

**GRANT F. LANGLEY**  
City Attorney

**RUDOLPH M. KONRAD**  
**LINDA ULISS BURKE**  
**VINCENT D. MOSCHELLA**  
Deputy City Attorneys



**THOMAS O. GARTNER**  
**BRUCE D. SCHRIMPF**  
**ROXANE L. CRAWFORD**  
**SUSAN D. BICKERT**  
**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**  
**KATHRYN M. ZALEWSKI**  
**MEGAN T. CRUMP**  
**ELOISA DE LEÓN**  
**ADAM B. STEPHENS**  
**KEVIN P. SULLIVAN**  
**BETH CONRADSON CLEARY**  
**THOMAS D. MILLER**  
Assistant City Attorneys

February 25, 2008

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

Re: Communication from Attorney Laurie A. Eggert for legal fees for  
Police Officer Brian Brosseau  
C.I. File No. 06-S-28-3; EC 2275

Dear Council Members:

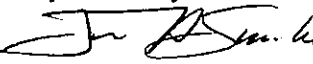
Returned herewith is a document filed by Attorney Laurie A. Eggert for attorney's fees for representing Police Officer Brian Brosseau. The claim is in the amount of \$5,892.00 including \$51.00 in disbursements for 53.10 hours of service billed at the rate of \$110.00 per hour. We ask that this matter 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 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,

  
GRANT F. LANGLEY  
City Attorney

  
JAN A. SMOKOWICZ  
Assistant City Attorney

JAS:amp  
Enc.

1032-2006-222:124858v1

OFFICE OF THE CITY ATTORNEY

Milwaukee City Hall Suite 800 • 200 East Wells Street • Milwaukee, Wisconsin 53202-3551 • Telephone: 414.286.2601 • TDD: 414.286.2025 • Fax: 414.286.8550

EC 2215  
1032.2006.222

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

February 2, 2006

TO: P.O. BRIAN BROSSAU  
DISTRICT: INTEL


RE: Receipt of Legal Services from Law Firm of  
Attorney Laurie Eggert

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 26, 2005
- 2) A citizen's complaint made by VICTOR JOHNS
- 3) A police shooting incident occurring on N/A


Is this information correct? YES  NO

Did you receive legal representation in this matter? YES  NO

Your signature: 

Print your name: BRIAN P. BROSSAU

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

  
MARY K. HOERIG  
Captain of Police  
Professional Performance Division

RECEIVED  
06 FEB -6 AM 11:41  
POLICE ACADEMY  
PROFESSIONAL PERFORMANCE DIVISION

MKH:kjs

**EGGERT & CERMELE, S.C.**

*Attorneys at Law*

Laurie A. Eggert  
Jonathan Cermele  
Rachel L. Pings  
Timothy J. Walther

CITY OF MILWAUKEE

2006 JAN 19 AM 8:37

RONALD D. LEONHARDT  
CITY CLERK

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

January 16, 2006

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

**RE: MPD Criminal Investigation re: Mr. Victor Johns (critical incident)**  
**Regarding: PO Brian Brosseau**  
**Date of Incident: April 26, 2005**  
**Location of Incident: 26<sup>th</sup> and St. Paul**

Dear Mr. Leonhardt:

The above-named police officer 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, this claim is hereby made on his behalf for the indicated legal fees. This incident involved an officer involved shooting.

The MPD conducted a criminal investigation and investigated the matter as a critical incident. Dane County First Assistant District Attorney Burr reviewed the matter and concluded that Police Officer Brosseau acted exactly as he was trained. Police Officer Brosseau's actions prevented Mr. Johns from injuring or killing Officer Brosseau and three other officers. Attached is a copy of First Assistant District Attorney Burr's letter and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.

Jon Cermele

JC/kjs  
Attachment  
Brosseau

**EGGERT & CERMELE, S.C.**

*Attorneys at Law*

Laurie A. Eggert  
Jonathan Cermele  
Rachel L. Pings  
Timothy J. Walther

1840 North Farwell Avenue  
Suite 303  
Milwaukee, Wisconsin 53202  
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January 16, 2006

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

RE: MPD Criminal Investigation re: Mr. Victor Johns (critical incident)  
Regarding: PO Brian Brosseau  
Date of Incident: April 26, 2005  
Location of Incident: 26th and St. Paul  
Professional services

