

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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FAX (414) 286-8550

December 11, 2003

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

Re: Communication from Attorney Laurie A. Eggert, Eggert Law Office, S.C. for legal fees
for Police Officers Joe Honzalka, Mark Wagner and Roy Meinser
C.I. File No. 01-S-311; ELO No. 1678

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Joe Honzelka, Mark Wagner and Roy Meinser. The claim is in the amount of \$1,564.31 including \$24.31 in disbursements for 14.00 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. Sec. 895.35, Stats., *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.

2276

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

September 5, 2001

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

RE: MPD Criminal Investigation of POs Joe Honzelka, Mark
Wagner and Roy Meinser
Allegations Regarding Mr. Roger Sigmund
Date of Incident: February 12, 2000
Location of Incident: 3246 North Holton Street
ELO No.: 1678

Dear Mr. Leonhardt:

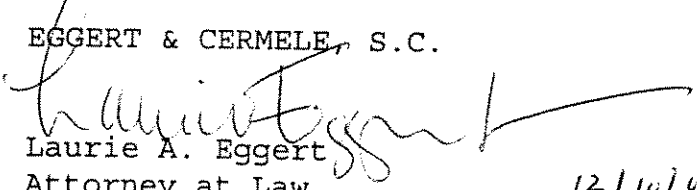
The above-named police officers have retained us to represent them in connection with the above-referenced matter.

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 an arrest for recklessly endangering safety. Charges will not be issued against the officers. Attached is a copy of the clearance report and an itemization of the time and services rendered.

We represented these three officers as part of the criminal investigation of allegations made by Mr. Sigmund against a number of police officers including our clients. The attached summary of the investigation does not specifically identify these officers by name, but they are the officers involved in the criminal investigation.

Sincerely,

EGGERT & CERMELE, S.C.


Laurie A. Eggert
Attorney at Law

LAE/ldl
HONZELKA

12/10/03

C. K.

J/13

LETTER 2276

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

September 5, 2001

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

RE: MPD Criminal Investigation re: Mr. Roger Sigmund
Regarding: POs Joe Honzelka, Mark Wagner and Roy Meinser
Date of Incident: February 12, 2000
Location of Incident: 3246 North Holton Street

Professional services

	<u>Hours</u>
10/04/00 Telephone call from PO Honzelka; open file; memo to file; telephone call to and from PO Wagner; memo to file.	1.10
10/05/00 Telephone call to and from IAD.	0.30
10/13/00 Telephone call from PO Honzelka.	0.50
11/07/00 Telephone call from IAD.	0.40
11/08/00 Discussion with IAD; telephone call to PO Honzelka; telephone call to PO Wagner; telephone call from IAD.	0.40
11/09/00 Review of file; conference with client; attend PO Wagner's statement to IAD; travel; memo to file.	2.10
11/14/00 Telephone call from PO Honzelka; several telephone calls to IAD.	0.40

	<u>Hours</u>
11/15/00 Telephone call to IAD; telephone call to PO Honzelka.	0.40
11/16/00 Review of file; meeting with IAD; conference with client; attend PO Honzelka's statement to IAD; travel; memo to file.	2.50
11/17/00 Review of file; telephone call to witness.	0.20
12/06/00 Telephone call from IAD.	0.30
12/12/00 Telephone call from PO Meinzer; telephone call to and from PO Meinzer.	0.40
12/13/00 Telephone call to PO Meinzer.	0.20
01/09/01 Telephone call to IAD.	0.20
01/10/01 Review of file; telephone call to PO Meinzer; telephone call to IAD.	0.40
01/25/01 Review of file; telephone call to PO Meinzer.	0.40
02/07/01 Telephone call to IAD; review PO Menzer's supplemental statement.	0.40
02/26/01 Discussion with DA; telephone call to PO Meinzer.	0.30
02/27/01 Telephone call to and from PO Meinzer; telephone call to DA.	0.30
02/28/01 Telephone call to and from PO Meinzer; telephone call to IAD.	0.60

	<u>Hours</u>	
03/02/01 Review of file; telephone call to PO Meinzer; meeting with PO Meinzer at DA's office; attend PO Meinzer's statement to DA; memo to file.	1.30	
03/05/01 Review of correspondence from DA; correspondence to MPD Open Records; correspondence to clients.	0.40	
06/06/01 Review of correspondence from MPD Open Records; correspondence to client; close file.	0.50	
		<u>Amount</u>
For professional services rendered	14.00	\$1,540.00
Additional charges:		
10/16/00 Parking		9.00
03/02/01 Parking		2.00
06/06/01 MPD Open Records request		13.31
Total costs		<u>\$24.31</u>
Total amount of this bill		<u>\$1,564.31</u>
Balance due		<u><u>\$1,564.31</u></u>

