

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
PATRICK B. McDONNELL
LINDA ULISS BURKE
Deputy City Attorneys



OFFICE OF CITY ATTORNEY
800 CITY HALL
200 EAST WELLS STREET
MILWAUKEE, WISCONSIN 53202-3551
TELEPHONE (414) 286-2601
TDD (414) 286-2025
FAX (414) 286-8550

February 10, 2004

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 Officer Mary Smolen
C.I. File No. 02-S-391; EC No. 1836


Dear Council Members:

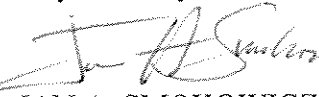
Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officer Mary Smolen. The claim is in the amount of \$472.75 including \$10.75 in disbursements for 4.20 hours of service billed at the rate of \$110.00 per hour. We ask that this matter be introduced 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 officer 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.

77833/ 1032-2002-3652

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
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
KATHRYN M. ZALEWSKI

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

November 14, 2002

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

**RE: MPD Criminal Investigation of PO Mary Smolen
Allegations Regarding Mr. Alejandro Delgado
Date of Incident: April 19, 2002
Location of Incident: District #6
EC No.: 1836**

Dear Mr. Leonhardt:

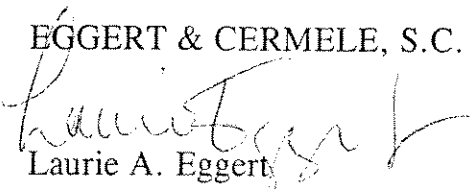
The above-named police officer has retained us to represent her in connection with the above-referenced matter.

Consistent with its policy, the City Attorney's Office has refused to represent her, and as she was performing the duties of her office at the time of the events giving rise to the incident, the claim is hereby made on her behalf for the indicated legal fees. This incident involved a traffic stop.

The MPD initiated a criminal investigation in which the officer initially declined to give a statement without counsel. When she requested counsel, IAD compelled PO Smolen to give a statement concerning the incident after issuing a PI-21. Later, the DA decided not to issue criminal charges against the officer. 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

2/10/04
v.f.
JMS
Letter 2276

JC/ldl
SMOLEN

02 NOV 19 09 54
145 10 01 10 20
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EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele

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Suite 303
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(414) 276-8750
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November 14, 2002

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

RE: MPD Criminal Investigation re: Mr. Alejandro Delgado
Regarding: PO Mary Smolen
Date of Incident: April 19, 2002
Location of Incident: District #6

Professional services

	<u>Hours</u>	
04/25/02 Telephone call from PO Smolen regarding new criminal investigation; open file; memo to file; telephone call to and from IAD; telephone call to witness; memo to file.	0.90	
04/29/02 Telephone call to and from witness; memo to file; review of file; meeting with PO Smolen at IAD; attend PO Smolen's PI-21 statement to IAD; travel; memo to file.	2.30	
07/10/02 Telephone call to IAD; correspondence to client; correspondence to MPD Open Records.	0.50	
11/06/02 Review of correspondence from MPD Open Records; correspondence to client; close file.	0.50	
		<u>Amount</u>
For professional services rendered	4.20	\$462.00
Additional charges:		
11/06/02 MPD Open Records request		10.75

Mr. Ronald D. Leonhardt

Page 2

	<u>Amount</u>
Total costs	\$10.75
Total amount of this bill	<hr/> \$472.75
Balance due	<hr/> <hr/> \$472.75

(Rate; \$110.00 per hour)

INCIDENT INFORMATION

INCIDENT: Battery
 VICTIM: Degado, Alejandro
 VICTIM'S ADDRESS CITY/STATE/ZIP CODE: 1829 S. 7th St., Milwaukee, Wi. 53204
 DATE OF INCIDENT: 4-9-02
 DATE OF REPORT: 4-30-02
 LOCATION OF INCIDENT: 2700 W. Oklahoma Av.
 REPORTED BY: Garci, Veronica
 DIST. 6
 SAME

PROPERTY CODES LIST CODE FOR EACH ITEM OF PROPERTY IN CODE # COLUMN. IF PROPERTY WAS DAMAGED BEGIN CODE WITH "D" (e.g. D-00)

