

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
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February 18, 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 Dean Newport and Robert Lacy
C.I. File No. 02-S-391; EC No. 1831

Dear Council Members:

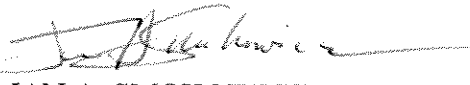
Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Dean Newport and Robert Lacy. The claim is in the amount of \$566.98 including \$16.98 in disbursements for 5.00 hours of service billed at the rate of \$110.00 per hour. We ask that this 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. 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.

1032-2002-3647/78134

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 POs Dean Newport and Robert Lacy
Allegations Regarding Mr. Anthony I. Jones
Date of Incident: February 19, 2002
Location of Incident: 4928 West Villard Avenue
EC No.: 1831**

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 traffic stop.

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 Newport and Lacy to give statements concerning the incident after issuing PI-21s. Later, the MPD decided not to 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
Laurie A. Eggert
Attorney at Law

2/17/04

O.K.

JAS

Letter

2276

JC/ldl
NEWPORT LACY

02 NOV 10 10 04 AM
OFFICE OF THE CITY ATTORNEY
MILWAUKEE, WISCONSIN

EGGERT & CERMELE, S.C.

Attorneys at Law

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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. Anthony I. Jones
Regarding: POs Dean Newport and Robert Lacy
Date of Incident: February 19, 2002
Location of Incident: 4928 West Villard Avenue

Professional services

	<u>Hours</u>	
04/08/02 Telephone call from PO Newport regarding new criminal investigation; open file; memo to file; telephone call to IAD; meeting with PO Newport at IAD; review documentation; meeting with PO Lacy; attend PO Newport's PI-21 statement; attend PO Lacy's PI-21 statement; travel; memo to file.	3.30	
04/15/02 Review of file and PI-21 tapes; memo to file.	0.50	
05/10/02 Telephone call to IAD.	0.20	
07/10/02 Telephone call to IAD; correspondence to clients; correspondence to MPD Open Records.	0.50	
11/07/02 Review of correspondence from MPD Open Records; correspondence to clients; close file.	0.50	
	<u>5.00</u>	<u>Amount</u>
For professional services rendered	5.00	\$550.00

Mr. Ronald D. Leonhardt

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Additional charges:

	<u>Amount</u>
11/06/02 MPD Open Records request	16.98
Total costs	<hr/> \$16.98
Total amount of this bill	<hr/> \$566.98
Balance due	<hr/> <hr/> \$566.98

(Rate: \$110.00 per hour)

INCIDENT INFORMATION	INCIDENT Theft	DATE OF INCIDENT 02-19-02	DATE OF REPORT 05-07-02	REP CON#
	VICTIM JONES, Anthony	LOCATION OF INCIDENT (ADDRESS) 4928 W. Villard		DIST. 4
	VICTIM'S ADDRESS 5508 N. 60 th St. Milwaukee, WI	REPORTED BY SAME		

PROPERTY CODES --- LIST CODE FOR EACH ITEM OF PROPERTY IN "CODE #" 01-AIRCRAFT 02-ALCOHOL 04-BICYCLES 06--CLOTHES/FURS 07-COMPUTER WARES 08-CONSUMABLES	09-CREDIT CARDS 10-DRUGS/NARCOTICS 11-DRUG/NARC EQUIP 12-FARM EQUIPMENT 13-FIREARMS 14-GAMBLING EQUIP	15-HEAVY EQUIPMENT 16-HOUSEHOLD GOODS 17-JEWELRY/PREC METAL 18-LIVESTOCK 19-MERCHANDISE 20-MONEY	21-NEGOTIABLE INSTRUMENT 22-NONNEGOT INSTRUMENT 23-OFFICE EQUIPMENT 77-OTHER 25-PURSE/BAG/WALLET 26-RADIO/TV/VCR	27-RECORD/AUDIO VISUAL 29-STRUCT-SINGLE DWL 30-STRUCT-OTHER DWL 31-STRUCT-OTHER COMM 32-STRUCT-INDUST MFG 33-STRUCT-PUBLIC	34-STRUCT-STORAGE 35-STRUCT-OTHER 36-TOOLS 38-VEH/PART/ACC 39-WATERCRAFT 99-
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QUANT	TYPE OF PROPERTY	DESCRIPTION	SERIAL #	INVENTORY #	CODE #	VALUE

RELATED INCIDENT #'S 02 051 3018	EVIDENCE INVENTORY #'S	ADDED PROPERTY ATTACHED PO-14	TOTAL VALUE RECOVERED PROPERTY \$
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USE FOR WEAPONS IN POSSESSION OF PRISONERS AT TIME OF ARREST -- CHECK ALL APPLICABLE ITEMS											
1 2	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"/> 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"/> BLUNT 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 None	FIRST NAME	MID	RACE	SEX	DATE OF BIRTH	AGE	ETHNIC ORIGIN <input type="checkbox"/> HISPANIC <input type="checkbox"/> NON-HISPANIC
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ADDRESS	CITY	STATE	HEIGHT	WEIGHT	BUILD	HAIR	EYES
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ALIAS	SCARS, MARKS, MOLES, DEFORMITIES, AMPUTATIONS, FACIAL HAIR, SKINTONE, TATTOOS, PECULIARITIES ETC.
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I.D. DIV #	SOC. SEC. #	ADDED WEAPON INFO ARRESTED #1
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RESIDENT OF COUNTY Y N <input type="checkbox"/> <input type="checkbox"/>	GANG RELATED Y N <input type="checkbox"/> <input type="checkbox"/>	DRUG RELATED <input type="checkbox"/> <input type="checkbox"/>	LOCATION OF ARREST	DATE/TIME OF ARREST	TYPE OF ARREST <input type="checkbox"/> ORDERED IN/CITED <input type="checkbox"/> W/WARR/SUSP CARD <input type="checkbox"/> ALL OTHER ARRESTS
--------------------------------------------------------------------------------	--------------------------------------------------------------------------	-------------------------------------------------------------------	--------------------	---------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------

