

# 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  
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BEVERLY A. TEMPLE  
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HEIDI WICK SPOERL  
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MIRIAM R. HORWITZ  
MARYNELL REGAN  
G. O'SULLIVAN-CROWLEY  
DAWN M. BOLAND  
KATHRYN M. ZALEWSKI

Assistant City Attorneys

February 19, 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 Officers Richard Gordy, Jerry Whitely and Steven Herrmann  
C.I. File No. 02-S-391; EC No. 1829

Dear Council Members:


Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Richard Gordy, Jerry Whitely and Steven Herrmann. The claim is in the amount of \$506.00 including \$11.00 in disbursements for 4.50 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.

78190/ 1032-2002-3643

**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 POs Richard Gordy, Jerry Whitely  
and Steven Herrmann  
Allegations Regarding Mr. Radontay L. Jones  
Date of Incident: July 17, 2001  
Location of Incident: 6424 North 89<sup>th</sup> Street  
EC No.: 1829**

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 a squad pursuit.

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 Gordy, Whitely and Herrmann to give statements concerning the incident after issuing PI-21s. The criminal allegation was cleared as baseless. 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

2119/04  
D.F.  
JMS  
Letter 7276

JC/ldl  
GORDY et al

EGGERT & CERMELE, S.C.  
1840 NORTH FARWELL AVENUE  
SUITE 303  
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**EGGERT & CERMELE, S.C.**

*Attorneys at Law*

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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: Radontay L. Jones  
Regarding: POs Richard Gordy, Jerry Whitely and Steven Hermann  
Date of Incident: July 17, 2001  
Location of Incident: 6424 North 89th Street

Professional services

	<u>Hours</u>	
07/19/01 Telephone call from PO Gordy regarding new criminal investigation; open file; memo to file.	0.70	
07/24/01 Review of file; meeting with PO Gordy at IAD; attend PO Gordy's PI-21 statement; memo to file; meeting with PO Whitely at IAD; attend PO Whitely's PI-21 statement; memo to file; meeting with PO Harter at IAD; attend PO Harter's PI-21 statement; memo to file; travel.	2.90	
05/28/02 Review of file; Fax to IAD.	0.30	
07/02/02 Correspondence to MPD Open Records.	0.10	
10/15/02 Telephone call to and Fax to MPD Open Records.	0.10	
10/28/02 Review of correspondence from MPD Open Records; close file.	0.40	
		<u>Amount</u>
For professional services rendered	4.50	\$495.00


Mr. Ronald D. Leonhardt

Page 2

Additional charges:

	<u>Amount</u>
10/25/02 MPD Open Records request	11.00
Total costs	<u>\$11.00</u>
Total amount of this bill	<u>\$506.00</u>
Balance due	<u><u>\$506.00</u></u>

(Rate: \$110.00 per hour)

