

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

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MARYNELL REGAN
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KATHRYN M. ZALEWSKI

Assistant City Attorneys

April 4, 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 Officer Timothy McNair
C.I. File No. 03-S-378; EC 1932

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officer Timothy McNair. The claim is in the amount of \$578.04 including \$6.04 in disbursements for 5.20 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 officer 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,

Handwritten signature of Grant F. Langley in cursive.

GRANT F. LANGLEY
City Attorney

Handwritten signature of Jan A. Smokowicz in cursive.

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:enm
Enc.

91732/ 1032-2003-3092.010

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele
Rachel L. Schneider

1840 North Farwell Avenue
Suite 303
Milwaukee, Wisconsin 53202
(414) 276-8750
FAX (414) 276-8906

September 18, 2003

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

**RE: MPD Criminal Investigation of PO Timothy McNair
Allegations Regarding Mr. Tilford Lee
Date of Incident: April 5, 2002
Location of Incident: 439 North 29th Street
EC No.: 1932**

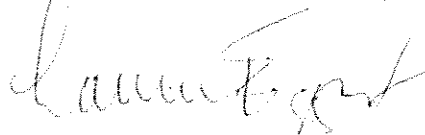
Dear Mr. Leonhardt:

The above-named police officer has retained us to represent him in connection with the above-referenced matter. Consistent with its policy, the City Attorney's Office has refused to represent him, and as he was performing the duties of his office at the time of the events giving rise to the incident, the claim is hereby made on his behalf for the indicated legal fees. This incident involved a traffic stop.

The MPD initiated a criminal investigation in which the officer initially declined to give a statement without counsel. When he requested counsel, IAD compelled PO McNair to give a statement concerning the incident after issuing a PI-21. Later, the MPD did not bring criminal charges against the officer. 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

4/2/05
O.K.
JAS

JC/LAE/ldl
attachment
MCNAIR

Letter #2276

EGGERT & CERMELE, S.C.

Attorneys at Law

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September 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. Tilford Lee
Regarding: PO Timothy McNair
Date of Incident: April 5, 2002
Location of Incident: 439 North 29th Street
Professional services

	<u>Hours</u>	
4/23/2002 Telephone call from client regarding new criminal investigation; open file; memo to file.	0.70	
4/25/2002 Receive and review memo regarding criminal investigation; telephone call to and from PO McNair; memo to file; schedule PI-21 statement.	0.80	
4/30/2002 Review of file; meeting with client at IAD; attend client's PI-21; travel; memo to file.	1.40	
5/15/2002 Preparation for and appearance at Wells PI-21; conference with client; travel; memo to file.	0.70	
5/16/2002 Review of file.	0.20	
7/23/2002 Telephone calls to and from IAD.	0.40	
1/9/2003 Fax to DDA Reddin.	0.10	
1/31/2003 Telephone call to and from IAD confirming investigation was cleared as baseless; correspondence to MPD Open Records.	0.40	
6/3/2003 Review of correspondence from MPD Open Records; correspondence to client; close file.	0.50	
	<hr/>	<u>Amount</u>
For professional services rendered	5.20	\$572.00

Mr. Ronald D. Leonhardt

Page 2

Additional charges:

	<u>Amount</u>
6/3/2003 MPD Open Records request	6.04
Total costs	<u>\$6.04</u>
Total amount of this bill	<u>\$578.04</u>
Balance due	<u><u>\$578.04</u></u>

(Rate: \$110.00 per hour)

INCIDENT INFORMATION	INCIDENT Theft of Money	DATE OF INCIDENT 04/05/02	DATE OF REPORT 08/10/02	REP CON#
	VICTIM LEE, Tilford (NMN)	LOCATION OF INCIDENT (ADDRESS) 439 N. 29 Street		DIST.
	VICTIM'S ADDRESS 3117 W. Clybourn Avenue	REPORTED BY SAME		

