

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys



THOMAS O. GARTNER
BRUCE D. SCHRIMPF
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
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
KATHRYN Z. BLOCK
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
HEIDI E. GALVÁN
JARELY M. RUIZ
ROBIN A. PEDERSON
Assistant City Attorneys

December 29, 2008

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

Re: Communication from Attorney Jonathan, Cermele, Cermele & Associates,
S.C. for legal fees for Police Officers Richard Martinez, Jason Rodriguez,
Christina Marshall, John Kulmann and Nicholas Johnson
C.I. File No. 07-S-243-8; EC No. 2487

Dear Council Members:

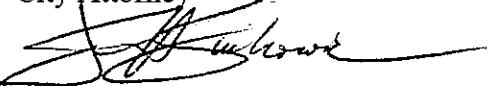
Returned herewith is a document filed by Attorney Jonathan Cermele for attorney's fees for representing Police Officers Richard Martinez, Jason Rodriguez, Christina Marshall, John Kulmann and Nicholas Johnson. The claim is in the amount of \$1,397.00 for 12.70 hours of service billed at the rate of \$110.00 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 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
Enc
2276

OFFICE OF THE CITY ATTORNEY

Milwaukee City Hall Suite 800 • 200 East Wells Street • Milwaukee, Wisconsin 53202-3551 Telephone: 414.286.2601 • TDD: 414.286.2025 • Fax: 414.286.8550

CERMELE & ASSOCIATES, S.C.

ATTORNEYS AT LAW

JONATHAN CERMELE
RACHEL L. PINGS
MATTHEW L. GRANITZ

LAURIE A. EGGERT
- OF COUNSEL -

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

June 29, 2007

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

MILWAUKEE
2007 JUL -5 PM 2:54
RONALD D. LEONHARDT
CITY CLERK

**RE: MPD Criminal Investigation of PO's Richard Martinez, Jason Rodriguez,
Christina Marshall, John Kulmann and Nicholas Johnson
Allegations Regarding Mr. Angelo Ferreira
Date of Incident: January 26, 2007
Location of Incident: 17th Street and Crawford Avenue**

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 pursuit.

According to correspondence from Deputy Inspector Hoerig, the warrant was refused. As such, no charges were issued against the officers. Attached is a copy of the letter along with status of the CIS Investigatory file, and an itemization of the time and services rendered.

Sincerely,

CERMELE & ASSOCIATES, S.C.

Jon Cermele

2007 JUL -6 AM 11:18
OFFICE OF
CITY ATTORNEY
CITY OF MILWAUKEE
RECORDS

/kjs

Attachments

MARTINEZ, RODRIQUEZ, MARSHALL, KULMANN and JOHNSON

CERMELE & ASSOCIATES, S.C.

ATTORNEYS AT LAW

JONATHAN CERMELE
RACHEL L. PINGS
MATTHEW L. GRANITZ

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

LAURIE A. EGGERT
- OF COUNSEL -

June 29, 2007

Mr. Ronald Leonhardt
Milwaukee City Clerk
City Hall, Room 205
200 East Wells Street
Milwaukee WI 53202

RE: MPD Criminal Investigation of PO's Richard Martinez, Jason Rodriguez,
Christina Marshall, John Kulmann and Nicholas Johnson
Allegations Regarding Mr. Angelo Ferreira
Date of Incident: January 26, 2007
Location of Incident: 17th Street and Crawford Avenue
Professional services

	<u>Hours</u>
1/26/2007 Telephone call from PO Martinez; open file; schedule and calendar conference with PO Martinez.	0.50
1/29/2007 Telephone call from client; cancel and reschedule conference with client; calendar same.	0.10
1/31/2007 Telephone calls from and to PO Marshall; memo to file; office conference with client; memo to file.	1.00
2/1/2007 Telephone call from PPD; telephone call from PO Kulmann; memo to file.	1.00
2/2/2007 Telephone call to witnesses; telephone call from PO Johnson; memo to file.	0.50
2/5/2007 Telephone call from PPD; telephone call from PO Rodriguez.	0.20
2/6/2007 Telephone call to PO Rodriguez.	0.10