01-AIRCRAFT	08-CONSUMABLES	15-HEAVY EQUIPMENT	22-NON-NEGOT. INSTR.	29-STRUCT.-SINGLE DWL.	36-TOOLS
02-ALCOHOL	09-CREDIT CARDS	16-HOUSEHOLD GOODS	23-OFFICE EQUIPMENT	30-STRUCT.-OTHER DWL.	37-TRUCK
03-AUTOMOBILE	10-DRUGS/NARCOTICS	17-JEWELRY/PREC. METAL	24-OTHER VEHICLE	31-STRUCT.-OTHER COM.	38-VEH. PART/ACC.
04-BICYCLES	11-DRUG/NARC. EQUIPMENT	18-LIVESTOCK	25-PURSE/BAG/WALLET	32-STRUCT.-INDUST. MFG.	39-WATERCRAFT
05-BUS	12-FARM EQUIPMENT	19-MERCHANDISE	26-RADIO/T.V./V.C.R.	33-STRUCT.-PUBLIC	60-ATV
06-CLOTHES/FURS	13-FIREARMS	20-MONEY	27-RECORD/AUDIO VISUAL	34-STRUCT.-STORAGE	61-SNOWMOBILE
07-COMPUTER WARES	14-GAMBLING EQUIPMENT	21-NEGOTIABLE INSTR.	28-RV	35-STRUCT.-OTHER	77-OTHER

RECOVERED

QUAN.	TYPE OF PROPERTY	DESCRIPTION	SERIAL #	INVENTORY #	CODE	VALUE

RELATED INCIDENT NUMBER(S):
 EVIDENCE INVENTORY NUMBER(S):
 ADDED PROPERTY ON ATTACHED PD-14
 TOTAL VALUE RECOVERED PROPERTY \$

WEAPON

USE FOR WEAPONS IN POSSESSION OF PRISONER AT TIME OF ARREST - CHECK ALL APPLICABLE ITEMS

<input type="checkbox"/> 1 ALTERED STOCK	<input type="checkbox"/> 1 CHROME/NICKEL	<input type="checkbox"/> 1 HANDGUN	<input type="checkbox"/> 1 OTHER	<input type="checkbox"/> 1 REVOLVER	<input type="checkbox"/> 1 SHOTGUN
<input type="checkbox"/> 2 AUTOMATIC	<input type="checkbox"/> 2 DOUBLE BARREL	<input type="checkbox"/> 2 IMPLIED WEAPON	<input type="checkbox"/> 2 OTHER FIREARM	<input type="checkbox"/> 2 RIFLE	<input type="checkbox"/> 2 SIMULATED WPN.
<input type="checkbox"/> 3 BOLT ACTION	<input type="checkbox"/> 3 DRUG/NARCOTIC	<input type="checkbox"/> 3 KNIFE/CUTTING INSTR.	<input type="checkbox"/> 3 PERSONAL WEAPON	<input type="checkbox"/> 3 SAWED OFF	<input type="checkbox"/> 3 SINGLE BARREL
<input type="checkbox"/> 4 BLUE STEEL	<input type="checkbox"/> 4 EXPLOSIVES	<input type="checkbox"/> 4 LIQUID GAS	<input type="checkbox"/> 4 POISON	<input type="checkbox"/> 4 SEMI AUTO	<input type="checkbox"/> 4 THROWN OBJECT
<input type="checkbox"/> 5 BLUNT OBJECT	<input type="checkbox"/> 5 FIRE/INCEDIARY	<input type="checkbox"/> 5 MOTOR VEHICLE	<input type="checkbox"/> 5 PUMP ACTION	<input type="checkbox"/> 5 SHORT/SNUB BBL.	<input type="checkbox"/> 5 UNKNOWN

ARRESTEE NUMBER ONE

ARRESTED #1 LAST NAME: FIRST MID. RACE SEX DATE OF BIRTH AGE ETHNIC ORIG.
 HISP. NON-HISP.
 ADDRESS CITY STATE HEIGHT WEIGHT BUILD HAIR EYES
 ALIAS SCARS, MARKS, MOLES, DEFORMITIES, AMPUTATIONS, FACIAL HAIR, SKINTONE, TATTOOS, PECULIARITIES, ETC.
 ID. DIV. # SOC. SEC. # ADDED WEAPON INFO. ARRESTED #1
 RESIDENT Y N OF COUNTY? GANG RELATED? DRUG RELATED? LOCATION OF ARREST DATE/TIME OF ARREST TYPE OF ARREST
 ORDERED IN/CITED WWARR/SUSP. CARD ALL OTHER ARRESTS
 CHARGES POSSESSED SUSPECTED DRUGS AT TIME OF ARREST? Y N