	<u>Hours</u>
4/26/2005 Telephone call regarding critical incident; travel to scene; conference with client, witness, and POs DeValkenaere, Yagham, Neitman and Seitz; statements to CIB and DA; memos to file.	9.80
4/27/2005 Review of file; review Journal-Sentinel articles.	0.40
5/9/2005 Intra-office conference with Eggert; telephone call to DA; telephone call to medical examiner's office requesting records.	0.40
5/11/2005 Telephone call from and to DA.	0.20
5/20/2005 Intra-office conference with Eggert; telephone call to and from Brosseau.	0.70
5/26/2005 Telephone call to witness; telephone call to POs Yagham, Neitman and Seitz; telephone call from PO Neitman; telephone call from PO Seitz.	0.40
5/31/2005 Telephone call to PO Yagham; telephone call to DDA Martin.	0.30
6/10/2005 Telephone call from and to DA's investigator.	0.20

	<u>Hours</u>
7/6/2005 Telephone call from and to DA; memo to file.	0.20
7/8/2005 Telephone call from Brosseau.	0.10
7/20/2005 Telephone call from DA; memo to file; intra-office conference with Eggert.	0.30
7/21/2005 Telephone call to DA; memo to file; telephone call to Brosseau.	0.30
7/25/2005 Telephone call from PO DeValkenaere; retrieve PI-21 tape; MPD PPD request.	0.80
8/12/2005 Telephone call to DA.	0.10
8/17/2005 Intra-office conference with Cermele; telephone call to and from DA; schedule inquest.	0.40
8/22/2005 Telephone call from and to client.	0.10
8/29/2005 Intra-office conference with Cermele; review of file; telephone call to Officers regarding Inquest date(s); calendar same.	0.50
9/12/2005 Telephone call to DA regarding Medical Examiner's report; memo to file.	0.20
9/30/2005 Telephone call to DA; memo to file.	0.20
10/5/2005 Review of file; e-mail to DA.	0.40
10/12/2005 Telephone call from witness; intra-office conference with Cermele; telephone call to DA; memo to file.	0.40
10/31/2005 Telephone call from Dep. Chief O'Keefe; office conference with client.	1.90
11/7/2005 Lengthy telephone call from DA; telephone call to DA's secretary; telephone call to DA's Victim Witness division; telephone call to Medical Examiner's office; Fax to Medical Examiner's office; travel; obtain Medical Examiner's report, Toxicology Report and Autopsy Report.	1.20

	<u>Hours</u>
11/8/2005 Review Medical Examiner's report, Autopsy Protocol and Toxicology Report; memo to file; office conference with PO Seitz; telephone call to DA's office; lengthy telephone call to PO DeValkenaere; telephone call to PO Meade.	1.50
11/9/2005 Review of file; telephone call to and from PO Neitman; memo to file.	0.50
11/10/2005 Telephone call to PO Yaghnam; memo to file; telephone call to PO Meade.	0.50
11/11/2005 Receive and review message from PO Neitman; office conference with witness.	0.70
11/15/2005 Review of file; travel; meeting with PO Meade; meeting with ADA; meeting with PO Bandt; attend PO Bandt's statement to DA; meeting with PO Seitz; attend PO Seitz's statement to DA; meeting with PO Neitmann; attend PO Neitmann's statement to DA; meeting with PO Meade; attend PO Meade's statement to DA; meeting with PO Bandt; attend PO Bandt's statement to DA; meeting with PO Yaghnam; attend PO Yaghnam's statement to DA; meeting with PO DeValkenaere; attend PO DeValkenaere's statement to DA; travel to scene; meeting with PO Brosseau; attend PO Brosseau's statement to DA; meeting with Sgt. McGillis; attend Sgt. McGillis's statement to DA; meeting with ADA; return travel.	6.60
11/17/2005 Telephone call from DA; review Autopsy Protocol; telephone call to PO Brosseau.	0.50
11/18/2005 Telephone call to DA.	0.50
11/19/2005 Prepare for inquest.	2.50
11/20/2005 Continue inquest preparation; telephone call to PO Brosseau; office conference with same.	3.50
11/21/2005 Travel; meeting with DA; attend inquest; meetings with testifying police officers; several telephone calls to and from Range master.	8.80

Hours

11/22/2005 Travel; meeting with DA; attend inquest; telephone call to client regarding verdict. 7.50

12/2/2005 Telephone call to DA; receive and review Fax from DA confirming that he will abide by Jury's Verdict and not issue charges; telephone call to client regarding same; close file. 0.50

Amount

For professional services rendered 53.10 \$5,841.00  
Additional charges:

11/7/2005 Medical Examiner's Report 11.00

11/15/2005 Parking 8.00

Parking 6.00

11/21/2005 Parking 17.00

11/22/2005 Parking 9.00

Total costs \$51.00

Total amount of this bill \$5,892.00

Balance due \$5,892.00

(Rate: \$110.00 per hour)



## DISTRICT ATTORNEY COUNTY OF DANE

BRIAN W. BLANCHARD  
District Attorney

John R. Burr  
First Assistant District Attorney

November 23, 2005

District Attorney E. Michael McCann  
Milwaukee County District Attorney  
Safety Building, Room 405  
821 West State Street  
Milwaukee, Wisconsin 53233-1485

COPY

Re: Inquest into the death of Victor L. Johns  
Milwaukee Circuit Court Case No. 2005GF000130

Dear Mr. McCann:

The inquest proceeding into the death of Victor L. Johns went before an inquest jury in Circuit Court Branch 31, Milwaukee Circuit Court Judge Daniel Noonan, presiding, on November 21 and 22, 2005.

