

GRANT F. LANGLEY
City Attorney

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



THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
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JAY A. UNORA
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EDWARD M. EHRlich
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G. O'SULLIVAN-CROWLEY
KATHRYN Z. BLOCK
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS O. MILLER
HEIJI 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 Maria DeVorse, Christopher Martin,
and Edmund Fitting
C.I. File No. 07-S-243-5; EC 2484

Dear Council Members:

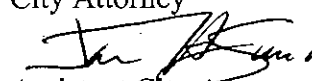
Returned herewith is a document filed by Attorney Jonathan Cermele for attorney's fees for representing Police Officers Maria DeVorse, Christopher Martin, and Edmund Fitting. The claim is in the amount of \$1,329.00 including \$9.00 in disbursements for 12.00 hours of service billed at the rate of \$110.00 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.

1032-2007-1829:124858v1

OFFICE OF THE CITY ATTORNEY

**Milwaukee Police
Department**

Memo

To: Police Officer Maria DeVorse
From: Deputy Inspector Mary K. Hoerig
Date: 8/10/2007
Re: Receipt of Legal Services from Law Firm of Cermele & Associates, S.C.

Attorney Jon Cermele has made a claim with the City, indicating that you were provided with legal services, outlined in the attached letter and arising out of the following situation:

- An incident which occurred on March 24, 2007
- An Officer-Involved Shooting

Is this information correct? YES NO
 Did you receive legal representation in this matter? YES NO

Your Signature: P.O. Maria E. DeVorse
 Print Your Name: Maria E. DeVorse

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

07 AUG 15 AM 10:55
 PROFESSIONAL PERFORMANCE DIVISION
 MILWAUKEE POLICE DEPARTMENT

Memo

To: Police Officer Christopher Martin
From: Deputy Inspector Mary K. Hoerig
Date: 8/10/2007
Re: Receipt of Legal Services from Law Firm of Cermele & Associates, S.C.

Attorney Jon Cermele has made a claim with the City, indicating that you were provided with legal services, outlined in the attached letter and arising out of the following situation:

- An incident which occurred on March 24, 2007
- An Officer-Involved Shooting

Is this information correct?

YES NO

Did you receive legal representation in this matter?

YES NO

Your Signature: 

Print Your Name: P.O. Christopher Martin

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

**Milwaukee Police
Department**

Memo

To: Police Officer Edmund Fitting
From: Deputy Inspector Mary K. Hoerig
Date: 8/10/2007
Re: Receipt of Legal Services from Law Firm of Cermele & Associates, S.C.

Attorney Jon Cermele has made a claim with the City, indicating that you were provided with legal services, outlined in the attached letter and arising out of the following situation:

- An incident which occurred on March 24, 2007
- An Officer-Involved Shooting

Is this information correct? YES NO

Did you receive legal representation in this matter? YES NO

Your Signature: Edmund W. Fitting

Print Your Name: EDMUND W. FITTING

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

CERMELE & ASSOCIATES, S.C.

ATTORNEYS AT LAW

JONATHAN CERMELE
RACHEL L. PINGS
MATTHEW L. GRANITZ

LAURIE A. EGGERT
- OF COUNSEL -

6310 WEST BLUEMOUND ROAD
SUITE 200
MILWAUKEE, WISCONSIN 53213
(414) 276-8750
FAX (414) 276-8906

June 29, 2007

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

**RE: MPD Criminal Investigation: Officer-Involved Shooting
Regarding: PO's Maria DeVorse, Christopher Martin and
Edmund Fitting
Date of Incident: March 24, 2007
Location of Incident: 2311 West Capitol Drive**

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 of more working days. §895.35(2), STATS.

Officer's DeVorse, Martin and Fitting are considered "protective services officer's" 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,

CITY OF MILWAUKEE
2007 JUL -5 PM 2:54
RONALD D. LEONHARDT
CITY CLERK

CITY OF MILWAUKEE
RECEIVED
2007 JUL -6 AM 11:18
OFFICE OF
CITY ATTORNEY

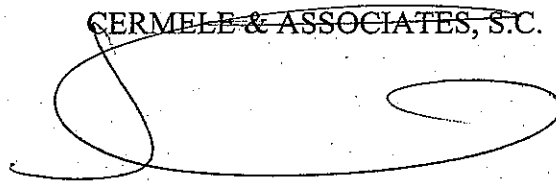
in connection with the use of deadly force. None of the "exceptions" apply¹.