(Rate: \$110.00 per hour)

MILWAUKEE POLICE DEPARTMENT

CIU/Internal Affairs Division

SUMMARY

Wednesday, March 07, 2001

IN THE MATTER OF: CIU#00-258 - BATTERY
 P.O. ANDREW GEBHARDT, PR#64215
 WEED & SEED, EARLY SHIFT

TO: DALE T. SCHUNK
 POLICE COMMANDER

SIR:

This report was dictated by Detective Michele HARRISON, assigned to the Criminal Investigation Unit/Internal Affairs Division (CIU/IAD), early shift.

ALLEGATION:

The complainant, Roger SIEGMAN, alleges that after Officer GEBHARDT, along with unknown officers, arrested him and placed him in handcuffs that Officer GEBHARDT began kneeling the complainant in his lower and upper back, upper and lower legs and the left side of his face. An officer stepped on the left side of his face leaving a footprint and also struck the left side of his face against his grandparent's house.

INVESTIGATION:

Investigation revealed in an interview with Det. Hattie NICHOLS, SIEGMAN stated he borrowed a Chevy Blazer from his neighbor, who lives across the alley by the name of John EMMANUELE (in actuality he stole the Blazer). He stated that he took the Blazer and while in the process of taking it P.O. GEBHARDT broke a window on the driver's side of the Blazer to stop him from taking it. He stated that the officer also caused him to hit a tree. He stated that he finally drove away and went to his

grandparent's home of 3246 N. Holton Street. Mr. SIEGMAN abandoned the Blazer and left it at I 43 and Keefe Avenue off ramp. He stated that the police later arrested him and "beat the hell out of me." He stated he walked to the rear door and observed the police outside. He stated that there were about 10 to 12 officers near the fence around his grandparent's home. When he exited the house from the rear door the police said, "Freeze, lay on the ground and put your hands above your head." Mr. SIEGMAN stated that he complied and the officers then began kneeling him in the lower and upper part of his back, the lower and upper legs and left side of his face. He stated an officer also stepped on the left side of face with a boot leaving a print. He stated that four of his lower teeth on the left side of his face were knocked out. Mr. SIEGMAN states that he can identify at least one of the officers and he knows one of the officers, namely P.O. Andrew GEBHARDT. He states Officer GEBHARDT struck the left side of his face against the side of his grandparent's home and he was then placed in the rear of a squad.

The officers took him to Mount Sinai where he was treated for his injuries. He stated that he suffered from retina damage and now has blurred vision in the left eye. He stated that four lower teeth on the left side were knocked out. Mr. SIEGMAN was arrested for Operating Auto without Owners Consent and Recklessly Endangering Safety.

P.O. GEBHARDT stated that he was working alone on the night of this incident and was sent to a theft or trouble with subject. He stated he had contact with Roger SIEGMAN a couple of days prior to this incident. He stated he was sent to the 600 block of S. 64th Street. Officer GEBHARDT stated that he never left the scene of the 600 block of S. 64th Street. He never did respond to 3246 N. Holton Street where Mr. SIEGMAN was arrested at his grandparent's home. P.O. GEBHARDT stated that he remained at the scene with Det. Mark CISKE because he was the victim in this incident. He stated upon his arrival at the scene he heard breaking glass and ran through the yards to the S. 63rd

RE: CIU# 00-258 -BATTERY
PAGE 3

Street address and observed SIEGMAN climbing through the passenger front window of a Blazer and started the car. He stated he ran to the car and SIEGMAN put the vehicle in drive and attempted to run him over. He stated that he ended of going through a couple of yards and he backed off and he hit a tree. He states that he ended up on Main Street and drove to Hawley Road where he did get on the freeway. He stated the caller who was SIEGMAN'S girlfriend or her mother called SIEGMAN'S grandmother and asked if SIEGMAN was there. The squads then responded over to the grandmother's house at 3246 N. Holton Street. P.O. GEBHARDT stated that he did not see SIEGMAN again until he was arrested and downtown.

