

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, 2005

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 Police Officers Paul Sanchez and James Lockett
C.I. File No. 03-S-107; EC No. 1858

Dear Council Members:


Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Paul Sanchez and James Lockett. The claim is in the amount of \$2,570.00 including \$18.00 in disbursements for 23.20 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 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


JAN A. SMOKOWICZ
Assistant City Attorney
JAS:enm

Enc.

89668/ 1032-2003-794

THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
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JAN A. SMOKOWICZ
PATRICIA A. FRICKER
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LEONARD A. TOKUS
VINCENT J. BOBOT
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

February 24, 2003

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

03 MAR 27 11 23 25
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

**RE: MPD Criminal Investigation of Death in Custody
(Mr. Rogelio Ramos-Cruz)
Regarding POs Paul Sanchez and James Luckett
Date of Incident: August 24, 2002
Location of Incident: 1101 North 12th Street
EC No.: 1858**

Dear Mr. Leonhardt:

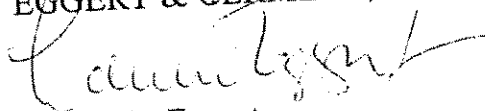
The above-named police officers have retained us to represent them in connection with the above-referenced matter.

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 death in custody.

The MPD conducted a criminal investigation and investigated the death as a critical incident. IAD compelled POs Sanchez and Luckett to give statements after issuing PI-21s. The DA reviewed the incident and concluded that no charges should issue. Attached is a copy of the DA's letter and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.



Laurie A. Eggert
Attorney at Law

RECEIVED
03 MAR 11 PM 1:51
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

11/14/05

G.K.
JRS
Letter 2276

JC/ldl
attachment
SANLUCK

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

February 18, 2003

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

RE: MPD Criminal Investigation re: Death in Custody
(Rogelio Ramos-Cruz)
Regarding: POs Paul Sanchez and James Luckett
Date of Incident: August 24, 2002
Location of Incident: 1101 North 12th Street

Professional services

	<u>Hours</u>
8/24/02 Telephone call from clients regarding new criminal investigation; travel; conference with clients; memo to file; statements to Det. Bureau; conference with DA; PI-21 statements to IAD.	8.20
8/26/02 Telephone call from client.	0.20
8/28/02 Telephone call from and to client; review of file; statements to DA from both officers; memo to file; conference with DA; travel.	3.30
9/3/02 Telephone call to CIB; memo to file.	0.60
9/4/02 Telephone call to clients; memo to file; telephone call from clients.	0.80
9/18/02 Review of file; telephone call to DA; memo to file.	0.40
10/10/02 Telephone call from client; telephone call to CIB; review of file.	0.80

/14.3

	<u>Hours</u>
10/11/02 Conference with Medical Examiner's office; memo to file.	0.70
10/12/02 Conference with CIB; memo to file.	0.20
10/13/02 Telephone call from CIB.	0.10
10/15/02 Telephone call to clients.	0.10
10/28/02 Review of file; telephone call to clients.	0.40
11/7/02 Telephone call to DA; review of file; telephone call from client; telephone call to DA staff; telephone call to clients.	0.80
11/13/02 Telephone call to Medical Examiner; review of file; telephone call to DA; telephone call to clients; memo to file.	0.60
11/19/02 Telephone call to Medical Examiner; memo to file.	0.30
11/27/02 Review of file; telephone call to DA; review Medical Examiner's report.	0.80
12/9/02 Telephone call from client; review of file; telephone call to DA; telephone call to CIB; memo to file; telephone call to client.	1.20
12/18/02 Telephone call from client; telephone call to and from Det.; memo to file.	0.60
12/19/02 Telephone call from Det.; telephone call to clients; memo to file.	0.40
12/20/02 Telephone call from Det.; memo to file; telephone call to clients.	0.70
12/30/02 Telephone call from CIB; memo to file.	0.20

