

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

THOMAS E. HAYES
PATRICK B. McDONNELL
LINDA ULISS BURKE
Special Deputy City Attorneys



OFFICE OF CITY ATTORNEY

800 CITY HALL
200 EAST WELLS STREET
MILWAUKEE, WISCONSIN 53202-3551
TELEPHONE (414) 286-2601
TDD 286-2025
FAX (414) 286-8550

November 19, 2002

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

Re: Communication from Attorney Laurie Eggert, Law Office, S.C., for legal fees for Police Officer Steve Voss
C.I. File No. 01-S-99/27; ELO No. 1452

Dear Council Members:


Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officer Steve Voss. The claim is in the amount of \$363.00 for 3.30 hours of service billed at the rate of \$110 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. 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:
Enc. 2277

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
DAVID R. HALBROOKS
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

Assistant City Attorneys

EGGERT LAW OFFICE, 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

March 15, 2001

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

CI 01-5-99727

RE: MPD Criminal Investigation of PO Steve Voss
Allegations Regarding a squad accident
Date of Incident: February 23, 2000
Location of Incident: 16th and Wisconsin
ELO No.: 1452

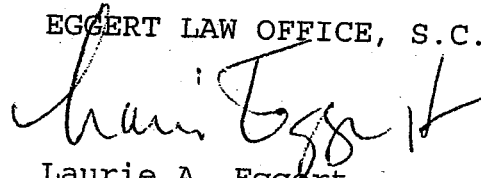
Dear Mr. Leonhardt:

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 minor squad accident. 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.

Sincerely,

EGGERT LAW OFFICE, S.C.



Laurie A. Eggert
Attorney at Law

3/17/2001
Report contains
120 reference to
P.O. Voss, only
P.O. Harrison.

CITY OF MILWAUKEE
RECEIVED

'01 MAR 19 PM 3:47

OFFICE OF
CITY ATTORNEY

11/15/02
O. K.
JAS
Letter

2277

JC/ldl
VOSS

EGGERT LAW OFFICE, 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

March 15, 2001

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

RE: MPD Criminal Investigation re: a squad accident
Regarding: PO Steve Voss
Date of Incident: February 23, 2000
Location of Incident: 16th and Wisconsin

Professional services

	<u>Hours</u>
2/24/00 Telephone call from PO Voss; open file.	0.50
2/25/00 Office conference with PO Voss; memo to file.	0.70
2/28/00 Several telephone calls to and from PO Voss and witness.	0.50
3/1/00 Telephone call from PO Voss; telephone call to witness.	0.20
3/2/00 Telephone call to and from witness; telephone call to IAD; telephone call to witness.	0.50
3/8/00 Telephone call to and from IAD; correspondence to MPD Open Records; correspondence to clients.	0.50
2/28/01 Review of correspondence from MPD Open Records; correspondence to clients; close file.	0.40

Mr. Ronald D. Leonhardt

Page 2

	<u>Hours</u>	<u>Amount</u>
For professional services rendered	3.30	\$363.00
Balance due		<u>\$363.00</u>

(Rate: \$110.00 per hour)

couldn't find the owner of the vehicle in the shop so he began to walk back when he observed the owner walking up to the truck. P.O. HARRISON stated to Mr. WHITEHEAD that he was going to call for a supervisor. Mr. WHITEHEAD stated, "No because there is no damage." P.O. HARRISON stated, "Are you sure?" Mr. WHITEHEAD stated, "Yes." Mr. WHITEHEAD also stated that he could not wait and proceeded to his job site.

Mr. WHITEHEAD was then informed again that we would be contacting him for the purpose of interviewing him in detail.

Photo car 386, P.O. Steve HUNDT, took six photos of squad 283, at 11:15 p.m., on February 23, 2000.

On Wednesday, March 1, 2000, at 6:00 p.m., I did contact our complainant Mr. WHITEHEAD for the purpose of arranging a date and time to interview him. At this time Mr. WHITEHEAD again stated that he never wanted to make a complaint, that there was no damage to his truck. He further stated that he was in the process of selling his truck and was in fact on the way to Menomonee Falls to trade the truck in. Mr. WHITEHEAD again stated that there was no damage to his vehicle and requested the investigation to be stopped.