	<u>Hours</u>
2/7/2007 Telephone call from PO Rodriguez; memo to file.	0.50
2/12/2007 Telephone call to CIB.	0.10
2/13/2007 Telephone call from PPD; telephone call to MPD regarding use of force report.	0.20
2/14/2007 Telephone call to and correspondence to MPD regarding request for use of force report; telephone call from MPD regarding same.	0.30
2/19/2007 Telephone call from and to PPD regarding scheduling statements.	0.20
3/2/2007 Travel to Academy and attend statements of PO Martinez, PO Kulmann, and PO Johnson to PPD; return travel.	3.00
3/5/2007 Memo to file regarding 03/02/07 statements of PO's Martinez, Kulmann, and Johnson to PPD; telephone call from and to PPD regarding scheduling statements of PO's Marshall and Rodriguez.	0.30
3/6/2007 Telephone call to PO's Rodriguez and Marshall to confirm date to provide statement.	0.20
3/14/2007 Several telephone call from and to PO Marshall; travel to Academy; attend statement of PO Marshall to PPD; attend statement of PO Rodriguez to PPD; conference with PPD Detective; return travel; memo to file.	3.00
3/19/2007 Telephone call from PO Martinez; telephone call to PPD; memo to file.	0.30
4/6/2007 Receive and review correspondence from DA's Investigator regarding medical records.	0.10
5/7/2007 Telephone call to PPD regarding status; confirm that case was transferred to ADA office and no processed; telephone call to DA Simpson; memo to file.	0.30

	<u>Hours</u>
5/14/2007 Telephone call from ADA Simpson confirming that no charges will be issued; correspondence to PPD requesting written confirmation of same.	0.30
6/21/2007 Receive and review correspondence from PPD confirming that investigation was cleared as warrant refused; telephone call to PPD to confirm CIS file no.; correspondence to clients confirming investigation closed as warrant refused; close file.	0.50

	<u>Amount</u>
For professional services rendered	12.70 \$1,397.00
Balance due	<u>\$1,397.00</u>

(Rate: \$110.00 per hour)



RECEIVED

JUN 20 2007

CERMELE & ASSOCIATES, S.C.

Police Department

Nannette H. Hegerty
Chief of Police

Thursday, June 14, 2007

Rachel L. Pings
Attorney At Law
6310 West Bluemound Road
Suite 200
Milwaukee, WI 53213

Dear Ms. PINGS:

This letter is in response to your inquiries regarding the status of CIS Investigatory Files.

Attached please find the requested information. If further assistance is needed Lieutenant of Detectives Karen Dubis can be contacted at 935-3540.

Sincerely,

MARY K. HOERIG
DEPUTY INSPECTOR OF POLICE

CIS FILE NO.	PPD FILE NO.	COMPLAINANT	ALLEGATION	DISPOSITION
1. 07-027	07-0089	DHEMBI, SORIAN	THEFT	TBD
2. 06-121	06-0691	PITTMAN, KEVIN	BATTERY	UNFOUNDED
3. 06-177	06-1025	CITY OF MILWAUKEE DISTRICT 3 REGISTER	THEFT	TBD
4. 06-043	06-0209	CRISS SMITH CITY OF MILWAUKEE DISTRICT 7	THEFT	SUSPENDED-PEND NEW INFO
5. 06-123	06-0696	MC VICKER, DAVON	BATTERY	WARRANT REFUSED
6. 06-063		ELLWART, HORST	PHYSICAL ABUSE TO CHILD	UNFOUNDED
7. 06-175	06-1024	YOUNG, KHADIJAH	BATTERY	WARRANT REFUSED
8. 06-039	06-0310	RAMIREZ, LIDIO	BATTERY	UNFOUNDED
9. 06-040	06-0310	RAMIREZ, GABRIEL	BATTERY	UNFOUNDED
10. 06-178	06-1090	SPEARS, DERICK	FAILURE TO PROTECT PRISONER	TBD
11. 06-110	06-0617	MCKINNEY, DEONTA	BATTERY/THEFT	BASELESS
12. 06-099	06-0559	HERRON, CEDRICK	BATTERY	BASELESS
13. 05-108	05-0485	CROOKS, RICKY	THEFT/CDTP	SUSPENDED PEND NEW INFO
14. 07-005	07-0032	FERREIRA, ANGELO	PHYSICAL ABUSE TO A CHILD	WARRANT REFUSED
15. 07-040	07-0146	CHAMPION, CEDRIC	PHYSICAL ABUSE TO A CHILD	WARRANT REFUSED

**Milwaukee Police
Department**

Memo

To: Police Officer Richard Martinez
From: Deputy Inspector Mary K. Hoerig
Date: 8/10/2007
Re: Receipt of Legal Services from Law Firm of Cermele & Associates, S.C.

