

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 13, 2004

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

Re: Communication from Attorney Laurie A. Eggert, Eggert & Cermele, S.C.
for legal fees for Detectives Carl Buschmann, Michael Wesolowski and Gregory Schuler
C.I. File No. 02-S-263; EC No. 1775

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Detectives Carl Buschmann, Michael Wesolowski and Gregory Schuler. The claim is in the amount of \$983.05 including \$4.05 in disbursements for 8.90 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 detectives 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

BEVERLY A. TEMPLE
THOMAS O. GARTNER
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
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
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

August 1, 2002

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

CITY OF MILWAUKEE
RECEIVED
02 AUG -5 PM 3:55
CITY ATTORNEY

**RE: MPD Criminal Investigation of Detectives Carl Buschmann, Michael
Wesolowski and Gregory Schuler
Allegations Regarding Mr. Jason Gray
Date of Incident: July 20, 2001
Location of Incident: Police Administration Building
EC No.: 1775**

Dear Mr. Leonhardt:

The above-named detectives 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 the interrogation of a homicide suspect.

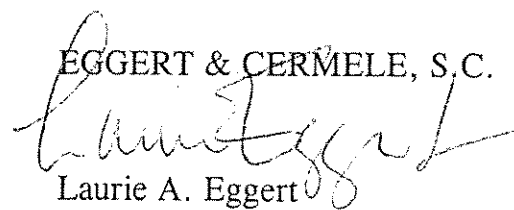
The MPD initiated a criminal investigation in which the detectives initially declined to give a statement without counsel. When they requested counsel, IAD compelled Detectives Buschmann, Wesolowski and Schuler to give statements concerning the incident after issuing PI-21s.

Later, the MPD decided not to issue criminal charges against the detectives. Attached is a copy of the clearance report and an itemization of the time and services rendered.

1/13/04
O.K.
JMS
Letter 2276

Sincerely,

EGGERT & CERMELE, S.C.



Laurie A. Eggert
Attorney at Law

CITY OF MILWAUKEE
02 AUG -5 AM 11:44
RONALD D. LEONHARDT
CITY CLERK

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

August 1, 2002

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

RE: MPD Criminal Investigation re: Mr. Jason Gray
Regarding: Detectives Carl Buschmann, Michael Wesolowski
and Gregory Schuler
Date of Incident: July 20, 2001
Location of Incident: Police Administration Building

Professional services

	<u>Hours</u>
09/26/01 Telephone call from Dets. Buschmann and Wesolowski regarding new criminal investigation; open file; meeting with Dets. Buschmann and Wesolowski; memos to file; several telephone calls from Det. Schuler; memo to file; telephone call to IAD; memo to file.	2.40
09/27/01 CCAP search on complainant; telephone call to IAD; memo to file.	0.50
10/03/01 Telephone call to IAD; telephone call to clients; discussion with Det. at IAD; review of file; meeting with Det. Buschmann; attend Det. Buschmann's PI-21; meeting with Det. Wesolowski; attend Det. Wesolowski's PI-21; travel; memos to file.	2.60
10/16/01 Review of file; meeting with Det. Schuler at IAD; attend Det. Schuler's PI-21; travel; memo to file.	1.90
10/17/01 Telephone call to IAD.	0.20

	<u>Hours</u>	
10/18/01 Telephone call to IAD.	0.10	
11/29/01 Review of file; telephone call to IAD.	0.20	
11/30/01 Telephone call from IAD regarding criminal investigation being cleared; correspondence to MPD Open Records; correspondence to clients.	0.50	
04/22/02 Review of correspondence from MPD Open Records; correspondence to clients; close file.	0.50	
		<u>Amount</u>
For professional services rendered	8.90	\$979.00
Additional charges:		
04/22/02 MPD Open Records request		4.05
Total costs		<u>\$4.05</u>
Total amount of this bill		<u>\$983.05</u>
Balance due		<u>\$983.05</u>

(Rate: \$110.00 per hour)

INCIDENT INFORMATION	INCIDENT	DATE OF INCIDENT	DATE OF REPORT	REP CON#
	BATTERY	07-20-01	11-25-01	
	VICTIM	LOCATION OF INCIDENT (ADDRESS)		DIST.
	JAVON M. GRAY	749 WEST STATE STREET		1
	VICTIM'S ADDRESS	REPORTED BY		
	2914 NORTH 51 ST STREET	SAME		

