

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
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FAX (414) 286-8550

December 12, 2003

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 David Kritzeck
C.I. File No. 01-S-396; ELO No. 1718

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officer David Kritzeck. The claim is in the amount of \$423.05 including \$5.05 in disbursements for 3.80 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. 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
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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

CITY OF MILWAUKEE

2001 NOV 12 AM 8:36

RONALD D. LEONHARDT
CITY CLERK

November 7, 2001

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

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

RE: MPD Criminal Investigation of PO David Kritzeck
Allegations Regarding Mr. Steve Daniels
Date of Incident: June 22, 2001
Location of Incident: District #4
EC No.: 1718

Dear Mr. Leonhardt:

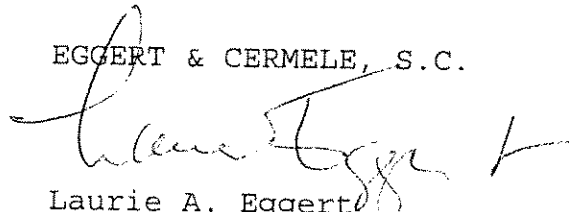
The above-named police officer has retained us to represent him in connection with the above-referenced matter.

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 a battery - D/V arrest.

Charges will not be issued against the officer. Attached is a copy of the clearance report and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.



Laurie A. Eggert
Attorney at Law

CITY OF MILWAUKEE
RECEIVED
01 NOV 12 PM 3:17
CITY ATTORNEY
LAE/JC/ldl
KRITZECK

12/12/03
C.K.
JHS
Letter 2276

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

November 7, 2001

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

RE: MPD Criminal Investigation re: Mr. Steve Daniels
Regarding: POs David Kritzeck
Date of Incident: June 22, 2001
Location of Incident: District #4

Professional services

	<u>Hours</u>	
07/19/01 Telephone call from PO Kritzeck regarding criminal investigation; open file; memo to file.	0.50	
07/23/01 Review of file; meeting with client at IAD; attend client's statement to IAD; travel; memo to file.	1.90	
08/02/01 Telephone call to IAD.	0.20	
08/03/01 Telephone call to and from IAD; correspondence to MPD Open Records; correspondence to client.	0.50	
08/09/01 Telephone call from MPD Open Records; telephone call to IAD.	0.20	
10/29/01 Review of correspondence from MPD Open Records; correspondence to client; close file.	0.50	
		<u>Amount</u>
For professional services rendered	3.80	\$418.00

Mr. Ronald D. Leonhardt

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Additional charges:

	<u>Amount</u>
10/29/01 MPD Open Records request	5.05
Total costs	<u>\$5.05</u>
Total amount of this bill	<u>\$423.05</u>
Balance due	<u><u>\$423.05</u></u>

(Rate: \$110.00 per hour)

INVESTIGATIVE NARRATIVE:

This report is dictated by Detective Mark LEVENHAGEN of the Criminal Investigation Unit/Internal Affairs Division (CIU/IAD), Day Shift.

On Friday, June 22, 2001, I, squad 356, Detective Mark LEVENHAGEN, was assigned to investigate an allegation made by Steve A. DANIELS, B/M, DOB: 11-03-64, that a Milwaukee police officer had battered him. In the actual Milwaukee Police Department's Citizens Complaint Report DANIELS stated that he believed Officer Steve MARES intentionally stomped on his right and left shinbone causing him injury and pain.

In an interview with the complainant, DANIELS, on 06-22-01 at the Criminal Justice Facility DANIELS told me that he was sitting outside the booking room at District #4 when an unknown officer stepped on his right and then inner left legs. DANIELS stated that he had been asleep on the floor outside the booking room and that after being stepped on, but not stomped on, he asked the officer why he did that and that officer said, "you shouldn't have been there." DANIELS gave a description of the officer but did not know who the officer was. At the time of my interview with DANIELS, which was approximately eight hours after the incident, both DANIELS and myself could observe no bruises or swelling or any other visible signs of injury to DANIELS legs. DANIELS stated that when the officer stepped on his legs he felt some pain. DANIELS did not have any other complaints about his treatment.

In the course of investigation I spoke with four police officers involved in this incident. The booker and the two arresting officers all heard DANIELS say something to the fact that he had been stepped on but did not see anybody step on DANIELS. Officer David KRITZECK, PR#68000, stated that he was with DANIELS the whole time and told him to sit on the floor when he complained of feeling dizzy because of his diabetic condition. KRITZECK states that when DANIELS yelled out that he had been stepped on he, KRITZECK, did not see anybody step on DANIELS and stated that DANIELS was at least in his peripheral vision the whole time.

Officer Steve MARES who on the citizen complaint was stated to be the officer who stepped on DANIELS stated to me that he believes he stepped over a prisoner the night of this incident but that if he brushed the prisoner's leg with his foot

it was inconsequential and that he did not step on either of the prisoner's legs. He states that after stepping over the prisoner into the booking room he heard the prisoner say something to the effect of "why is my feet being stepped on why am I being stepped on." MARES stated that he asked the prisoner "why are you lying on the floor" and the prisoner said something to the effect of having diabetes. MARES emphasized that he did not see anyone else step on DANIELS legs and that he did not step on DANIELS legs.

Reports also indicate that DANIELS was taken to the hospital primarily to have his diabetic condition looked into but once at the hospital doctors looked at his legs and told DANIELS that they could observe no sign of any injury and that they did not take x-rays or treat his legs in any other way.

This complaint will be greened as baseless and unfounded based on the fact that there is no actual evidence that anybody ever stepped on DANIELS legs and that there was nobody identified as stepping on DANIELS legs and that there is no evidence that DANIELS was ever injured or felt any pain other than his own statement. Doctors could find no injury and about eight hours later, while speaking to Det. LEVENHAGEN, both DANIELS and Detective LEVENHAGEN could observe no visible injuries to DANIELS legs. There is also no evidence of any criminal wrong doing by any police officer. There is no evidence that if DANIELS was accidentally stepped on or kicked or touched on the leg that any officer intended to injure or cause pain to DANIELS. This ends the investigation into this case pending any new information that may come forward in the future.

ML 07-25-01
01-208

Det Mark Levenhagen

REVIEWING D.A.	P.O./DET. ASSIGNED	COURT CASE NUMBER
FINAL CHARGE	DISPOSITION/DATE	VICTIM NOTIFIED BY
INCIDENT STATUS <input type="radio"/> CLEARED BY ARREST 18 OR OVER <input type="radio"/> PARTIAL CLEARANCE BY ARREST <input checked="" 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 ATTKCD PO AND SAME PO KILLED SUSP <input type="radio"/> B. SUSP ATTKCD PO AND OTHER PO KILLED SUSP <input type="radio"/> C. SUSP ATTKCD 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

DECEMBER 10, 2001

TO: P.O. DAVID KRITZECK
DISTRICT FOUR

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:

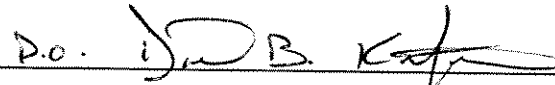
- 1) An incident occurring on JUNE 22, 2001
- 2) A citizen's complaint made by STEVEN DANIELS
- 3) A police shooting incident occurring on NA

Is this information correct?

YES X NO _____

Did you receive legal representation
in this matter?

YES X NO _____

Your signature: P.O. 

Print your name: David B. Kritzeck

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


STEVEN SETTINGSGAARD KJS
POLICE COMMANDER
Internal Affairs Division

DTS:dnp