The jury determined that Victor L. Johns died on April 26, 2005 in the area of 26th Street and West St. Paul Avenue. The jury determined that Mr. Johns died from four gunshot wounds and that the individual responsible for firing the shots that killed Mr. Johns was Milwaukee Police Officer Brian Brosseau.

The jury also determined that Officer Brosseau acted in self-defense of himself and other officers and found his use of deadly force privileged under Wisconsin law.

As special prosecutor, I have reviewed the police reports and other materials on several occasions, have interviewed all of the 18 witnesses who testified at the inquest proceeding, and have considered the jury's verdict.

As special prosecutor, I do not intend to issue any criminal charges against Officer Brosseau. In my considered judgment, he acted pursuant to the training he was given as a Milwaukee police officer and only used deadly force as a last resort when his life and the life of other Milwaukee police officers were threatened.

There is absolutely no evidence whatsoever that would suggest Officer Brosseau acted improperly in any way.



E. Michael McCann  
November 23, 2005  
Page 2

I have left the file with Milwaukee Deputy District Attorney Jon Reddin. I do this because I will be retiring from the Dane County District Attorney's Office in about seven weeks. I also do it because we will be moving to the new courthouse, which in and of itself will be a chaotic proceeding. And, lastly, I left it with Mr. Reddin so that anybody in Milwaukee who wished access to it could have quick access to the file.

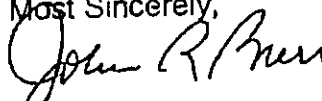
I would also like to express my sincere thanks to your office and, in particular, Deputy District Attorney Jon Reddin and his secretary Connie Huggins. They provided invaluable assistance and are extraordinary civil servants.

Victim/witness specialist Susan Seewald was of invaluable assistance and did an absolutely marvelous job. Witnesses appeared when they were supposed to, and she made the whole process very, very smooth.

District Attorney's Investigator Aaron Weiss provided invaluable assistance throughout the course of the inquest proceeding. He is a special individual. You are indeed lucky to have him on your staff.

Thank you for the opportunity to conduct this proceeding. I wish you and your staff the best for the upcoming holidays.

Most Sincerely,



John R. Burr  
First Assistant District Attorney

JRB:wms



## DISTRICT ATTORNEY COUNTY OF DANE

BRIAN W. BLANCHARD  
District Attorney

November 23, 2005

John R. Burr  
First Assistant District Attorney

COPY

Chief Nannette H. Hegerty  
Milwaukee Police Department  
749 West State Street  
Milwaukee, Wisconsin 53233

Re: Inquest into the death of Victor L. Johns  
Milwaukee Circuit Court Case No. 2005GF000130

Dear Chief Hegerty:

At the request of Milwaukee District Attorney E. Michael McCann, the Dane County District Attorney's Office was appointed special prosecutor to conduct the inquest proceedings into the death of Victor L. Johns.

I was the assistant chosen to conduct those proceedings.

The inquest jury commenced on the morning of November 21, 2005 and concluded with the jury's verdict at approximately 3:00 p.m. on November 22, 2005.

Please see a copy of an enclosed letter to District Attorney E. Michael McCann concerning that proceeding.

No criminal charges will result from the inquest.

As I indicated to Mr. McCann, I am absolutely convinced that Officer Brian Brosseau acted exactly as his training taught him to do, and I firmly believe that his actions not only prevented death or great bodily harm to himself but also prevented Mr. Johns from injuring or killing at least three other police officers.

I understand he has been "off of the streets" while this matter has been pending. I do apologize that the matter took so long to get to inquest jury. It was a matter of difficulty in scheduling.

Chief Nannette H. Hegerty  
November 23, 2005  
Page 2

My considered judgment is that Officer Brosseau is an extremely talented Milwaukee police officer. I think you are lucky to have him on the force, and I heartedly endorse his return to full service as a Milwaukee police officer as quickly as that can be accomplished.

During the course of the inquest proceeding, Captain Mike Young and Lieutenants Lafleur and Morales provided invaluable assistance to me. They are extraordinary civil servants. You are also indeed lucky to have them as ranking officers in the Milwaukee Police Department.

It was indeed a pleasure working with these individuals.

My best to all of you for a happy holiday season.

Most Sincerely,



John R. Burr  
First Assistant District Attorney

JRB:wms  
Encl.