

CITY OF MILWAUKEE

Form CA-43

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City Attorney

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Assistant City Attorneys

January 31, 2005

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 John Spence and James Jekanoski
C.I. File No. 03-S-107; EC No. 1860

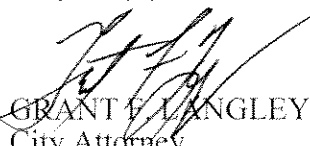
Dear Council Members:

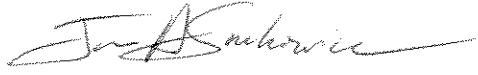
Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers John Spence and James Jekanoski. The claim is in the amount of \$745.83 including \$8.83 in disbursements for 6.70 hours of service billed at the rate of \$110.00 per hour. We ask that 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:enm
Enc.

89702/ 1032-2003-796

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele

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Suite 303
Milwaukee, Wisconsin 53202
(414) 276-8750
FAX (414) 276-8906

February 25, 2003

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

02/25/03
11:30 AM
MILWAUKEE
CITY CLERK
OFFICE

**RE: MPD Criminal Investigation of Mr. John D. Chew
Regarding POs John Spence and James Jekanoski
Date of Incident: April 18, 2002
Location of Incident: 1101 North 12th Street
EC No.: 1860**

Dear Mr. Leonhardt:

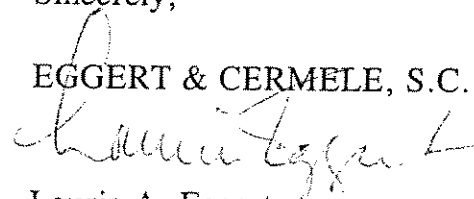
The above-named police officers have retained us to represent them in connection with the above-referenced matter.

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 arrest of a suspect.

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 Spence and Jekanowski to give statements concerning the incident after issuing PI-21s. Later, the MPD decided not to issue 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
Attorney at Law

11/20/05
OK
JTB

Letter 2276

JC/lcl
attachment
SPENJEK

EGGERT & CERMELE, S.C.

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Laurie A. Eggert
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February 18, 2003

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

RE: MPD Criminal Investigation re: Mr. John D. Chew
Regarding: POs John Spence and James Jekanoski
Date of Incident: April 18, 2002
Location of Incident: 9212 West Joleno

Professional services

	<u>Hours</u>	
4/25/02 Telephone call from PO Spence regarding new criminal investigation; open file; memo to file; telephone call to and from PO Jekanoski; memo to file; meeting with POs Spence and Jekanoski at IAD; reschedule PI-21 statements; travel; memo to file.	2.50	
5/14/02 Review of file; telephone call to clients; conference with clients; preparation for and appearance at PI-21 statements; telephone call to Det. Hoover; memo to file; travel.	2.90	
8/20/02 Review of file; correspondence to MPD Open Records; telephone call to clients; memo to file; correspondence to clients.	0.80	
1/3/03 Review of correspondence from MPD Open Records; close file.	0.50	
		<u>Amount</u>
For professional services rendered	6.70	\$737.00

Mr. Ronald D. Leonhardt

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Additional charges:

	<u>Amount</u>
1/3/03 MPD Open Records request	8.83
Total costs	<u>\$8.83</u>
Total amount of this bill	<u>\$745.83</u>
Balance due	<u><u>\$745.83</u></u>

(Rate: \$110.00 per hour)

B (3/95) CLEARANCE REPORT UREE POLICE DEPARTMENT		PAGE 1 OF 2	INCIDENT # 02-108-3123	
INCIDENT Battery SS #940.19 (1)		DATE OF INCIDENT 04-18-02	DATE OF REPORT 08-15-02	REP CON#
VICTIM Chew, John D.		LOCATION OF INCIDENT (ADDRESS) 9212 West Joleno Lane		DIST. 4
VICTIM'S ADDRESS 9212 West Joleno Lane		REPORTED BY 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 | 28-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-FURSE/BAO/WALLET | 32-STRUCT-INDUST MFG | 39-WATERCRAFT |
| 08-CONSUMABLES | 14-GAMBLING EQUIP | 20-MONEY | 26-RADIO/TV/VCR | 33-STRUCT-PUBLIC | 99- |

TYPE	TYPE OF PROPERTY	DESCRIPTION	SERIAL #	INVENTORY #	CODE #	VALUE
REPORTED INCIDENT #'S	EVIDENCE INVENTORY #'S	ADDED PROPERTY ATTACHED PO-14	TOTAL VALUE RECOVERED PROPERTY \$			

