

GRANT F. LANGLEY
City Attorney

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



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BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
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KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
Assistant City Attorneys

September 11, 2007

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 Kim Lastrilla
C.I. File No. 04-S-457 EC 2119

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officer Kim Lastrilla. The claim is in the amount of \$1,072.00 including \$5.00 in disbursements for 9.70 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 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. 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.

1032-2004-3292:122855v1

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

January 24, 2005

TO: P.O. KIM LASTRILLA
DISTRICT: SEVEN

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 OCTOBER 16, 2004
- 2) A citizen's complaint made by WILLIE R. CAIN
- 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: _____

PO Kim Lastrilla

Print your name: _____

Kim Lastrilla

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
Captain of Police
Professional Performance Division

MKH:kjs

RECEIVED
JAN 27 AM 10:46
POLICE ACADEMY
PROFESSIONAL AFFAIRS

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele
Rachel L. Pings

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

December 23, 2004

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

**RE: MPD Criminal Investigation of PO Kim Lastrilla
Allegations Regarding Mr. Willie R. Cain
Date of Incident: October 16, 2004
Location of Incident: 2750 North 40th Street
EC No.: 2119**

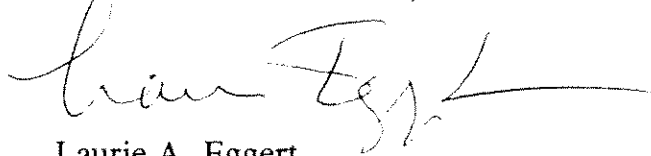
Dear Mr. Leonhardt:

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 shooting.

The MPD conducted a criminal investigation and investigated the matter as a critical incident. Later, DDA Reddin concluded that the use of deadly force was justified. Attached is a copy of DDA Reddin's letter and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.



Laurie A. Eggert
Attorney at Law

LAE/ldl
attachment
LASTRILLA

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele
Rachel L. Pings

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

December 24, 2004

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

RE: MPD Criminal Investigation re: Traumatic Incident regarding Mr. Willie
R. Cain
Regarding: PO Kim Lastrilla
Date of Incident: October 16, 2004
Location of Incident: 2750 North 40th Street
Professional services

	<u>Hours</u>
10/16/2004 Telephone call from Lastrilla; open file; travel to Froedtert; conference with client; travel to PAB; appearance at statements by Lastrilla and witness; memo to file; conference with DA.	5.40
10/18/2004 Memo to file; telephone call from Det. Lt. Lange; telephone call to client; telephone call from Det. Chavez; telephone call to DA.	0.70
10/19/2004 Preparation for and appearance at DA interview; photos of injury; conference with client; memo to file; travel.	2.80
10/26/2004 Review of file; telephone call to Reddin; review Fax from Reddin; correspondence to client.	0.50
11/26/2004 Review of correspondence from DA; close file.	0.30
	<u>Amount</u>
For professional services rendered	9.70 \$1,067.00

Mr. Ronald D. Leonhardt

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Additional charges:

	<u>Amount</u>
10/19/2004 Parking	5.00
	<hr/>
Total costs	\$5.00
	<hr/>
Total amount of this bill	\$1,072.00
	<hr/>
Balance due	<u>\$1,072.00</u>

(Rate: \$110.00 per hour)

OFFICE OF DISTRICT ATTORNEY



Milwaukee County

E. MICHAEL McCANN - District Attorney

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Claire L. Sharino
Zach B. Whitley
Rebecca A. Kiefer

October 19, 2004

Chief Nannette Hegerty
City of Milwaukee Police Department
749 W. State Street
7th Floor
Milwaukee, WI 53233

Re: Shooting of Willie Cain

Dear Chief Hegerty:

In the early morning hours of Saturday, October 16, 2004, City of Milwaukee Police officer Kimberly Lastrilla discharged her service weapon 3 times in the direction of Willie Cain, striking him once in the thigh. Cain, who was wielding a hammer and had ignored repeated commands to stop, drop the hammer and get onto the ground, lunged at Lastrilla with the hammer immediately prior to being shot.

This office has conducted a review of that shooting. Based upon that review I have reached the following conclusions.

First, Lastrilla had a subjective belief that the use of deadly force was necessary to prevent imminent death or great bodily harm to herself. Second, this belief was objectively reasonable under the circumstances. Third, therefore, Lastrilla's use of deadly force was privileged as an exercise of self-defense as that term is defined in section 939.48 of the Wisconsin Statutes.

Should you have any questions regarding this decision please call me at 278-4810.

Very truly yours,

[Signature]
Jon N. Reddin,
Deputy District Attorney

JNR:jr