17.1

	<u>Hours</u>	
1/10/03 Review of file; telephone call to clients.	0.20	
1/17/03 Telephone call to clients; review of file.	0.20	
1/19/03 Conference with client.	0.10	
1/20/03 Memo to file; telephone call to DA; correspondence to MPD Open Records; correspondence to DA.	0.60	
2/4/03 Telephone call to DA; memo to file.	0.20	
2/10/03 Obtain and review DA's letter regarding decision not to prosecute; correspondence to clients; close file.	0.50	
		<u>23.2</u>
		<u>Amount</u>
For professional services rendered	23.20	\$2,552.00
Additional charges:		
8/28/02 Parking		5.00
11/27/02 Medical Examiner Report		13.00
		<u>18.00</u>
Total costs		\$18.00
		<u>\$2,570.00</u>
Total amount of this bill		\$2,570.00
		<u>\$2,570.00</u>

110.8
21.4
23.2

(Rate: \$110.00 per hour)

23.2
110.
2320
232
2552.00
18.
2570.00



OFFICE OF DISTRICT ATTORNEY

Milwaukee County

E. MICHAEL McCANN • District Attorney

December 20, 2002

Chief Arthur Jones
Milwaukee Police Department
749 West State Street
Milwaukee, Wisconsin 53203

RE: Death of Rogelio Cruz (DOB: 3/27/83)
Incident of August 28, 2002

Dear Chief Jones:

On August 28, 2002, City of Milwaukee Police Officer James Lockett was involved in a traffic stop of a truck in which were located three females. During that stop, an individual later identified as Rogelio Cruz, approached Lockett in his patrol car asking about his wife. Cruz attempted to gain entry into the squad car, and when approaching Officer Lockett, became belligerent and began using profanity. Cruz was clearly heavily intoxicated. Lockett got out of his squad car and advised Cruz to go on his way. Lockett then returned back to his squad car at which time Cruz attempted for a second time to get into his squad car. Lockett requested assistance and City of Milwaukee Police Officer Paul Sanchez arrived on the scene shortly thereafter.

Lockett informed Officer Sanchez of what the situation was, and Sanchez approached Cruz attempting to find out his identity (which at that time was not known) and figure out what he wanted. Cruz became boisterous and loud and threatened physical harm to Officer Sanchez. Officer Sanchez then attempted to direct Cruz to the pavement. During his directing Cruz to the pavement, Cruz struck his head on the concrete sidewalk. As a result of head injuries from this incident, Cruz died approximately one week later at Mt. Sinai Hospital.

The purpose of this letter is to advise you and other interested parties of the results of the investigation into the above-described incident by the Milwaukee County District Attorney's Office. The investigation included, but was not limited to, an independent investigation of facts and circumstances surrounding the incident, personal interviews of persons who had information concerning the above incident, a review of the official City of Milwaukee Police Department reports, an examination of the area where the incident occurred, interviews with the three citizens who were in the stopped vehicle (the three women in the truck) and all other relevant evidence.

Robert D. Donohoo
Jon N. Reddin
Carol Lynn White
Patrick J. Kenney
James J. Martin