Based on the complainant's request and being unable to substantiate a hit and run with the information that was obtained at this time, this investigation is concluded.

CRIMINAL INVESTIGATION UNIT I.A.D. Received: FEB 29 2000 Referred: C.I.U. / I.A.D. By: J. Hernandez Captain of Police
--

Respectfully submitted,



Robert HERNANDEZ
Police Detective, 45356
CIU/IAD Early Shift

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

APRIL 27, 2001

TO: PO STEVE VOSS
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 FEBRUARY 23, 2000
- 2) A citizen's complaint made by
- 3) A police shooting incident occurring on

Is this information correct?

YES NO

Did you receive legal representation
in this matter?

YES NO

Your signature: _____

Print your name: _____

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

Dale T. Schunk
DALE T. SCHUNK ^{JH}
Commander of Police
Internal Affairs Division

DTS:dnp

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
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September 7, 2001

BEVERLY A. TEMPLE
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ROXANE L. CRAWFORD
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Assistant City Attorneys

Laurie A. Eggert, Esq.
Eggert Law Offices, S.C.
1840 North Farwell Avenue, Suite 303
Milwaukee, WI 53202-1716

**Re: MPD Criminal Investigation of Police Office Steve Voss, EL0 1452 &
MPD Criminal Investigation of Officers Cole and Harris, EL0 1619**

Dear Ms. Eggert:

In reviewing your claims with respect to the above-noted matters, I have the following questions:

1. With respect to Officer Voss' claim, the clearance report that you provided to me contained no reference to Officer Voss, and only a reference to Police Officer Charles Harrison. Please provide the necessary portions of the report defining Officer's Voss' involvement in this matter.
2. With respect to Officers Cole and Harris, your letter of March 15, 2001 refers to an attached copy of the clearance report, but no report was provided. Please provide me with the correct report with respect that claim.

If you have any further questions or concerns regarding either of these claims, please contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jan A. Smokowicz".

Jan A. Smokowicz
Assistant City Attorney

JAS:jbk
44962

OFFICE COPY

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 12, 2001

Mr. Jan Smokowicz
Assistant City Attorney
800 City Hall
200 East Wells Street
Milwaukee, WI 53202

**RE: Your September 7, 2001 Letter Regarding
MPD Criminal Investigation of PO Steve Voss and
MPD Criminal Investigation of POs Cole & Harris**

Dear Mr. Smokowicz:

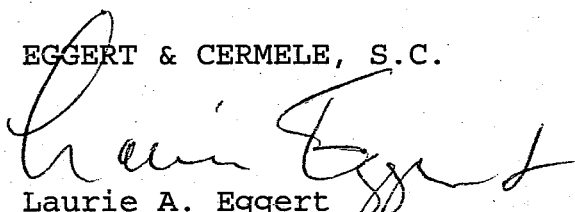
In response to your letter of September 7, 2001, please find:

1. A 3 page report regarding the criminal investigation of both Voss and his partner, Harrison. You will note that page 2 of the report specifically identifies both officers.
2. The letter from ADA Stoiber concluding that no charges would issue against any Milwaukee Police Officers concerning the shooting on November 16, 2000, near 10045 West Appleton. We represented Officer Cole and Harris in that investigation.

Please let me know if you need further information.

Very truly yours,

EGGERT & CERMELE, S.C.


Laurie A. Eggert
Attorney at Law

LAE/ldl
Enclosures
SMO91201

MILWAUKEE POLICE DEPARTMENT

CIU/Internal Affairs Division

Wednesday, March 1, 2000

REPORT

In the Matter of: ALLEGED HIT AND RUN INVOLVING
P.O. CHARLES R. HARRISON, PR#62932
CIU#00-041

TO: Dale T. SCHUNK
Police Commander

Sir:

This report is being dictated by Det. Robert HERNANDEZ, of the Criminal Investigation Unit/Internal Affairs Division (CIU/IAD), early shift.

