by LARRY JEFFERSON
- 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: _____

Print your name: _____

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

ATTORNEY

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

NOVEMBER 13, 2001

TO: P.O. THOMAS HARTER
~~DISTRICT SEVEN~~

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 MAY 24, 2001
- 2) A citizen's complaint made by LARRY JEFFERSON
- 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 Thomas Harter

Print your name: PO Thomas Harter

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
01 NOV 21 AM 10:36
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION