

**GRANT F. LANGLEY**  
City Attorney

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



THOMAS O. GARTNER  
BRUCE D. SCHRIMPF  
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BETH CONRADSON CLEARY  
THOMAS D. MILLER  
HEIDI E. GALVÁN  
Assistant City Attorneys

May 19, 2008

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

Re: Communication from Attorney Jonathan Cermele, Cermele & Associates,  
S.C for legal fees for Police Officers Raymond Torres and Corey Harris  
C.I. File No. 07-S-41-10; EC 2417

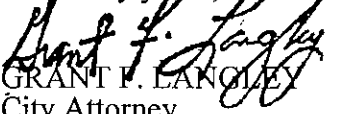
Dear Council Members:

Returned herewith is a document filed by Attorney Jonathan Cermele for attorney's fees for representing Police Officers Raymond Torres and Corey Harris. The claim is in the amount of \$1,812.00 including \$8.00 in disbursements for 16.40 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 officers 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

  
Assistant City Attorney

JAS:amp

Enc.

1032-2007-462:124858v1

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

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

February 15, 2007

TO: P.O. RAYMOND TORRES  
DISTRICT: PPS

RE: Receipt of Legal Services from Law Firm of  
Attorney Jonathan Cermele

RECEIVED  
07 MAR -5 PM 1:53  
INTERNAL AFFAIRS  
INVESTIGATION

Attorney Jonathan Cermele 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 JULY 23, 2005
- 2) A citizen complaint made by N/A
- 3) A police shooting incident occurring on JULY 23, 2005

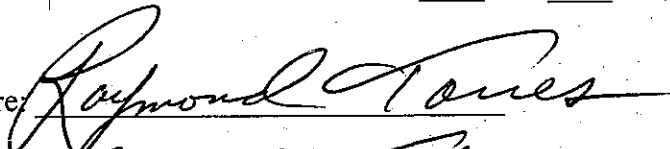
Is this information correct?

YES  NO

Did you receive legal representation in this matter?

YES  NO

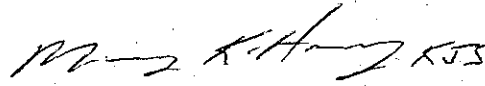
Your signature:



Print your name:

RAYMOND TORRES

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



MARY K. HOERIG  
Deputy Inspector  
Professional Performance Division

MKH: kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

February 15, 2007

TO: P.O. CORY HARRIS  
DISTRICT: TWO

RE: Receipt of Legal Services from Law Firm of  
Attorney Jonathan Cermele

Attorney Jonathan Cermele 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 JULY 23, 2005
- 2) A citizen complaint made by N/A
- 3) A police shooting incident occurring on JULY 23, 2005

Is this information correct?

YES  NO

Did you receive legal representation in this matter?

YES  NO

Your signature: *Cory E. Harris*

Print your name: CORY E. HARRIS

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

*Mary K. Hoerig*  
MARY K. HOERIG  
Deputy Inspector  
Professional Performance Division

RECEIVED  
07 FEB 23 AM 11:59  
MILWAUKEE POLICE  
PROFESSIONAL AFFAIRS  
DIVISION

MKH: kjs

# CERMELE & ASSOCIATES, S.C.

ATTORNEYS AT LAW

JONATHAN CERMELE  
LAURIE A. EGGERT  
RACHEL L. PINGS  
MATTHEW L. GRANITZ

6310 WEST BLUEMOUND ROAD  
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(414) 276-8750  
FAX (414) 276-8906

January 26, 2007

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

**RE: MPD Criminal Investigation PO's Raymond Torres and Corey Harris**  
**Regarding: Officer-Involved Shooting**  
**Date of Incident: July 23, 2005**  
**Location of Incident: 6421 South 13<sup>th</sup> Street**

Dear Mr. Leonhardt:

This claim is being submitted under §895.35(2), STATS., which provides that:

Notwithstanding sub (1), the City . . . shall reimburse a protective services officer for reasonable attorney fees incurred by the officer in connection with a criminal proceeding arising from the officer's conduct in the performance of official duties, unless, in relation to that conduct, any of the following applies:

- a. The officer is convicted of a crime;
- b. The officer's employment is terminated for cause;
- c. The officer resigned for reasons other than retirement before the attorneys fees are incurred;
- d. The officer is demoted or reduced in rank
- e. The officer is suspended without pay for 10 or more working days. §895.35(2), STATS.