PROPERTY CODES --- LIST CODE FOR EACH ITEM OF PROPERTY IN "CODE #1" COLUMN---	09-CREDIT CARDS	15-HEAVY EQUIPMENT	21-NEGOTIABLE INSTRUMENT	27-RECORD/AUDIO VISUAL	34-STRUCT-STORAGE
01-AIRCRAFT	10-DRUGS/NARCOTICS	16-HOUSEHOLD GOODS	22-NONNEGOT INSTRUMENT	28-STRUCT-SINGLE DWL	35-STRUCT-OTHER
02-ALCOHOL	11-DRUG/NARC EQUIP	17-JEWELRY/PREC METAL	23-OFFICE EQUIPMENT	30-STRUCT-OTHER DWL	36-TOOLS
03-BICYCLES	12-FARM EQUIPMENT	18-LIVESTOCK	77-OTHER	31-STRUCT-OTHER COMM	38-VEH/PART/ACC
04-CLOTHES/FURS	13-FIREARMS	19-MERCHANDISE	25-FURSE/BAG/WALLET	32-STRUCT-INDUST MFG	39-MATRCRAFT
05-COMPUTER MARKS	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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ARRESTED #1 LAST NAME	FIRST NAME	MID	RACE	SEX	DATE OF BIRTH	AGE	ETHNIC ORIGIN <input type="radio"/> HISPANIC <input type="radio"/> 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.
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I.D. DIV #	SOC. SEC. #	ADDED WEAPON INFO ARRESTED #1
RESIDENT OF COUNTY Y N <input type="radio"/> <input type="radio"/>	GANG RELATED Y N <input type="radio"/> <input type="radio"/>	LOCATION OF ARREST
CHARGES		DATE/TIME OF ARREST
		TYPE OF ARREST <input type="radio"/> ORDERED IN/CITED <input type="radio"/> W/WARR/SUSP CARD <input type="radio"/> ALL OTHER ARRESTS

CHARGES		POSSESSED SUSPECTED DRUGS AT TIME OF ARREST Y N <input type="radio"/> <input type="radio"/>
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ARRESTED #2 LAST NAME	FIRST NAME	MID	RACE	SEX	DATE OF BIRTH	AGE	ETHNIC ORIGIN <input type="radio"/> HISPANIC <input type="radio"/> 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
RESIDENT OF COUNTY Y N <input type="radio"/> <input type="radio"/>	GANG RELATED Y N <input type="radio"/> <input type="radio"/>	LOCATION OF ARREST
CHARGES		DATE/TIME OF ARREST
		TYPE OF ARREST <input type="radio"/> ORDERED IN/CITED <input type="radio"/> W/WARR/SUSP CARD <input type="radio"/> ALL OTHER ARRESTS

CHARGES		POSSESSED SUSPECTED DRUGS AT TIME OF ARREST Y N <input type="radio"/> <input type="radio"/>
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V E H	VEHICLE USED	MAKE	MODEL	TYPE	COLOR	STATE	KXP	TYPE	V.I.N. #
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REPORTING OFFICER <i>Det. Karen Dubis</i> DET. Karen DUBIS	PAYROLL # 46086	LOC 04	ASSISTING OFFICER	SUPERVISOR <i>Robert Raymond Richards</i> Si:44	TOTAL ARRESTS 0
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INVESTIGATIVE NARRATIVE:

This report was submitted by Detective Karen Dubis, assigned to the Criminal Investigation Unit/Internal Affairs Division (CIU/IAD), day shift.

On Friday, July 19, 2002, at 12:30 p.m., I, Det. Karen Dubis, consulted with Deputy District Attorney Jon Reddin in regard to this case. D.D.A. Reddin advised me that he would not issue any criminal charges against Officer Timothy McNair in regard to this incident. Based on the fact that Officer McNair did inventory money in the amount of \$197.00 and that the amount that Mr. Tilford Lee had in his possession may be questionable, this case would not be issued.

REVIEWING D.A. Dep. D.A. Jon Reddin	P.O./DET. ASSIGNED Det. Karen Dubis	COURT CASE NUMBER
FINAL CHARGE Not Issued/No Process	DISPOSITION/DATE 7-19-02	VICTIM NOTIFIED BY I.A.D. Letter
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 INFORMATION	<input type="radio"/> A. SUSP ATTACKED PO AND SAME PO KILLED SUSP <input type="radio"/> B. SUSP ATTACKED PO AND OTHER PO KILLED SUSP <input type="radio"/> C. SUSP ATTACKED 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

SEPTEMBER 30, 2003

TO: P.O. TIMOTHY MCNAIR
DISTRICT THREE

RE: Receipt of Legal Services from Law Firm of
Attorney

MILWAUKEE POLICE DEPARTMENT
INTERNAL AFFAIRS
DIVISION

03 OCT - 8 PM 1:02

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 APRIL 5, 2002
- 2) A citizen's complaint made by TILFORD LEE
- 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: [Signature]

Print your name: Timothy A. MCNAIR

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

[Signature]
Steven M. Settingsgaard
Police Commander
Internal Affairs Division

SMS:kjs