Thomas A. Schultz
Alexander G. Sklenarz
William J. Moltor
Donald S. Jackson
Gale G. Shelton
Terry Magowan
Gary D. Mahkorn
David Probes
Deborah Daley
Peg Tarnat
Douglas J. Simpson
Cynthia G. Brown
Norman A. Gahn
Stephanie Gineris Rothstein
Carol E. Stauder
Steven H. Glamm
Mary Anne Smith
Mark S. Williams
Linda Johnson
John M. Stober
Thomas L. Potter
David Feiss
Rayann Chandler Szychinski
Carole Manchester
Kenneth R. Berg
Kenbow P. Cheesman, Jr.
Lowell Johnson, Jr.
Warren D. Zerl
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DeAnn L. Heard
Patricia A. McGowan
Irene Parthum
Karen A. Loebel
Nancy Etterheim
Marcella DePeters
Ronald S. Dague
Lori S. Korbium
Karine O'Byrne
Mana Dixon
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Megan P. Carmody
Laura A. Chiveste
Shawn Pompe
Brian J. Resler
Karen A. Lynch
Alison M. Riffel
Kevin R. Shoman
Jennifer Hyppel
Beth D. Zargibal
Shannon Carrick
Rebecca F. Daffel
Mark A. Sanders
Paul C. Dederzky
David T. Malone
Kelly L. Hedge
Jeffrey J. Altenburg
Rachael Gossens
Julius Kim
Patti Wabisch
Kent L. Lovien
Paul R. Sander
Bradford J. Logsdon
Patrick J. Farley
Joy Bertrand
Margaret M. Zimmer
Bruce W. Becker
Michael T. Mahoney
Mary M. Sowinski
Kathryn K. Serner
Jeanette Corbett
Jeffrey P. Grepp
Thomas C. Bringer
David Haas
Jeremy L. Resar
Daniel J. Gabler
Sara P. Scullen
Gerise M. Hooks
Brent Niclter
T. Christopher Dee
Katharine Kucharski
Lisa P. Fricker
Robert J. Rosche
Philip R. Bangsuebsin
Tiffany J. Harris
Daniel R. Humble
Jacob D. Corr
David H. Weber
Joy Hammond
Martin T. Lundquist
Trevor A. Sisk
Andrew J. Maier
Heidi E. Galvan
Nancy A. Noal
Rebecca K. Siewberg
Stephen W. Sawyer
Elizabeth Mueller
Megan J. Vanter
Grant I. Huebner
Callie Kidder
John Rusch
Stephen Eduard Nonton
Eric D. Delfort
Christina M. Quinn

Page 2

December 20, 2002

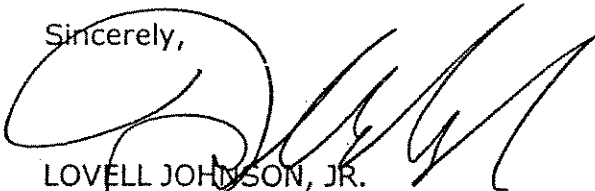
RE: Death of Rogelio Cruz

It is the determination of the Milwaukee County District Attorney's Office that neither Officer James Lockett or Officer Paul Sanchez will be charged with violating any provision of the Wisconsin Criminal Law in connection with this incident, and the death of Rogelio Cruz. That decision is based upon my findings that it could not be proven beyond a reasonable doubt that either Lockett or Sanchez or any other City of Milwaukee police officer committed a crime, and it is my belief that no City of Milwaukee police officer committed any crime.

In reaching this decision, our office attempted to reach the victim's family who live in Chicago. We were unable to get any response from any family members and as such were unable to determine whether or not the family wished an inquest in regards to this matter.

On Thursday, December 19, 2002, I spoke with District Attorney E. Michael McCann in regards to this case. He informed me that should at any time in the future the family desires an inquest, we in fact would hold an inquest at that time; however, my independent review does reflect that no criminal charges are justified in this case.

Sincerely,



LOVELL JOHNSON, JR.
Assistant District Attorney

LJ / ljm

Cc: E. Michael McCann

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

March 21, 2003

TO: P.O. PAUL SANCHEZ
DISTRICT ONE

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 AUGUST 24, 2002
- 2) A citizen's complaint made by ROGELIO RAMOS-CRUZ
- 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: _____

Print your name: _____

Paul A. Sanchez
Paul A. SANCHEZ

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

Steven M. Settingsgaard
KSS
Steven M. Settingsgaard
Police Commander
Internal Affairs Division

SMS:kjs

MILWAUKEE POLICE DEPARTMENT

March 21, 2003

MEMORANDUM

TO: P.O. JAMES LUCKETT
DISTRICT ONE

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 AUGUST 24, 2002
- 2) A citizen's complaint made by ROGELIO RAMOS-CRUZ
- 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: _____

James Lockett

Print your name: _____

James LUCKETT

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