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

Attached is a copy of DA Chisholm's letter dated June 1, 2007 confirming that Officer's DeVorse, Martin and Fittings' actions were privileged and in self-defense.

Sincerely,

~~CERMELE & ASSOCIATES, S.C.~~

A large, stylized handwritten signature in black ink, appearing to be 'Jon Cermele', written over the crossed-out text.

Jon Cermele

/kjs

Enclosures

Officer's DeVORSE, MARTIN and FITTING

¹ The officers were not 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

Milwaukee County

JOHN T. CHISHOLM • District Attorney

June 1, 2007

Chief Nannette H. Hegerty
Milwaukee Police Department
749 W. State St.
P.O. Box 531
Milwaukee, WI 53201-0531

RE: Milwaukee Police Officers Chris Martin, PS No. 015266, Maria Devorse,
PS No. 014730, Edmund Fitting, PS No. 015292, and
Matt Terpstra, PS No. 016418

Ua fax &
mail
(2 pgs.)
276-8906

Dear Chief Hegerty:

On March 24, 2007, Milwaukee Police Officers Chris Martin, Maria Devorse, Edmund Fitting, and Matt Terpstra, in two squads, responded to a report of a fight in an apartment at 2311 W. Capitol Drive, Milwaukee, wherein the suspect, Myron Q. West, stabbed his brother-in-law. Officers arrived at about the time the suspect followed his wife outside and threw a bottle in her direction, then went back inside the apartment building with police in pursuit. A caller from the apartment complex stated that West had a gun. Officers followed West into the building. While in the hallway of that residence, West refused officers' orders to drop a knife with which he was armed and lunged at officers, at which time officers fired their service weapons, killing West. The encounter was recorded by an open 911 line, and the officers can be distinctly heard ordering West to show his hands and drop the weapon for close to 20 seconds before firing.

Based upon my personal review and information gathered through investigation of this incident, I am satisfied that Officers Martin, Devorse, Fitting, and Terpstra committed no crime and their actions were privileged by self-defense under 939.48, Stats.

Very truly yours,

[Signature]
John Chisholm
District Attorney

JC:ss
cc\Deputy Chief Brian O'Keefe
Atty. Jon Cermele

- List of names: Jan N. Reddin, Douglas J. Martin, Patrick J. Konny, Lowell Johnson, Jr., Kent L. Lovem, Thomas A. Schulz, Alexander G. Stenard, Warren J. McPhee, Donald S. Jackson, Gale G. Shelton, Gary D. Mankton, David Rootes, Ray Tanah, Cynthia G. Brown, Norman A. Gann, Stephanie Gierja Kiemlein, Carol E. Janick, Slavon M. Glenn, Mary Anne Smith, Mark S. Williams, Linda Johnson, John M. Spitzer, Thomas L. Puffer, David Feiss, Ryszard Chendler Szychalinad, Carole Manchewier, Kenneth A. Berg, Warren D. Zier, Timothy J. Connor, David Barry Crowley, Shawn V. Licata, Brad Vorpahl, Paul Timin, Minam S. Falk, Phyllis M. DeCarvalho, Dennis P. Murphy, Patrick A. Ardit, Terrence J. McAdams, Bruce J. Londrati, Derek J. Sifrig, David M. Larson, Janet C. Prosslowicz, DeAnn L. Hiearo, Patricia A. McGowan, Irene E. Garburn, Karen A. Luebel, Nancy Eichenheim, Ronald S. Deque, Lon S. Kornblum, Karline O'Byrne, Maria Dornay, James W. Frison, Kurt F. Bankley, James G. Griffin, William R. Papp, Audrey Skowronczek, Joanna L. Harbice, Christopher A. Liogoi, Megan P. Commooy, Laura A. Cresse, Shawn Pompe, Kevin H. Shymon, Jennifer Mynock, Don D. Zygalski, Karen A. Vasopulos, Roseann F. Dalati, Mark A. Sanders, Paul C. Derkatis, David T. Malona, Kelly L. Hestge, Jeffrey J. Aharburg, Rachel Stovall, Patti Washinch, Druce W. Decker, Monice T. Melony, Mary M. Sowlund, Kathryn K. Sormer, Jeannette Corbett, Jeffrey P. Gropp, David Moss, Daniel J. Gabel, Sara P. Spiller, T. Christopher Ose, Lisa P. Ficker, Tiffany J. Harris, Dennis F. Humble, Jacob D. Corr, Joy Hammond, Trevor A. Sleik, Andrew J. Meier, Heidi E. Gabban, Nancy A. Noel, Elizabeth Mueller, Megan J. Paulson, Grant I. Munkner, Stephan Edward Nolton, Catherine M. Duinn, Michelle Ackerman Hevas, Adam J. Lovin, Jennifer K. Rhodes, Claire Stirling, Zach Whitney, Rebecca A. Klais, Matthew J. Tordanson, Katelyn L. Grabe, Sarah Healy, Gilbert Ufer, Jonne Meren, Anthony White, Jake Drexell, Nikita Donolinger, Erin Kurshan, Lucy Kishlomi, William Anthony Dolt, Jr., Erin Dincon, Maureen A. Greckitt, Monica J. Awe, Michael J. Lonski, Paul M. Hauer, Sara Beth Lewis, Laura A. Ulymerthal, Aaron E. Hill, Rory Kinney, Jenni Spina, Larissa Pirkson, David M. Blogot, Amanda Kinkiewicz