PROPERTY CODES --- LIST CODE FOR EACH ITEM OF PROPERTY IN "CODE #" COLUMN---

01-AIRCRAFT	05-CREDIT CARDS	15-HEAVY EQUIPMENT	21-NEGOTIABLE INSTRUMENT	27-RECORD/AUDIO VISUAL	34-STRUCT-STORAGE
02-ALCOHOL	10-DRUGS/NARCOTICS	16-HOUSEHOLD GOODS	22-NONNEGOT INSTRUMENT	29-STRUCT-SINGLE DWL	35-STRUCT-OTHER
04-BICYCLES	11-DRUG/NARC EQUIP	17-JEWELRY/PREC METAL	23-OFFICE EQUIPMENT	30-STRUCT-OTHER DWL	36-TOOLS
06--CLOTHES/FURS	12-FARM EQUIPMENT	18-LIVESTOCK	77-OTHER	31-STRUCT-OTHER COMM	38-VEH/PART/ACC
07-COMPUTER WARES	13-FIREARMS	19-MERCHANDISE	25-FURSE/BAG/WALLET	32-STRUCT-INDUST MFG	39-WATERCRAFT
08-CONSUMABLES	14-GAMELING EQUIP	20-MONEY	26-RADIO/TV/VCR	33-STRUCT-PUBLIC	99-

QUANT	TYPE OF PROPERTY	DESCRIPTION	SERIAL #	INVENTORY #	CODE #	VALUE

RELATED INCIDENT #'S	EVIDENCE INVENTORY #'S	ADDED PROPERTY ATTACHED PO-14	TOTAL VALUE RECOVERED PROPERTY \$
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USE FOR WEAPONS IN POSSESSION OF PRISONER AT TIME OF ARREST -- CHECK ALL APPLICABLE ITEMS

1 2	1 2	1 2	1 2	1 2	1 2	1 2
<input type="checkbox"/> ALTERED STOCK	<input type="checkbox"/> CHROME/NICKEL	<input type="checkbox"/> HANDGUN	<input type="checkbox"/> OTHER	<input type="checkbox"/> REVOLVER	<input type="checkbox"/> SHOTGUN	<input type="checkbox"/> OTHER
<input type="checkbox"/> AUTOMATIC	<input type="checkbox"/> DOUBLE BBL	<input type="checkbox"/> IMPLIED WEAPON	<input type="checkbox"/> OTHER FIREARM	<input type="checkbox"/> RIFLE	<input type="checkbox"/> SIMULATED WEAPON	<input type="checkbox"/> OTHER
<input type="checkbox"/> BOLT ACTION	<input type="checkbox"/> DRUG/NARCOTIC	<input type="checkbox"/> KNIFE/CUTTING INSTR	<input type="checkbox"/> PERSONAL WEAPON	<input type="checkbox"/> SAWED OFF	<input type="checkbox"/> SINGLE BBL	<input type="checkbox"/> OTHER
<input type="checkbox"/> BLUE STEEL	<input type="checkbox"/> EXPLOSIVES	<input type="checkbox"/> LIQUID GAS	<input type="checkbox"/> POISON	<input type="checkbox"/> SEMI AUTO	<input type="checkbox"/> THROWN OBJECT	<input type="checkbox"/> OTHER
<input type="checkbox"/> BLUNT OBJECT	<input type="checkbox"/> FIRE/INCENDIARY	<input type="checkbox"/> MOTOR VEHICLE	<input type="checkbox"/> PUMP ACTION	<input type="checkbox"/> SHORT/SNUB BBL	<input type="checkbox"/> UNKNOWN	<input type="checkbox"/> OTHER

ARRESTED #1 LAST NAME	FIRST NAME	MID	RACE	SEX	DATE OF BIRTH	AGE	ETHNIC ORIGIN <input type="checkbox"/> HISPANIC <input type="checkbox"/> NON-HISPANIC
ADDRESS	CITY	STATE	HEIGHT	WEIGHT	BUILD	HAIR	EYES