Attorney Jon Cermele has made a claim with the City, indicating that you were provided with legal services, outlined in the attached letter and arising out of the following situation:

- An incident which occurred on January 26, 2007
- A Criminal Investigation/Allegations regarding Mr. Angelo Ferreira

Is this information correct? YES X NO _____
 Did you receive legal representation in this matter? YES X NO _____

Your Signature: Richard Martinez
 Print Your Name: Richard MARTINEZ

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

07 AUG 14 PM 12:43
 PROFESSIONAL PERFORMANCE DIVISION

SECOND NOTICE

**Milwaukee Police
Department**

Memo

To: Police Officer Jason Rodriguez -D5
From: Deputy Inspector Mary K. Hoerig
Date: 8/10/2007
Re: Receipt of Legal Services from Law Firm of Cermele & Associates, S.C.

07 SEP 12 PM 5:16
 RECEIVED
 MILWAUKEE POLICE
 DEPARTMENT
 PROFESSIONAL AFFAIRS

Attorney Jon Cermele has made a claim with the City, indicating that you were provided with legal services, outlined in the attached letter and arising out of the following situation:

- An incident which occurred on January 26, 2007
- A Criminal Investigation/Allegations regarding Mr. Angelo Ferreira

Is this information correct?

YES X NO

Did you receive legal representation in this matter?

YES X NO

Your Signature: 

Print Your Name: P.O. Jason Rodriguez

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

Milwaukee Police Department

Memo

To: Police Officer Christina Marshall
From: Deputy Inspector Mary K. Hoerig
Date: 8/10/2007
Re: Receipt of Legal Services from Law Firm of Cermele & Associates, S.C.

Attorney Jon Cermele has made a claim with the City, indicating that you were provided with legal services, outlined in the attached letter and arising out of the following situation:

- An incident which occurred on January 26, 2007
A Criminal Investigation/Allegations regarding Mr. Angelo Ferreira

Is this information correct? YES [checked] NO
Did you receive legal representation in this matter? YES [checked] NO

Your Signature: Christina Marshall
Print Your Name: Christina Marshall

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

**Milwaukee Police
Department**

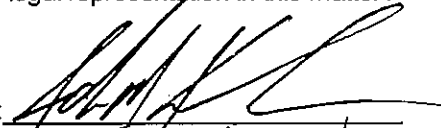
Memo

To: Police Officer John Kulmann
From: Deputy Inspector Mary K. Hoerig
Date: 8/10/2007
Re: Receipt of Legal Services from Law Firm of Cermele & Associates, S.C.

Attorney Jon Cermele has made a claim with the City, indicating that you were provided with legal services, outlined in the attached letter and arising out of the following situation:

- An incident which occurred on January 26, 2007
- A Criminal Investigation/Allegations regarding Mr. Angelo Ferreira

Is this information correct? YES NO
 Did you receive legal representation in this matter? YES NO

Your Signature: 
 Print Your Name: JOHN KULMANN

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

07 AUG 15 AM 10:55
 INFO
 SPECIAL
 SERVICES

**Milwaukee Police
Department**

Memo

To: Police Officer Nicholas Johnson
From: Deputy Inspector Mary K. Hoerig
Date: 8/10/2007
Re: Receipt of Legal Services from Law Firm of Cermele & Associates, S.C.

Attorney Jon Cermele has made a claim with the City, indicating that you were provided with legal services, outlined in the attached letter and arising out of the following situation:

- An incident which occurred on January 26, 2007
- A Criminal Investigation/Allegations regarding Mr. Angelo Ferreira

Is this information correct? YES X NO

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

Your Signature: *Nicholas Johnson*
 Print Your Name: Nicholas Johnson

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

07 AUG 14 PM 12:4
 MILWAUKEE POLICE
 INTERNAL AFFAIRS
 DIVISION