CERMELE & ASSOCIATES, S.C.

ATTORNEYS AT LAW

JONATHAN CERMELE
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MATTHEW L. GRANITZ

6310 WEST BLUEMOUND ROAD
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MILWAUKEE, WISCONSIN 53213
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LAURIE A. EGGERT
- OF COUNSEL -

June 29, 2007

Mr. Ronald Leonhardt
Milwaukee City Clerk
City Hall, Room 205
200 East Wells Street
Milwaukee WI 53202

RE: MPD Criminal Investigation re: Officer-Involved Shooting
Regarding: PO's Maria DeVorse, Christopher Martin and Edmund Fitting
Date of Incident: March 24, 2007
Location of Incident: 2311 West Capitol Drive
Professional services

	<u>Hours</u>
3/24/2007 Telephone call from MPD regarding officer-involved shooting; several telephone calls to and from MPD Officers and Detectives; telephone call to CIB; travel to scene; meeting with Sgt.; travel to PAB; meeting with PO DeVorse; meeting with PO Martin; meeting with PO Fitting; meeting with PO Terpstra; meeting with Dep. Chief O'Keefe; discussions with DA Chisholm and Det. Lt. Stigler; attend PO DeVorse's statement to CIB and DA; attend PO Martin's statement to CIB and DA; attend PO Fitting's statement to CIB and DA; schedule PO Terpstra's statement; return travel; open file; memos to file.	7.50
3/26/2007 Intra-office conference with Pings; organize file; telephone call from Lt. Stigler.	0.40
Intra-office conference with Cermele; telephone call from Lt. Stigler; telephone call to PO Terpstra.	0.50
3/27/2007 Telephone call from PO DeVorse; telephone call to and from Det. Lt. Stigler; intra-office conference with Pings; telephone call to Atty. Guerin (representing PO Terpstra).	0.70

	<u>Hours</u>
3/27/2007 Telephone call to PO Martin; telephone call to PO Fitting; memo to file; intra-office conference with Cermele; telephone call from and to DA Inv. Bushman.	0.50
4/5/2007 Telephone call to and from Atty. Guerin; review file; Fax to DA Chisholm regarding clearance status.	0.40
4/6/2007 Meeting with DA's investigator.	0.20
4/13/2007 Receive and review client's statement to CIB.	0.30
5/8/2007 Telephone call from PO Martin; Fax to Chisholm; telephone call to DA's investigator.	0.30
5/11/2007 Telephone call from PO Martin; Fax to DA Chisholm; receive and review Faxed response; file same; telephone call to PO Martin; calendar follow-up.	0.50
5/16/2007 Receive and review Fax from DA; calendar follow-up.	0.10
5/22/2007 Discussion with DA Chisholm.	0.20
6/5/2007 Receive and review Fax from DA Chisholm confirming that clients' use of force was privileged and in self-defense; correspondence to clients regarding same; close file.	0.40

	<u>Amount</u>
For professional services rendered	12.00
Additional charges:	
3/24/2007 Parking	9.00
Total costs	<u>\$9.00</u>
Total amount of this bill	<u>\$1,329.00</u>

Mr. Ronald Leonhardt

Page 3

Amount

Balance due

\$1,329.00

(Rate: \$110.00 per hour)