- WEAPONS IN POSSESSION OF PRISONER AT TIME OF ARREST -- CHECK ALL APPLICABLE ITEMS
- | | | | |
|--|--|--|---|
| 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"/> AUTOMATIC | <input type="checkbox"/> DOUBLE BBL | <input type="checkbox"/> IMPLIED WEAPON | <input type="checkbox"/> OTHER FIREARM |
| <input type="checkbox"/> BOLT ACTION | <input type="checkbox"/> DRUG/NARCOTIC | <input type="checkbox"/> KNIFE/CUTTING INSTR | <input type="checkbox"/> PERSONAL WEAPON |
| <input type="checkbox"/> BLUE STEEL | <input type="checkbox"/> EXPLOSIVES | <input type="checkbox"/> LIQUID GAS | <input type="checkbox"/> POISON |
| <input type="checkbox"/> BLUNT OBJECT | <input type="checkbox"/> FIRE/INCENDIARY | <input type="checkbox"/> MOTOR VEHICLE | <input type="checkbox"/> PUMP ACTION |
| | | | <input type="checkbox"/> REVOLVER |
| | | | <input type="checkbox"/> RIFLE |
| | | | <input type="checkbox"/> SAWED OFF |
| | | | <input type="checkbox"/> SEMI AUTO |
| | | | <input type="checkbox"/> SHORT/SNUB BBL |
| | | | <input type="checkbox"/> SHOTGUN |
| | | | <input type="checkbox"/> SIMULATED WEAPON |
| | | | <input type="checkbox"/> SINGLE BBL |
| | | | <input type="checkbox"/> THROWN OBJECT |
| | | | <input type="checkbox"/> UNKNOWN |

ARRESTED #1 LAST NAME	FIRST NAME	MID	RACE	SEX	DATE OF BIRTH	AGE	ETHNIC ORIGIN <input type="checkbox"/> HISPANIC <input type="checkbox"/> NON-HISPANIC
ADDRESS	CITY	STATE	HEIGHT	WEIGHT	BUILD	HAIR	EYES

SCARS, MARKS, MOLES, DEFORMITIES, AMPUTATIONS, FACIAL HAIR, SKINTONE, TATTOOS, PECULIARITIES ETC.

D. DIV #	SOC. SEC. #	ADDED WEAPON INFO ARRESTED #1
RESIDENT OF COUNTY	LOCATION OF ARREST	DATE/TIME OF ARREST
CHARGES	TYPE OF ARREST	POSESSED SUSPECTED DRUGS AT TIME OF ARREST

ARRESTED #2 LAST NAME	FIRST NAME	MID	RACE	SEX	DATE OF BIRTH	AGE	ETHNIC ORIGIN <input type="checkbox"/> HISPANIC <input type="checkbox"/> NON-HISPANIC
ADDRESS	CITY	STATE	HEIGHT	WEIGHT	BUILD	HAIR	EYES

SCARS, MARKS, MOLES, DEFORMITIES, AMPUTATIONS, FACIAL HAIR, SKINTONE, TATTOOS, PECULIARITIES ETC.

I.D. DIV #	SOC. SEC. #	ADDED WEAPON INFO ARRESTED #1
RESIDENT OF COUNTY	LOCATION OF ARREST	DATE/TIME OF ARREST
CHARGES	TYPE OF ARREST	POSESSED SUSPECTED DRUGS AT TIME OF ARREST

VEHICLE USED	MAKE	MODEL	TYPE	COLOR	STATE	EXP	TYPE	V.I.N. #
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REPORTING OFFICER <i>Det. Jeffery Hoover</i>	PAYROLL # 50062	LOC # 04	ASSISTING OFFICER	SUPERVISOR <i>Richard</i>	TOTAL ARRESTS
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INVESTIGATIVE NARRATIVE:

This report was dictated by Detective Jeffery HOOVER, of the Criminal Investigation Unit/Internal Affairs Division (CIU/IAD), day shift.

On Wednesday, August 14, 2002, at 3:00 P.M., I, Detective Jeffery HOOVER along with Lieutenant of Detectives Raynard E. RICHARDS 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 appeared that the amount of the force utilized by the officer was justifiable.

REVIEWING D.A.	P.O./DET. ASSIGNED Detective Jeffery HOOVER	COURT CASE NUMBER
FINAL CHARGE NO PROCESS	DISPOSITION/DATE 08-14-02	VICTIM NOTIFIED BY Detective 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 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 <input type="radio"/> H. SUSPECT KILLED BY PRIVATE CITIZEN <input type="radio"/> I. SUSPECT KILLED BY POLICE OFFICER