PO-14B (3/95) CLEARANCE REPORT MILWAUKEE POLICE DEPARTMENT			PAGE <u>1</u> OF <u>8</u>			INCIDENT # 01-198-3145																																													
INCIDENT INFORMATION		INCIDENT BATTERY			DATE OF INCIDENT 07/17/2001		DATE OF REPORT 08/26/2001		REP CON#																																										
		VICTIM Radontay L. JONES			LOCATION OF INCIDENT (ADDRESS) 6424 North 89 <sup>th</sup> Street				DIST. 4																																										
		VICTIM'S ADDRESS 9575 W. Fond Du Lac Avenue			REPORTED BY SAME																																														
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<small>USE FOR WEAPONS IN POSSESSION OF PRISONER AT TIME OF ARREST -- CHECK ALL APPLICABLE ITEMS</small> <table style="width:100%; border:none;"> <tr> <td>1 2</td><td>1 2</td><td>1 2</td><td>1 2</td><td>1 2</td><td>1 2</td><td>1 2</td> </tr> <tr> <td><input type="checkbox"/> ALTERED STOCK</td><td><input type="checkbox"/> CHROME/NICKEL</td><td><input type="checkbox"/> HANDGUN</td><td><input type="checkbox"/> OTHER</td><td><input type="checkbox"/> REVOLVER</td><td><input type="checkbox"/> SHOTGUN</td><td><input type="checkbox"/> SIMULATED WEAPON</td> </tr> <tr> <td><input type="checkbox"/> AUTOMATIC</td><td><input type="checkbox"/> DOUBLE BBL</td><td><input type="checkbox"/> IMPLIED WEAPON</td><td><input type="checkbox"/> OTHER FIREARM</td><td><input type="checkbox"/> RIFLE</td><td><input type="checkbox"/> SINGLE BBL</td><td><input type="checkbox"/> THROWN OBJECT</td> </tr> <tr> <td><input type="checkbox"/> BOLT ACTION</td><td><input type="checkbox"/> DRUG/NARCOTIC</td><td><input type="checkbox"/> KNIFE/CUTTING INSTR</td><td><input type="checkbox"/> PERSONAL WEAPON</td><td><input type="checkbox"/> SAWED OFF</td><td><input type="checkbox"/> SEMI AUTO</td><td><input type="checkbox"/> SHORT/SNUB BBL</td> </tr> <tr> <td><input type="checkbox"/> BLUE STEEL</td><td><input type="checkbox"/> EXPLOSIVES</td><td><input type="checkbox"/> LIQUID GAS</td><td><input type="checkbox"/> POISON</td><td><input type="checkbox"/> PUMP ACTION</td><td><input type="checkbox"/> UNKNOWN</td><td></td> </tr> <tr> <td><input type="checkbox"/> BLUNT OBJECT</td><td><input type="checkbox"/> FIRE/INCENDIARY</td><td><input type="checkbox"/> MOTOR VEHICLE</td><td></td><td></td><td></td><td></td> </tr> </table>										1 2	1 2	1 2	1 2	1 2	1 2	1 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"/> SIMULATED WEAPON	<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"/> SINGLE BBL	<input type="checkbox"/> THROWN OBJECT	<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"/> SEMI AUTO	<input type="checkbox"/> SHORT/SNUB BBL	<input type="checkbox"/> BLUE STEEL	<input type="checkbox"/> EXPLOSIVES	<input type="checkbox"/> LIQUID GAS	<input type="checkbox"/> POISON	<input type="checkbox"/> PUMP ACTION	<input type="checkbox"/> UNKNOWN		<input type="checkbox"/> BLUNT OBJECT	<input type="checkbox"/> FIRE/INCENDIARY	<input type="checkbox"/> MOTOR VEHICLE				
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there, he's in there." She noticed the male at the top of the basement stairs, but he ran down the stairs leading to the basement when he noticed the police enter the hallway. The officers proceeded into the hallway and when other officers arrived, they began yelling for the male to "come out with his hands up or they were going to shoot him." Ms. LANGER stated she heard barking and believed the officers had a canine, but she did not see one.

While the officers were in the hallway trying to get the male to come out, she and her family locked the 2 children, ages 2 and 6, in the bathroom. She stated her sister RENEE was trying to calm them down because they were crying and frightened. She stated she proceeded back outside to allow the officers to do their job. A W/F officer took her to the side and began getting information from her. She was later informed that the male was arrested.

Ms. LANGER stated she did not witness the arrest, nor did she observe the male being removed from the building. She stated she could not really describe him but knows he was a young B/M. Ms. LANGER stated she does not know exactly how much her sister and brother in law observed or if they would be willing to speak with me. She stated she did not have her sisters current address, but would attempt to contact them, so that they could contact our office. As of the date of this report, I have received no call from RENEE or DAVID.

Based on the statement made by RADONTAY, it is apparent that most of the injuries incurred by him were caused by his own actions, while in defiance of the laws of this State and while utterly disregarding his own safety. While the injury beneath his right eye appears to be consistent with the way he alleged he received it, he is unable to give a specific description of that person. Further, there could be several factors for that type of injury, particularly when throwing oneself from a moving auto and while running through brush or jumping fences. Additionally, the fact that a weapon was located at the scene of the auto accident, warranted the need for officers to use the utmost regard for their safety, as well as the need to use any force necessary in order to gain control and make an arrest of a fleeing and resisting subject. Charges of Resisting an Officer, as well as other charges, were issued against RADONTAY, proving that his actions were, unfavorably, inconsistent with someone attempting to comply with the demands of officers.

This matter is resolved as unfounded.

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

DECEMBER 10, 2002

TO: P.O. RICHARD GORDY  
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 JULY 17, 2001
- 2) A citizen's complaint made by RADONTAY JONES
- 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. Richard Gordy*

Print your name: P.O. Richard Gordy

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

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

SMS:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

DECEMBER 10, 2002

TO: P.O. STEVEN HERRMANN  
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 JULY 17, 2001
- 2) A citizen's complaint made by RADONTAY JONES
- 3) A police shooting incident occurring on N\A

Is this information correct? YES   X   NO           

Did you receive legal representation in this matter? YES   X   NO           

Your signature:           PO Steve Herrmann          

Print your name:           PO STEVEN HERRMANN          

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

RECEIVED  
 02 DEC 18 PM 2:11  
 MICHAEL J. JONES  
 INTERNAL AFFAIRS  
 DIVISION

  
 Steven M. Settingsgaard  
 Police Commander  
 Internal Affairs Division



MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

DECEMBER 10, 2002

TO: P.O. JERRY WHITELEY  
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 JULY 17, 2001
- 2) A citizen's complaint made by RADONTAY JONES
- 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. Jerry Whiteley*

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

Jerry WHITELEY

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

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

KJS

SMS:kjs