CHARGES	POSSESSED SUSPECTED DRUGS AT TIME OF ARREST Y N <input type="checkbox"/> <input type="checkbox"/>
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ARRESTED #2 LAST NAME	FIRST NAME	MID	RACE	SEX	DATE OF BIRTH	AGE	ETHNIC ORIGIN <input type="checkbox"/> HISPANIC <input type="checkbox"/> NON-HISPANIC
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ADDRESS	CITY	STATE	HEIGHT	WEIGHT	BUILD	HAIR	EYES
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ALIAS	SCARS, MARKS, MOLES, DEFORMITIES, AMPUTATIONS, FACIAL HAIR, SKINTONE, TATTOOS, PECULIARITIES ETC.
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I.D. DIV #	SOC. SEC. #	ADDED WEAPON INFO ARRESTED #1
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RESIDENT OF COUNTY Y N <input type="checkbox"/> <input type="checkbox"/>	GANG RELATED Y N <input type="checkbox"/> <input type="checkbox"/>	DRUG RELATED <input type="checkbox"/> <input type="checkbox"/>	LOCATION OF ARREST	DATE/TIME OF ARREST	TYPE OF ARREST <input type="checkbox"/> ORDERED IN/CITED <input type="checkbox"/> W/WARR/SUSP CARD <input type="checkbox"/> ALL OTHER ARRESTS
--------------------------------------------------------------------------------	--------------------------------------------------------------------------	-------------------------------------------------------------------	--------------------	---------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------

CHARGES	POSSESSED SUSPECTED DRUGS AT TIME OF ARREST Y N <input type="checkbox"/> <input type="checkbox"/>
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V E H	VEHICLE USED	MAKE	MODEL	TYPE	COLOR	STATE	EXP	TYPE	V. I. N. #
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REPORTING OFFICER DET. IVAN WICK	PAYROLL # 63628	LOC 04	ASSISTING OFFICER	SUPERVISOR Det. Raymond E. Richards 50144	TOTAL ARRESTS 0
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INVESTIGATIVE NARRATIVE:

Report was written by Detective Ivan WICK, Internal Affairs
 Criminal Investigation Unit, Early Shift.

In his initial interview with Det. WICK, Anthony JONES stated that he was missing a \$50.00 bill, a set of keys, a pager, and a small beige-colored business card. He stated that he had the property with him when he was taken into custody on 02-19-02, but that when he was booked at District Four, the \$50.00 bill was missing, as were his keys. He claimed to still have the pager and beige business card with him at District Four when being booked. Upon his release from the Criminal Justice Facility (CJF), he said he was missing all four of the aforementioned items.

Anthony JONES subsequently contacted Det. WICK and stated that he had recovered his pager from his car at the city tow lot while searching his car for his missing property. He later re-contacted Det. WICK and stated that he had returned to his car to have a replacement key made so that he could remove the car from the tow lot. Anthony JONES advised Det. WICK that, at that time, he recovered his car keys from the ignition in his car. He claimed that they had not been there when he had recovered his pager.

Anthony JONES never observed any police personnel steal his property and he did not know if his property was stolen or simply misplaced. This, in conjunction with the fact that he recovered property from his vehicle that he initially claimed was missing, makes his claim that he is missing a \$50.00 bill due to police misconduct suspect.

This investigation did not reveal any identifiable suspect and it is not possible to substantiate the elements necessary to support a criminal charge of theft. Det. WICK discussed the results of the investigation with Lieutenant of Detectives Raynard RICHARDS, and this case is closed as "baseless."

REVIEWING D.A. None	P.O./DET. ASSIGNED Det. Ivan WICK	COURT CASE NUMBER
FINAL CHARGE None	DISPOSITION/DATE 05-07-02	VICTIM NOTIFIED BY
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"/> VICTIM REFUSES TO COOPERATE (SUSPECT INFORMATION NEEDED)	<input type="radio"/> PROPERTY RECOVERED <input 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	<input type="radio"/> A. SUSP ATTCKD PO AND SAME PO KILLED SUSP <input type="radio"/> B. SUSP ATTCKD PO AND OTHER PO KILLED SUSP <input type="radio"/> C. SUSP ATTCKD 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 INFORMATION <input type="radio"/> H. SUSPECT KILLED BY PRIVATE CITIZEN <input type="radio"/> I. SUSPECT KILLED BY POLICE OFFICER

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

DECEMBER 10, 2002

TO: P.O. DEAN NEWPORT
DISTRICT THREE

RE: Receipt of Legal Services from Law Firm of
Attorney

RECEIVED
02 DEC 18 PM 2:12
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

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 FEBRUARY 19, 2002
- 2) A citizen's complaint made by ANTHONY 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: *Dean Newport*
Print your name: Dean Newport

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

SMS:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

DECEMBER 10, 2002

TO: P.O. ROBERT LACY
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 FEBRUARY 19, 2002
- 2) A citizen's complaint made by ANTHONY 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: P.O. Robert Lacy

Print your name: Robert LACY

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
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION
:kjs

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