ALIAS	SCARS, MARKS, MOLES, DEFORMITIES, AMPUTATIONS, FACIAL HAIR, SKINTONE, TATTOOS, PECULIARITIES ETC.
-------	---

I.D. DIV #	SOC. SEC. #	ADDED WEAPON INFO ARRESTED #1
RESIDENT OF COUNTY Y N <input type="checkbox"/> <input type="checkbox"/>	GANG RELATED Y N <input type="checkbox"/> <input type="checkbox"/>	LOCATION OF ARREST
DATE/TIME OF ARREST		TYPE OF ARREST <input type="checkbox"/> ORDERED IN/CITED <input type="checkbox"/> W/WARR/SUSP CARD <input type="checkbox"/> ALL OTHER ARRESTS

CHARGES	POSSESSED SUSPECTED DRUGS AT TIME OF ARREST Y N <input type="checkbox"/> <input type="checkbox"/>
---------	---

ARRESTED #2 LAST NAME	FIRST NAME	MID	RACE	SEX	DATE OF BIRTH	AGE	ETHNIC ORIGIN <input type="checkbox"/> HISPANIC <input type="checkbox"/> NON-HISPANIC
ADDRESS	CITY	STATE	HEIGHT	WEIGHT	BUILD	HAIR	EYES

ALIAS	SCARS, MARKS, MOLES, DEFORMITIES, AMPUTATIONS, FACIAL HAIR, SKINTONE, TATTOOS, PECULIARITIES ETC.
-------	---

I.D. DIV #	SOC. SEC. #	ADDED WEAPON INFO ARRESTED #1
RESIDENT OF COUNTY Y N <input type="checkbox"/> <input type="checkbox"/>	GANG RELATED Y N <input type="checkbox"/> <input type="checkbox"/>	LOCATION OF ARREST
DATE/TIME OF ARREST		TYPE OF ARREST <input type="checkbox"/> ORDERED IN/CITED <input type="checkbox"/> W/WARR/SUSP CARD <input type="checkbox"/> ALL OTHER ARRESTS

CHARGES	POSSESSED SUSPECTED DRUGS AT TIME OF ARREST Y N <input type="checkbox"/> <input type="checkbox"/>
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V E H	VEHICLE USED	MAKE	MODEL	TYPE	COLOR	STATE	EXP	TYPE	V.I.N. #
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REPORTING OFFICER <i>Det. Jeffery Hoover</i> DET. JEFFERY HOOVER	PAYROLL # 50062	LOC # 04	ASSISTING OFFICER	SUPERVISOR <i>St. Mary Hoey</i>	TOTAL ARRESTS 0
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CLEARANCE REPORT
PAGE 2

INVESTIGATIVE NARRATIVE:

This report was dictated by Detective Jeffery HOOVER, of the Criminal Investigation Unit/Internal Affairs Division (CIU/IAD), Day Shift.

On Wednesday, November 7, 2001, at 8:00 A.M., I, Detective Jeffery HOOVER, spoke with Detective Carl BUSCHMANN on the telephone and he advised me that the court case involving Javon GRAY started Tuesday, November 6, 2001, at 8:30 A.M. He informed me that the case was taking place in Judge John DIMOTTO's courtroom located in the Courthouse, Room 632, Branch Number 41. Furthermore, he stated that Javon GRAY had some problems with his attorney in the courtroom and admitted in open court that he lied about being attacked by a detective during the course of his interrogation.

Upon learning this information, on Thursday, November 8, 2001, at 2:30 P.M., I, Detective HOOVER, met with Assistant District Attorney Mark WILLIAMS at the courthouse located at 901 North 9th Street. At that time Assistant District Attorney WILLIAMS informed me that he was the prosecuting attorney in regards to the defendant, Javon GRAY. Additionally, he informed me that on November 6, 2001, during court in the morning the defendant, Javon GRAY, was under oath and stated before Judge John DIMOTTO that he had lied about being assaulted by Milwaukee Police Detectives. He states that the Defendant subsequently pled no contest to the charge of First Degree Intentional Homicide.

During further investigation, pertaining to this incident on November 8, 2001 at 2:55 P.M., I entered the courtroom of Judge John DIMOTTO, and at that time I had the opportunity to speak with the bailiff who was identified as Deputy Robert APPLGATE. This particular deputy states on November 6, 2001, he recalls hearing the defendant, Javon GRAY, state something to the effect he lied about something regarding a deputy or detective and he is not completely sure as to the content of his statement.