Officers Torres and Harris are both considered a "protective services officer" under the statute. They have incurred the fees compiled in this claim as a direct result of their being investigated for actions taken within their official capacity, and in the performance of their duties, in

MILWAUKEE CITY CLERK  
2007 FEB -1 PM 2:03  
MILWAUKEE CITY CLERK  
2007 FEB -1 PM 3:17  
MILWAUKEE CITY ATTORNEY

connection with the use of deadly force. None of the "exceptions" apply<sup>1</sup>.

The incident resulted in the District Attorney's Office conducting a criminal investigation into the shooting of Mr. Santiago Diaz-Tolayo, under Chapter 979, STATS. That investigation qualifies as a "proceeding" which mandates payment under 895.35(2), STATS.

Attached is a copy of District Attorney Chisholm's letter of January 3, 2007, confirming that the Officers' actions were privileged and in self-defense.

Sincerely,

CERMELE & ASSOCIATES, S.C.



Jon Cermele

/kjs

Enclosures

TORRES and HARRIS

---

<sup>1</sup> Neither officer was convicted of a crime, terminated for cause, resigned prior to incurring the fees associated with this claim, demoted, or suspended without pay for more than 10 days. See 895.35(2)(b), STATS.



OFFICE OF DISTRICT ATTORNEY

RECEIVED

JAN 09 2007

CERMELE & ASSOCIATES, S.C.

# Milwaukee County

JOHN T. CHISHOLM • District Attorney

Jon N. Reddin  
 James J. Martin  
 Patrick J. Kenney  
 Lovell Johnson, Jr.  
 Kent L. Lovren  
 Thomas A. Schulz  
 Alexander G. Sklarz  
 William J. Molitor  
 Donald S. Jackson  
 Gale G. Snelton  
 Gary D. Mahorn  
 David Robles

Peg Tarrant  
 Douglas J. Simson  
 Cynthia G. Brown  
 Norman A. Gahn  
 Stephanie Girens Rothst  
 Czot E. Janick  
 Steven H. Glamm  
 Mary Anne Smith  
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 Linda Johnson  
 Jonn M. Stober  
 Thomas L. Potter  
 David Feiss  
 Rayann Chandler Szychi  
 Carole Manchester  
 Kenneth R. Berg  
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 Steven V. Lucata  
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 Janet C. Protasiewicz  
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 Patricia A. McGowan  
 Irene E. Parnum  
 Katan A. Leibel  
 Nancy Eitzenheim  
 Ronald S. Dague  
 Lori S. Kornblum  
 Karne O'Byrne  
 Maria Dorsay  
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 James C. Griffin  
 William P. Pipp  
 Audrey Skwierawski  
 Joanne L. Hardike  
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 T. Christopher Dee  
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 Daniel R. Humble  
 Jacob O. Carr  
 Joy Hammond  
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 Andrew J. Maier  
 Heidi E. Galvan  
 Nancy A. Noel  
 Elisabeth Mueller  
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 Zach Whitney  
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 Matthew J. Torbenston  
 Katryna L. Childs  
 Carah Helwig  
 Gilbert Urler  
 Jenna Merien  
 Anthony White  
 Antoni Apollo  
 Julie Dnscoli  
 Nicole Dondlinger  
 Elin Karsnen  
 Lucy Kronhorst  
 William Anthony Bell, Jr.  
 Erin Dineen  
 Maureen A. Bracken  
 Monca J. Awe  
 Michael J. Lonski  
 Paul M. Hauer  
 Sara Beth Lewis  
 Lauren A. Blumenthal  
 Aaron E. Hall  
 Rory Kinnally  
 Jenni Spees  
 Larice Pinson  
 David M. Stegall  
 Amanda Kirklewski

January 3, 2007

Chief Nannette Hegerty  
 Milwaukee Police Department  
 951 N. James Lovell St., Room 705A  
 Milwaukee, WI 53233

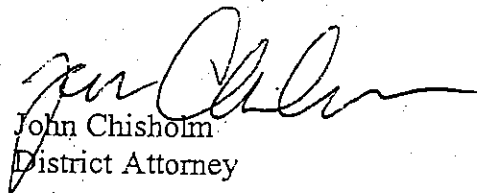
RE: Non-Lethal Police-Related Shooting of Santiago Diaz-Tolayo by  
 Milwaukee Police Officer Raymond Torres on July 23, 2005

Dear Chief Hegerty:

On December 29, 2006, then Milwaukee County District Attorney E. Michael McCann wrote to you regarding the above-referenced shooting incident and a second police-related shooting. In that letter, Mr. McCann expressed his concerns about these and other recent police-related shooting incidents involving vehicles.