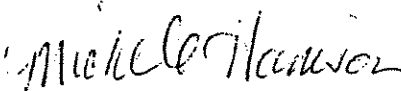
CONCLUSION:

On Wednesday, October 4, 2000, this case was ordered in to the District Attorney's office where it was reviewed by Deputy District Attorney Jon REDDIN. In reviewing this case Deputy District Attorney REDDIN pended this case. The case was brought back into the District Attorney's office on Friday, March 2, 2001, where again it was reviewed by Deputy District Attorney Jon REDDIN. In reviewing this case, Deputy District Attorney REDDIN stated Milwaukee police officers arrested Roger SIEGMAN for Operating Auto without Owners Consent and Recklessly Endangering Safety. This offense occurred when the City of Milwaukee P.O. Andrew GEBHARDT heard and saw SIEGMAN breaking into a Chevy Blazer. P.O. GEBHARDT tried to stop him and nearly got ran over before SIEGMAN drove off in the stolen vehicle. After reviewing all the facts and circumstances involving this incident, Deputy District Attorney REDDIN stated that there was insufficient evidence to bring any charges against any police officers. SIEGMAN abandoned the stolen Blazer and sought refuge at the home of his grandparents who apparently threw him out when they discovered that the police were looking for him. He then fled the police on foot and had to be taken to the ground where he fought with police trying to kick them and generally resisting their efforts to place

RE: CIU#00-258 -BATTERY
PAGE 4

handcuffs on him. During this encounter he apparently received some facial injuries for which he was treated. After examining the reports, in Deputy District Attorney REDDIN'S opinion excessive force was not used in view of SIEGMAN'S resistance to the officers. No other civilian witnessed the arrest. Mr. SIEGMAN'S credibility is lessened by the fact that he lied to the investigators about how he came into the possession of the car claiming to Det. Hattie NICHOLS that he had borrowed it. In fact he had stolen it and later abandoned it. He pled guilty to having done that and he is a convicted felon and is serving three years in prison. No charges will be brought against P.O. GEBHARDT for his roll in that arrest because he was not there and played no role in that arrest. It appears to Deputy District Attorney REDDIN that the amount of force use by officers in effecting SIEGMAN'S arrest was not excessive and no charges will be brought against them. This complaint is cleared as warrant refused.

Respectfully submitted:


Michele HARRISON
Police Detective, 60822
CIU/IAD, Early Shift



OFFICE OF DISTRICT ATTORNEY

RECEIVED
MAR 13 PH 2:04

MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

Milwaukee County

E. MICHAEL McCANN • District Attorney

Robert D. Donohoo
Jon N. Reddin
Carol Lynn White
Patrick J. Kenney
James J. Martin

Thomas A. Schutz
Alexander G. Stenarz
Francis E. Matestic
William J. Mohr
Gerald R. Falk
Donald S. Jackson
Gale G. Shelton
Terry Magowan
Gary D. Mathison
David Robles
Deborah Daley
Peg Tarrant
Douglas J. Simpson
Cynthia G. Brown
Norman A. Gahn
George N. Priezt, III
Stephanie Gineris Rothst
Carol E. Stauder
Steven H. Giamm
Mary Anne Smith
Mark S. Williams
Linda Johnson
John M. Stober
Thomas L. Foster
David Felsa
Rayann Chandler Szyckis
Elise Castellan
Carole Manchester
Kenneth R. Berg
Benbow P. Cheesman, Jr.
Lovell Johnson, Jr.
Warren D. Zier
Timothy J. Cotter
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Steven V. Licata
Brad Vorpahl
Jane Carroll
Paul Tiffin
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Dennis P. Murphy
Christopher Ford
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Phillip A. Anell
Thomas J. McAdams
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DeAnn L. Hiest
Debra M. Scano, SSND
Patricia A. McGowan
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Karen A. Loebel
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William P. Pige
Audrey Slowerzewski
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Christopher A. Liegel
Megan P. Carmody
Laura A. Crivello
Derek C. Moseley
Shawn Pompe
Brian J. Resler
Karen A. Lynch
Allison M. Ritter
Kevin R. Shomin
Kelly L. Hedge
Jennifer Rypel
Beth D. Zingbal
Shannon Carnock Schmidt
Rebecca F. Dallet
Mark A. Sanders
Paul C. Dedinak
David T. Malone
Julius Kim
Jeffrey J. Altenburg
Rachael Gossens
Deborah L. Mills
Paul Wabitsch
Karl L. Lovren
Paul R. Sander
Nelson W. Phillips, III
Bradford J. Logsdon
Patrick J. Farley
Joy Bertrand
Margaret M. Zimmer
Bruce W. Becker
Michael T. Mahoney
Mark D. Benson
Mary M. Sownald
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Jeffrey P. Grapp
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Daniel J. Gabler
Sara P. Scullen
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T. Christopher Des
Katherine Kucharzik
Lisa P. Fricker
Robin J. Roache
Phillip R. Rangneubain
Tiffany J. Harris
Emory H. Booker, II
Daniel R. Humble
Jacob D. Carr
David H. Weber
Joy Hammond

March 2, 2001

Chief Arthur Jones
City of Milwaukee Police Department
749 W. State Street
Milwaukee, WI 53233

OFFICE
CHIEF OF POLICE
Received: MAR 05 2001
Referred: Circle Schuck

Dear Chief Jones:

On February 19, 2000, City of Milwaukee Police officers arrested Roger Siegman for Operating Auto Without Owner's Consent and Recklessly Endangering Safety. The offenses occurred when City of Milwaukee Police Officer Andrew Gebhardt heard and saw Siegman breaking into a Chevy Blazer, tried to stop him and nearly got run over before Siegman drove off in the stolen vehicle.

