

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

January 27, 2005

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

Re: Communication from Attorney Laurie Eggert, Eggert & Cermele, S.C.
for legal fees for Police Officers Chris Marshall and Jon Osowski
C.I. File No. 03-S-107; EC No. 1849

Dear Council Members:

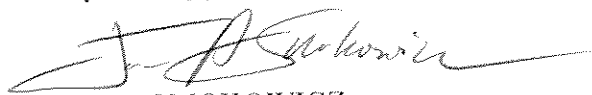
Returned herewith is a document filed by Attorney Laurie A. Eggert for attorney's fees for representing Police Officers Chris Marshall and Jon Osowski. The claim is in the amount of \$1,353.00 for 12.30 hours of service billed at the rate of \$110 per hour. We ask that this matter be introduced and referred 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. A criminal investigation was initiated against the police officers on whose behalf this claim was filed, but they were ultimately not charged.

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.

89638/ 1032-2003-785

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

February 24, 2003

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

03 FEB 27 PM 3:25
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

**RE: MPD Criminal Investigation of Shooting (Mr. Juan Villegas)
Regarding POs Chris Marshall and Jon Osowski
Date of Incident: December 15, 2002
Location of Incident: 1500 Block of South 36th Street
EC No.: 1849**

Dear Mr. Leonhardt:

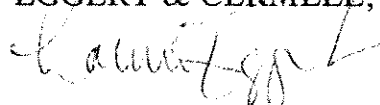
The above-named police officers have retained us to represent them in connection with the above-referenced matter.

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 a police shooting.

The MPD conducted a criminal investigation and investigated the shooting as a critical incident. IAD compelled POs Marshall and Osowski to give statements after issuing PI-21s. Later, the DA concluded that the officers' conduct was privileged under the law of defense of others and self defense. Attached is a copy of the DA's letter and itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.



Laurie A. Eggert
Attorney at Law

RECEIVED
03 MAR 11 PM 1:50
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

9/28/04
O.K.
JAS
Letter 2277

LAE/ldl
attachment
MARSOSOW SH

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

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. Juan Villegas
Regarding: POs Chris Marshall and Jon Osowski
Date of Incident: December 15, 2002
Location of Incident: 1500 Block of South 36th Street

Professional services

	<u>Hours</u>	
12/16/02 Telephone call from client; conference with client; memo to file; conference with Det.; statements to CIB; PI-21 statements to IAD.	7.20	
12/19/02 Telephone call from Det.; memo to file.	0.20	
12/20/02 Telephone call from Lt. Dubis; memo to file; telephone call to District #6; telephone call to client.	0.70	
12/23/02 Conference with clients; statements to DA; memo to file; travel; review of correspondence from DA; correspondence to client; close file.	3.30	
12/30/02 Telephone call from CIB; review of file.	0.20	
1/9/03 Telephone call from client; memo to file; review of file; close file.	0.70	
		<u>Amount</u>
For professional services rendered	12.30	\$1,353.00

Mr. Ronald D. Leonhardt

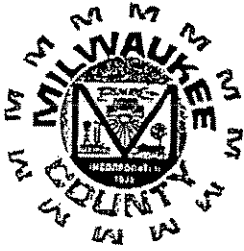
Page 2

Amount

Balance due

\$1,353.00

(Rate: \$110.00 per hour)



OFFICE OF DISTRICT ATTORNEY
CHILDREN'S COURT CENTER

Milwaukee County

E. MICHAEL McCANN - District Attorney

December 23, 2002

RECEIVED

DEC 23 2002

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

EGGERT & CERMELE, P.C.

RE: Officer Involved Shooting of Juan Villegas

Dear Chief Jones:

As you know, Milwaukee Police Department Policies and Procedures require a review by this office of police shootings where injury occurs resulting from police action. This letter is written to notify you of our review of an incident involving the shooting of Juan Villegas.

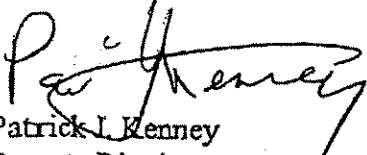
On December 15, 2002, City of Milwaukee Police Officers Jon Osowski and Christopher Marshall fired a number of shots at Juan Villegas, striking and wounding him. Moments prior to the shooting, the officers observed an automobile occupied by Mr. Villegas in a high speed pursuit of a blue Cadillac automobile. The officers followed these automobiles to the location of the incident, the 1500 block of South 36th Street in the City of Milwaukee. Upon arriving at that location, they observed the blue Cadillac crashed against a tree, and the automobile occupied by Mr. Villegas stopped a short distance away. Officers then observed the front seat passenger, later identified as Mr. Villegas, fire a handgun in the direction of the blue Cadillac. At that time, officers ordered the person doing the shooting to stop but the passenger continued to fire in the direction of the blue Cadillac. Fearing for the safety of the occupants of the blue Cadillac, as well as for their own safety, officers fired their service weapons at the front passenger who was firing at the blue Cadillac. At that time, Juan Villegas was wounded by the officers.

This office has concluded an investigation of that shooting and has determined that the actions of the officers were privileged under the law of defense of others and self defense in that the officers reasonably believed that Juan Villegas was going to cause eminent death or great bodily harm to others and/or the officers. Having reached that conclusion, no criminal charges will be brought against either officer for their involvement in this incident.

Chief Arthur Jones
December 23, 2002
Page 2

Thank you for your Department's cooperation in this matter. Lieutenant Michael Dubis was very helpful to our office in conducting this investigation. If you have any questions regarding the contents of this correspondence, please do not hesitate to contact me.

Respectfully submitted,



Patrick J. Kenney
Deputy District Attorney

PJK/jlm

cc: E. Michael McCann
Robert Donohoo

Attorney Laurie Eggert
1840 N. Farwell Avenue, #303
Milwaukee, WI 53202

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

March 21, 2003

TO: *Sgt*
~~P.O.~~ CHRIS MARSHALL
DISTRICT ~~SIX~~ 7

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 DECEMBER 15, 2002
- 2) A citizen's complaint made by JUAN VILLEGAS
- 3) A police shooting incident occurring on 1500 BLOCK S. 36TH

Is this information correct? YES *in* NO

Did you receive legal representation in this matter? YES *a* NO

Your signature: *CM*

Print your name: Christopher Marshall

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

Stu Settingsgaard
KTS

Steven M. Settingsgaard
Police Commander
Internal Affairs Division

SMS:kjs

RECEIVED
03 MAR 31 PM 5:48
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

LP

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

March 21, 2003

TO: P.O. JON OSOWSKI
DISTRICT SIX

RE: Receipt of Legal Services from Law Firm of
Attorney

RECEIVED
03 MAR 31 PM 2:37
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 DECEMBER 15, 2002
- 2) A citizen's complaint made by JUAN VILLEGAS
- 3) A police shooting incident occurring on 1500 BLOCK S. 36TH

Is this information correct? YES X NO _____

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

Your signature: P.O. J.D. OSOWSKI #64033
Print your name: JON D. OSOWSKI

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

Steven M. Settingsgaard
XJS
Steven M. Settingsgaard
Police Commander
Internal Affairs Division

SMS:kjs