

# CITY OF MILWAUKEE

Form CA-43

**GRANT F. LANGLEY**  
City Attorney

**RUDOLPH M. KONRAD**  
Deputy City Attorney

**THOMAS E. HAYES**  
**PATRICK B. McDONNELL**  
**CHARLES R. THEIS**  
Special Deputy City Attorneys



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

BEVERLY A. TEMPLE  
THOMAS O. GARTNER  
LINDA ULISS BURKE  
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  
JAY A. UNORA  
DONALD L. SCHRIEFER  
EDWARD M. EHRlich  
CHRISTOPHER J. CHERELLA  
LEONARD A. TOKUS  
MIRIAM R. HORWITZ  
MARYNELL REGAN  
G. O'SULLIVAN-CROWLEY

Assistant City Attorneys

March 22, 2001

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

Re: **Communication from Attorney Laurie A. Eggert, Eggert Law Office, S.C.  
for legal fees for Police Officer Carlos Harmon  
C.I. File No. 99-S-271**

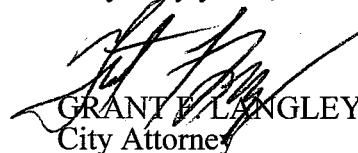
Dear Council Members:


Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officer Carlos Harmon. The claim is in the amount of \$782.14 including \$34.14 in disbursements for 6.80 hours of service billed at the rate of \$110.00 per hour. **We have advised claimant's counsel, however, that a claimed mileage disbursement is not reimbursable, and so the claim has been reduced to \$768.50.** 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:enm  
Enc.  
2276

# CITY OF MILWAUKEE

Form CA-43

**GRANT F. LANGLEY**  
City Attorney

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Deputy City Attorney

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800 CITY HALL  
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June 2, 1999

BEVERLY A. TEMPLE  
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CHRISTOPHER J. CHERELLA  
LEONARD A. TOKUS

Assistant City Attorneys

Deputy Inspector Dale Schunk  
Milwaukee Police Department  
749 West State Street, Room 714  
Milwaukee, WI 53233

Re: C.I. File No. 99-S-271  
Communication from EGGERT LAW OFFICE

Dear Deputy Inspector Schunk:

Enclosed please find a claim filed by attorney Laurie A. Eggert for Attorney's fees incurred during his representation of Officer Carlos Harmon.

Please determine whether this officer was in fact involved in the matter described in Ms. Eggerts' claim, and have the officer verify Ms. Eggerts' representation. Thank you for your anticipated cooperation in this matter.

Very truly yours,

JAN A. SMOKOWICZ  
Assistant City Attorney

JAS:beg  
Enclosure

3/22/2001

O.K. for \$768.50

Only

Exclude mileage

JAS

Letter # 2276

INTERNAL AFFAIRS  
DIVISION

99 JUL 13 AM 10:28

**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

CITY OF MILWAUKEE  
99 MAY 20 PM 2:37  
RONALD D. LEONHARDT  
CITY CLERK

May 17, 1999

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

**RE: MPD Criminal Investigation  
Regarding PO Carlos Harmon  
Date of Incident: January 29, 1999  
Location of Incident: 1082 W. Forest Home Ave.**

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 the arrest of a burglary suspect. The MPD determined the complaint to be baseless and did not present it to the DA. Attached is a copy of IAD's report confirming the same.

The attached is an itemization of the time and services rendered.

Sincerely,  
EGGERT LAW OFFICE, S.C.  
*Laurie Eggert*  
Laurie A. Eggert  
Attorney at Law

CITY OF MILWAUKEE  
RECEIVED  
1999 MAY 20 PM 4:01  
CITY ATTORNEY

JC/ldl  
HARMON

**EGGERT LAW OFFICE, S.C.**

*Attorneys at Law*

Laurie A. Eggert  
Jonathan Cermele

1840 North Farwell Avenue  
Suite 303  
Milwaukee, Wisconsin 53202  
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May 17, 1999

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

RE: MPD Criminal Investigation  
Regarding: PO Carlos Harmon  
Date of Incident: January 29, 1999  
Location of Incident: 1082 W. Forest Home Ave.

Professional services

	<u>Hours</u>
4/6/99 Telephone call from, and office conference with, PO Harmon; open file; telephone call to IAD.	1.60
4/8/99 Intra-office conference; telephone call to client; telephone call to IAD.	0.30
4/9/99 Several telephone calls to IAD; telephone call to client.	0.40
4/12/99 Review of file; appearance at IAD for interview; telephone call to PO Harmon; re-schedule interview; travel.	1.30
4/13/99 Telephone call to IAD.	0.30
4/15/99 Review of file; attend IAD interview at District 6; meeting with client; return.	2.40
4/28/99 Telephone call to IAD; correspondence to client; correspondence to MPD Open Records.	0.50

Mr. Ronald D. Leonhardt

Page 2

	<u>Hours</u>	<u>Amount</u>
For professional services rendered	6.80	\$748.00
Additional charges:		
4/12/99 Mileage		7.44
4/15/99 Mileage		6.20
5/3/99 MPD Open Records request		20.50
Total costs		<u>\$34.14</u>
Total amount of this bill		<u>\$782.14</u>
Balance due		<u><u>\$782.14</u></u>

(Rate: \$110.00 per hour)

Detective SHEPARD checked at the Criminal Justice Facility and found that on the medical intake screening report MARLEGA made no complaints of injuries. Detective SHEPARD interviewed the jail nurse, Mary HAMPEL, who stated that she remembers MARLEGA and that he denied having any injuries. MARLEGA was very uncooperative and at one point told Nurse HAMPEL "get the fuck out of my face".

Detective SHEPARD checked the Criminal Justice Facility photo that was taken of MARLEGA at the time of his arrest and there were no injuries visible below MARLEGA'S eye.

**CONCLUSION:**

Investigation by the CIU revealed that Douglas MARLEGA was arrested by officers after they responded to a burglar alarm at a business and found MARLEGA inside the building. MARLEGA claims that after he was arrested a black male officer slammed him down on the trunk of a car several times and later kneed him in the side at the Prisoner Processing Section. Interviews by all the officers and sergeants at the scene revealed that the black male arresting officer, Carlos HARMON, did not have contact with the prisoner at the squad. All of the officers statements contradict what MARLEGA claims occurred at the scene of the burglary. Further MARLEGA made no complaint of injuries and had no visible injuries when he was received at the Criminal Justice Facility. MARLEGA did have an injury after leaving the Criminal Justice Facility but that may have occurred do to his conduct with the other prisoners while in the Criminal Justice Facility. During officer HARMON'S interview he admitted kneeing MARLEGA in the side while at the Prisoner Processing Section because MARLEGA was attempting to headbutt him. Officer HARMON did not report his actions in a Use of Force Report. The CIU investigation could not substantiate any of MARLEGA'S claims but did show that he was either mistaken or lying. This case will be cleared as baseless.

Respectfully submitted:



DAVID R. BRUESS  
Lieutenant of Detectives  
CIU/IAD

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

JULY 22, 1999

TO: PO CARLOS HARMON  
DISTRICT SIX

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 JANUARY 29, 1999
- 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: \_\_\_\_\_

*Carlos E. Harmon Jr*

CARLOS E. HARMON JR

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  
Deputy Inspector of Police  
Internal Affairs Division

DTS:dnp