You have presented officer Gebhardt to me for issuance of Battery charges, despite the fact that your investigation showed conclusively that he was nowhere near the scene of the arrest at which the battery allegedly occurred. Officer Gebhardt remained at the scene of the RES until interviewed by detectives. By that time the arrest had already taken place some distance away.

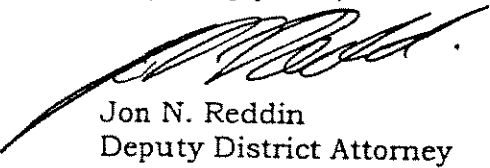
As to potential battery charges against any other officers, I find that there is insufficient evidence to bring them. Siegman abandoned the stolen Blazer and sought refuge at the home of his grandparents, who apparently threw him out when they discovered that the police were looking for him. He then fled the police on foot and had to be taken to the ground, where he fought with police, trying to kick them and generally resisting their efforts to place handcuffs on him. During this encounter he apparently received some facial injuries, for which he was treated. After examining the reports, it is my opinion that excessive force was not used in view of Siegman's resistance to the officers.

The officers describe a resisting Siegman. No other civilian witnessed the arrest. Siegman describes a severe beating, which I do not believe occurred. His credibility is lessened by the fact that he lied to investigators about how he came into possession of the car, claiming to Detective Hattie Nichols that he had "borrowed" it. In fact, he broke the window to gain entry, stole it, and later abandoned it. He pled guilty to having done that, he is a convicted felon and he is serving 3 years in prison. The Recklessly Endangering Safety charge, for having tried to run down officer Gebhardt, was read in for purposes of sentencing.

Chief Jones
March 29, 2000
Page 2

In short, it appears to me that the amount of force used by officers in effecting Siegman's arrest was not excessive, and no charges will be brought against them. No charges will be brought against Gebhardt for his role in that arrest, because he wasn't there and played no role in that arrest.

Very truly yours,



Jon N. Reddin
Deputy District Attorney

-JNR:jr

cc/ Jon Cermele

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

NOVEMBER 13, 2001

TO: P.O. JOE HONZELKA
DISTRICT TWO

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:

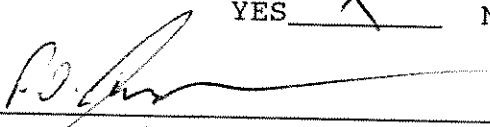
- 1) An incident occurring on FEBRAURY 12, 2000
- 2) A citizen's complaint made by ROGER SIGMUND
- 3) A police shooting incident occurring on

Is this information correct?

YES X NO _____

Did you receive legal representation
in this matter?

YES X NO _____

Your signature: 

Print your name: JOSEPH W. HONZELKA

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

STEVEN SETTINGSGAARD
POLICE COMMANDER
Internal Affairs Division

DTS:dnp

01 NOV 20 09:10:19

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

DECEMBER 24, 2001

TO: P.O. MARK WAGNER
SOB VCD

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 12, 2000
- 2) A citizen's complaint made by ROGER SIGMUND
- 3) A police shooting incident occurring on NA (NOT INVOLVED IN #3, UNAWARE OF THIS INCIDENT)

Is this information correct?

YES _____ ↑ NO X

Did you receive legal representation in this matter?

YES X NO _____

Your signature: _____

Print your name: MARK N. WAGNER

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

St. Settingsgaard
STEVEN SETTINGSGAARD
POLICE COMMANDER
Internal Affairs Division

DTS:dnp

DAYS

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

NOVEMBER 13, 2001

TO: P.O. ROY MEINSER
DISTRICT FIVE

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 FEBRAURY 12, 2000
- 2) A citizen's complaint made by ROGER SIGMUND
- ~~3) A police shooting incident occurring on~~

Is this information correct? YES X NO _____

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

Your signature: [Handwritten Signature]

Print your name: ROY S. MEINSER

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

STEVEN SETTINGSGAARD
POLICE COMMANDER
Internal Affairs Division

DTS:dnp

NOV 13 2001 3:09 PM