

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
TDD (414) 286-2025
FAX (414) 286-8550

February 9, 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 Jason Mucha and Jay Grant
C.I. File No. 03-S-216; EC 1892


Dear Council Members:


Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Jason Mucha and Jay Grant. The claim is in the amount of \$1,154.64 including \$10.64 in disbursements for 10.40 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.

90037/ 1032-2003-1629

THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
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
VINCENT J. BOBOT
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

May 9, 2003

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

**RE: MPD Criminal Investigation of POs Jason Mucha and Jay Grant
Allegations Regarding Mr. Donald Harris
Date of Incident: March 31, 2002
Location of Incident: 2700 North 53rd Street
EC No.: 1892**

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 taking a suspect into custody.

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 Mucha and Grant to give statements concerning the incident after issuing PI-21s. The DA reviewed the matter and did not issue 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

*1/29/05
O.K.
JAS*

Letter 2276

JC/ldl
attachment
MUCGRANT

CITY ATTORNEY

03 MAY 14 11 34 42

CITY OF MILWAUKEE
RECEIVED

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

May 8, 2003

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

RE: MPD Criminal Investigation re: Mr. Donald Harris
Regarding: POs Jason Mucha and Jay Grant
Date of Incident: March 31, 2002
Location of Incident: 2700 North 53rd Street

Professional services

	<u>Hours</u>
4/3/02 Telephone call from PO Mucha regarding new criminal investigation; open file; memo to file; telephone call to PO Grant; telephone call to IAD.	0.90
4/4/02 Telephone call to and from PO Grant; memo to file; telephone call from PO Mucha.	0.50
4/5/02 Discussion with Commander Settingsgaard; discussion with Lt. Liebold.	0.40
4/8/02 Meeting with IAD; telephone call to and from PO Grant; memo to file.	0.40
4/9/02 Telephone call from PO Grant; memo to file; telephone call to and from PO Mucha.	0.30
4/11/02 Review of file; meeting with PO Mucha at IAD; re-schedule PO Mucha's PI-21 statement; travel; memo to file.	1.50
4/15/02 Telephone call to and from IAD; review of file; telephone call to and from PO Grant; meeting with PO Grant at IAD; attend PO Grant's PI-21 statement; travel; memo to file.	2.20

	<u>Hours</u>	
4/16/02 Discussion with DDA Reddin.	0.40	
4/17/02 Discussion with IAD.	0.30	
4/18/02 Review of file; meeting with IAD; meeting with PO Mucha at IAD; attend PO Mucha's statement to IAD; travel; memo to file.	1.90	
5/22/02 Telephone call to IAD; correspondence to clients; correspondence to MPD Open Records.	0.60	
9/11/02 Review of correspondence from MPD Open Records; telephone call to DDA Reddin; telephone call to and from IAD.	0.50	
12/9/02 Review of correspondence from MPD Open Records; correspondence to clients; close file.	0.50	
		<u>Amount</u>
For professional services rendered	10.40	\$1,144.00
Additional charges:		
9/11/02 MPD Open Records request		0.62
12/9/02 MPD Open Records request		10.02
Total costs		<u>\$10.64</u>
Total amount of this bill		<u>\$1,154.64</u>
Balance due		<u><u>\$1,154.64</u></u>

Mr. Ronald D. Leonhardt

Page 3

(Rate: \$110.00 per hour)

INCIDENT INFORMATION	INCIDENT BATTERY SS #940.19(1)	DATE OF INCIDENT 03-31-02	DATE OF REPORT 10-15-02	REP CON#
	VICTIM HARRIS, DONALD	LOCATION OF INCIDENT (ADDRESS) 2700 NORTH 53 RD STREET		DIST. 3
	VICTIM'S ADDRESS 2762 NORTH 54 TH STREET	REPORTED BY SAME		

PROPERTY CODES --- LIST CODE FOR EACH TYPE OF PROPERTY IS "CODE #". COLUMNS ---

01-AIRCRAFT	05-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	29-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-PURSE/BAG/WALLET	32-STRUCT-INDUST MFG	39-WATERCRAFT
08-CONSUMABLES	14-GAMBLING EQUIP	20-MONEY	26-RADIO/TV/VCR	33-STRUCT-PUBLIC	99-

QUANT	TYPE OF PROPERTY	DESCRIPTION	SERIAL #	INVENTORY #	CODE #	VALUE

RELATED INCIDENT #'S	EVIDENCE INVENTORY #'S	ADDED PROPERTY ATTACHED PO-14	TOTAL VALUE RECOVERED PROPERTY \$
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USE FOR WEAPONS IN POSSESSION OF PRISONER AT TIME OF ARREST -- CHECK ALL APPLICABLE ITEMS

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"/> BLUE 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/ENUE BBL	<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
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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.

I.D. DIV #	SOC. SEC. #	ADDED WEAPON INFO ARRESTED #1
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RESIDENT OF COUNTY	Y N	GANG RELATED	Y N	DRUG RELATED	Y N	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
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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
---------	------	-------	--------	--------	-------	------	------

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

I.D. DIV #	SOC. SEC. #	ADDED WEAPON INFO ARRESTED #1
------------	-------------	-------------------------------

RESIDENT OF COUNTY	Y N	GANG RELATED	Y N	DRUG RELATED	Y N	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. #

REPORTING OFFICER <i>Det. Jeffery Hoover</i> DET. JEFFERY HOOVER	PAYROLL # 50062	LOC # 04	ASSISTING OFFICER	SUPERVISOR <i>Det. Raymond S. Richards</i> 50144	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 Thursday, August 08, 2002, at approximately 12:00 P.M., I, Detective Jeffery HOOVER received a phone call from Deputy District Attorney Jon REDDIN regarding this incident. DDA REDDIN informed me that after he reviewed the witnesses' statements, there was no corroboration with the victim's statement pertaining to what the witnesses saw. Therefore, DDA REDDIN refused to issue any type of criminal charges against Police Officer Jay GRANT and Police Officer Jason MUCHA.

JH:tlb

2-082 Clearance

REVIEWING D.A. Deputy District Attorney Jon REDDIN	P.O./DET. ASSIGNED Detective Jeffery HOOVER	COURT CASE NUMBER
FINAL CHARGE None	DISPOSITION/DATE August 08, 2002	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 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 ATTKRD PO AND SAME PO KILLED SUSP <input type="radio"/> B. SUSP ATTKRD PO AND OTHER PO KILLED SUSP <input type="radio"/> C. SUSP ATTKRD 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

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

June 5, 2003

TO: P.O. JASON MUCHA
DISTRICT THREE

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 MARCH 31, 2002
- 2) A citizen's complaint made by DONALD HARRIS
- 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

03 JUN 11 PM 12:50
MILWAUKEE POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION

RECEIVED

Your signature: _____

Print your name: _____

Jason Mucha
Jason MUCHA

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

Steven M. Settingsgaard
SMS

Steven M. Settingsgaard
Police Commander
Internal Affairs Division

SMS:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

June 5, 2003

TO: P.O. JAY GRANT
DISTRICT FIVE

RE: Receipt of Legal Services from Law Firm of
Attorney

RECEIVED
03 JUN 10 PM 3:29
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 MARCH 31, 2002
- 2) A citizen's complaint made by DONALD HARRIS
- 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: *Jay C. Grant*
Print your name: JAY C. GRANT

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

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

SMS:kjs