On July 23, 2005, Milwaukee Police Officer Raymond Torres fired six rounds into the windshield of a truck being operated by Santiago Diaz-Tolayo, after Diaz-Tolayo drove toward Torres and ignored commands to stop the vehicle. After having reviewed the district attorney's investigative file in this matter and speaking with Assistant District Attorney Donald Jackson, I am satisfied that Officer Raymond Torres committed no crime and his actions were privileged by self-defense under 939.48, Stats.

Very truly yours,



John Chisholm  
 District Attorney

JC:ss  
 cc/Atty. Jon Cermele

# CERMELE & ASSOCIATES, S.C.

ATTORNEYS AT LAW

JONATHAN CERMELE  
LAURIE A. EGGERT  
RACHEL L. PINGS  
MATTHEW L. GRANTZ

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SUITE 200  
MILWAUKEE, WISCONSIN 53213  
(414) 276-8750  
FAX (414) 276-8906

January 26, 2007

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

RE: MPD Criminal Investigation re: Mr. Santiago Diaz-Tolayo  
Regarding: POs Raymond Torres and Corey Harris  
Date of Incident: July 23, 2005  
Location of Incident: 6421 South 13th Street  
Professional services

	<u>Hours</u>
7/23/2005 Telephone call from PO Torres; telephone call to and from CIB; telephone call to and from several witnesses; open file; meeting with CIB; meeting with Torres; meeting with Harris; travel; memos to file.	2.80
7/24/2005 Meeting with Torres and Harris; attend their statements to CIB and DA's investigators; travel; memos to file.	3.00
8/2/2005 Telephone call from DDA Reddin.	0.30
8/3/2005 Telephone call to DDA Reddin.	0.40
8/4/2005 Telephone call from DDA Reddin; receive and review letter from DDA Reddin.	0.20
1/12/2006 Discussion with DDA Reddin.	0.30
3/6/2006 Telephone calls to and from DA McCann.	0.30
3/21/2006 Review file; telephone call to DDA Reddin.	0.30
7/7/2006 Telephone call from client; telephone call to client; schedule office conference with client.	0.30

Mr. Ronald Leonhardt

Page 2  
Hours

8/30/2006	Review file; telephone call to DDA's investigator.	0.20
10/27/2006	Review file; correspondence to client.	0.40
10/30/2006	Telephone call from PO Torres; review file; prepare documents for client's review.	0.60
11/13/2006	Receive and review message from DA; telephone call to and from PO Torres; schedule statement to DA; calendar same.	0.40
11/20/2006	Review file; travel; meeting with client; attend client's statement to DA; return travel.	2.50
12/5/2006	Review file; telephone call to PO Harris; correspondence to PO Harris.	0.30
12/19/2006	Receive and review message from ADA Jackson; telephone call to PO Harris; telephone call to ADA Jackson.	0.30
12/20/2006	Telephone call to PO Harris; telephone call from ADA Jackson.	0.40
12/21/2006	Review file; travel; meeting with PO Harris; attend PO Harris' statement to DA; return travel; memo to file.	2.60
1/9/2007	Telephone call to ADA Jackson; obtain oral confirmation that DA has declined to issue charges; telephone call to client regarding same; obtain letter from DA Chisholm "no processing" investigation; correspondence to client regarding same; close file.	0.80

For professional services rendered

16.40

Amount  
\$1,804.00

Costs:

12/21/2006 Parking

8.00

Total costs

\$8.00

Total amount of this bill

\$1,812.00



Mr. Ronald Leonhardt

Page 3  
Amount

Balance due

\$1,812.00

(Rate: \$110.00 per hour)