On November 9, 2001, at 9:00 A.M., I, Detective HOOVER, interviewed Deputy David SZIBEL of the Milwaukee County Sheriff Department by telephone. Deputy SZIBEL stated that on November 6, 2001, he was working in Judge John DIMOTTO's courtroom and at that time he heard the Defendant, Javon GRAY, state that he had lied about the complaint regarding the Milwaukee Police Detectives. Furthermore, he stated he made up the whole thing, and he was very sorry. Deputy SZIBEL stated that the defendant was apparently attempting to display he was not a bad guy to the judge.

MAA

CLEARANCE REPORT
PAGE 3

As a result of learning this new information, this incident will be cleared as baseless.

JH:js
01-261

REVIEWING D.A.	P.O./DET. ASSIGNED DETECTIVE JEFFERY HOOVER	COURT CASE NUMBER
FINAL CHARGE	DISPOSITION/DATE 11-25-01	VICTIM NOTIFIED BY DETECTIVE JEFFERY HOOVER
INCIDENT STATUS	<input type="radio"/> CLEARED BY ARREST 18 OR OVER <input type="radio"/> PARTIAL CLEARANCE BY ARREST <input type="radio"/> * UNFOUNDED/BASELESS <input type="radio"/> NO PROSECUTION DESIRED	<input type="radio"/> PROPERTY RECOVERED <input type="radio"/> WARRANT REFUSED <input type="radio"/> ARREST UNDER 18 <input type="radio"/> A. Detained at MCCC <input type="radio"/> B. Ordered in to MCCC DATE: _____ <input type="radio"/> WAIVED AS AN ADULT
----- C.I.B. ADMINISTRATIVE USE ONLY -----		
CLEARED EXCEPTIONALLY	<input type="radio"/> A. Death of Offender <input type="radio"/> B. Prosecution Declined	<input type="radio"/> C. Extradition Denied <input type="radio"/> D. Refused to Cooperate <input type="radio"/> E. Juvenile, no custody <input type="radio"/> F. Not Applicable
JUSTIFIABLE HOMICIDE INFORMATION	<input type="radio"/> A. SUSP ATTKRD PO AND SAME PO KILLED SUSP <input type="radio"/> B. SUSP ATTKRD PO AND OTHER PO KILLED SUSP <input type="radio"/> C. SUSP ATTKRD CIVILIAN <input type="radio"/> D. SUSP ATTEMPTED FLIGHT FROM CRIME	<input type="radio"/> E. SUSP KILLED IN COMMISSION OF CRIME <input type="radio"/> F. SUSP RESISTED ARREST <input type="radio"/> G. UNABLE TO DETERMINE/NOT ENOUGH <input type="radio"/> H. SUSPECT KILLED BY PRIVATE CITIZEN <input type="radio"/> I. SUSPECT KILLED BY POLICE OFFICER

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 13, 2002

TO: DETECTIVE CARL BUSCHMANN
CIB

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 JULY 20, 2001
- 2) A citizen's complaint made by JASON GRAY
- 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: Carl A. Buschmann

Print your name: CARL A. BUSCHMANN

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

RECEIVED
02 SEP 23 AM 11:24
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

St. Settingsgaard
STEVEN M. SETTINGSGAARD
POLICE COMMANDER
Internal Affairs Division
KJS

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 13, 2002

TO: DETECTIVE, MICHEAL WESOLOWSKI
CIB

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 JULY 20, 2001
- 2) A citizen's complaint made by JAVON GRAY
- 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: Michael Wesolowski

Print your name: MICHAEL WESOLOWSKI

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

St. Settingsgaard
KJ

STEVEN M. SETTINGSGAARD
POLICE COMMANDER
Internal Affairs Division

RECEIVED
02 SEP 23 AM 11:24
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 13, 2002

TO: DETECTIVE GREGORY SCHULER

CIB

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 JULY 20, 2001
- 2) A citizen's complaint made by JASON GRAY
- 3) A police shooting incident occurring on N/A

Is this information correct? YES X NO _____

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

Your signature: *Greg Schuler*

Print your name: GREG SCHULER

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

Steven M. Settingsgaard
 STEVEN M. SETTINGSGAARD
 POLICE COMMANDER
 Internal Affairs Division
KJS

SMS:kjs

RECEIVED
 02 SEP 25 AM 11:23
 MILWAUKEE POLICE
 INTERNAL AFFAIRS
 DIVISION