ARRESTEE NUMBER TWO

ARRESTED #2 LAST NAME: FIRST MID. RACE SEX DATE OF BIRTH AGE ETHNIC ORIG.
 HISP. NON-HISP.
 ADDRESS CITY STATE HEIGHT WEIGHT BUILD HAIR EYES
 ALIAS SCARS, MARKS, MOLES, DEFORMITIES, AMPUTATIONS, FACIAL HAIR, SKINTONE, TATTOOS, PECULIARITIES, ETC.
 ID. DIV. # SOC. SEC. # ADDED WEAPON INFO. ARRESTED #2
 RESIDENT Y N OF COUNTY? GANG RELATED? DRUG RELATED? LOCATION OF ARREST DATE/TIME OF ARREST TYPE OF ARREST
 ORDERED IN/CITED WWARR/SUSP. CARD ALL OTHER ARRESTS
 CHARGES POSSESSED SUSPECTED DRUGS AT TIME OF ARREST? Y N

VEH

VEH. YEAR USED MAKE MODEL TYPE COLOR LICENSE # STATE EXP TYPE V.I.N.

REPORTING OFFICER: Det. Joe Groce PAYROLL # 59403 LOC.# 04 ASSISTING OFFICER PR # 53908 SUPERVISOR: *Robert Raymond / P. Richmond 5-144* TOTAL ARRESTS 0

INVESTIGATIVE NARRATIVE

On Tuesday, April 30, 2002, at 3:00pm, I, Det. Joe Groce, along with Lieutenant Raynard Richards, appeared in the District Attorney's Office for a charging conference pertaining to this incident. Reviewing this case was Deputy District Attorney John Reddin. After reviewing all of the circumstances surrounding this incident, Deputy AD Reddin decided not to issue any criminal charges because there were not sufficient evidence to substantiate the victim's injuries.

REVIEWING D.A. <i>Deputy DA John Reddin</i>		P.O./DET. ASSIGNED <i>DET. JOE GROCE</i>	COURT CASE NUMBER
FINAL CHARGE <i>BATTERY</i>		DISPOSITION/DATE <i>No process 4-30-2002</i>	VICTIM NOTIFIED BY
INCIDENT STATUS	<input type="checkbox"/> CLEARED BY ARREST 18 OR OVER <input type="checkbox"/> PARTIAL CLEARANCE BY ARREST <input type="checkbox"/> UNFOUNDED/BASELESS <input type="checkbox"/> VICTIM REFUSES TO COOPERATE (SUSPECT INFORMATION NEEDED)	<input type="checkbox"/> PROPERTY RECOVERED <input checked="" type="checkbox"/> WARRANT REFUSED	<input type="checkbox"/> ARREST UNDER 18 <input type="checkbox"/> A. DETAINED AT M.C.C.C. <input type="checkbox"/> B. ORDER IN TO M.C.C.C. <input type="checkbox"/> WAIVED AS AN ADULT
CLEARED EXCEPTIONALLY	<input type="checkbox"/> A. DEATH OF OFFENDER <input type="checkbox"/> B. PROSECUTION DECLINED	<input type="checkbox"/> C. EXTRADITION DENIED <input type="checkbox"/> D. REFUSED TO CO-OPERATE	<input type="checkbox"/> E. JUVENILE NO CUSTODY <input type="checkbox"/> F. NOT APPLICABLE
JUSTIFIABLE HOMICIDE	<input type="checkbox"/> A. SUSP. ATTACKED P.O. AND SAME P.O. KILLED SUSP. <input type="checkbox"/> B. SUSP. ATTACKED P.O. AND OTHER P.O. KILLED SUSP. <input type="checkbox"/> C. SUSP. ATTACKED CIVILIAN <input type="checkbox"/> D. SUSP. ATTEMPTED FLIGHT FROM CRIME	<input type="checkbox"/> E. SUSP. KILLED IN COMMISSION OF CRIME <input type="checkbox"/> F. SUSP. RESISTED ARREST <input type="checkbox"/> G. UNABLE TO DETERMINE/NOT ENOUGH INFORMATION <input type="checkbox"/> H. SUSPECT KILLED BY PRIVATE CITIZEN <input type="checkbox"/> I. SUSPECT KILLED BY POLICE OFFICER	DATE

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

DECEMBER 10, 2002

TO: P.O. MARY SMOLEN
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 APRIL 19, 2002
- 2) A citizen's complaint made by ALEJANDRO DELGADO
- 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: _____

Mary Smolen

Mary Smolen

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

Steven M. Settingsgaard
Steven M. Settingsgaard
Police Commander
Internal Affairs Division

KJS

SMS:kjs