On Wednesday, February 23, 2000, I, Det. Robert HERNANDEZ, did receive an assignment from Lt. Gary MEYER in regards to a possible hit and run involving a uniform Milwaukee police squad.

The complainant is identified as Mr. Lamonte WHITEHEAD (B/M, age 31, DOB 06-12-68, of 3255 N. 36th Street, with a phone number of 442-4543). Mr. Lamonte WHITEHEAD is employed with Berm Construction Company, located at 529 E. Townsend.

In regards to this incident the complainant Mr. WHITEHEAD states he was walking back to his, a Black Dodge Ram, WI J48536, which he parked at 1612 W. Wisconsin Avenue. The complainant was then informed by two uniform Milwaukee police officers that he has a problem. The complainant Mr. WHITEHEAD stated, "What?" He was then informed that the problem is that he is parked in a loading zone. Mr. WHITEHEAD told the officer that he was unloading some items and was taking them into the sandwich shop located at 1612 W. Wisconsin Avenue.

The officer then told Mr. WHITEHEAD that they had a second problem. The officer stated that when he was making a U-turn he bumped Mr. WHITEHEAD'S truck. The officer then asked Mr. WHITEHEAD for identification. The officer then took down

the information and told Mr. WHITEHEAD that they would get back to him so that they could file the proper reports. Mr. WHITEHEAD states that this occurred at about 4:45 p.m. and he stated that he wasn't contacted by 8:00 p.m. he decided to call the Third District.

Mr. WHITEHEAD was then informed that someone would be contacting him to investigate his complaint. Mr. WHITEHEAD then stated that he had to report to a job site in Waukesha, but when he was finished he would drive to the Third District. Mr. WHITEHEAD stated he would be at the Third District at about 10:30 p.m.

On February 23, 2000, at 10:20 p.m., I contacted Mr. WHITEHEAD on his cell phone (305-9594) to confirm our appointment. Mr. WHITEHEAD then informed me that he would be unable to make our appointment at 10:30 p.m. at the Third District stating that he had a job site in Waukesha and would not be able to meet me.

Mr. WHITEHEAD stated that he did observe small damage to the license plate bracket of the squad car. Mr. WHITEHEAD related that he couldn't find any damage on his truck but hasn't had time to look real good. He further stated that he didn't want to make a complaint against the officer that the damage was so minor.

Mr. WHITEHEAD was then informed that I still needed to talk to him to get a detailed statement. I will be interviewing Mr. WHITEHEAD on February 24, 2000, time to be set.

Mr. WHITEHEAD had described the squad car as a uniform police car, car #210 is squad 283 which is assigned to P.O. Charles R. HARRISON and P.O. Steven R. VOSS.

On Wednesday, February 23, 2000, Det. Charles SHEPARD Jr. and Det. Hattie NICHOLS proceeded to District #3 where they conducted a search for the damage of squad car #283. Squad 283 is a 1998 Ford, WI plate B911, vin #2FAFP71W2WX178218 and found no damage on the squad car.

P.O. Charles HARRISON who was the driver of squad 283 did make a statement. P.O. HARRISON related that he bumped the complainant's vehicle and then went into the coffee shop to look for the owner of the truck. He related that he

couldn't find the owner of the vehicle in the shop so he began to walk back when he observed the owner walking up to the truck. P.O. HARRISON stated to Mr. WHITEHEAD that he was going to call for a supervisor. Mr. WHITEHEAD stated, "No because there is no damage." P.O. HARRISON stated, "Are you sure?" Mr. WHITEHEAD stated, "Yes." Mr. WHITEHEAD also stated that he could not wait and proceeded to his job site.

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CRIMINAL INVESTIGATION UNIT I.A.D. Received: FEB 29 2000 Referred: CIU/IAD By: J. Lopez Captain of Police
--

Respectfully submitted,

Robert HERNANDEZ
Police Detective, 45356
CIU/IAD Early Shift