

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

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DAWN M. BOLAND

Assistant City Attorneys

March 19, 2003

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 Jon Osowski and Dean Newport
C.I. File No. 00-S-356; ELO No. 1696

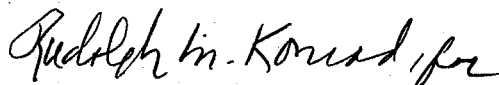
Dear Council Members:


Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Jon Osowski and Dean Newport. The claim is in the amount of \$1,321.82 including \$12.82 in disbursements for 11.90 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 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. 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

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

October 8, 2001

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

RE: MPD Criminal Investigation of POs Jon Osowski and Dean
Newport
Allegations Regarding Mr. Franklin D. Lee
Date of Incident: December 8, 2000
Location of Incident: 3253 North 23rd Street
ELO No.: 1696

Dear Mr. Leonhardt:

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

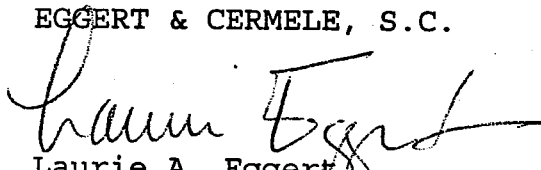
Consistent with its policy, the City Attorney's Office has refused to represent them, and as they were performing the duties of their office at the time of the events giving rise to the incident, the claim is hereby made on their behalf for the indicated legal fees. This incident involved a foot chase.

The MPD initiated a criminal investigation in which the officers initially declined to give a statement without counsel. When they requested counsel, IAD compelled POs Osowski and Newport to give statements concerning the incident after issuing PI-21s.

Later, the MPD decided not to issue criminal charges against the officers. 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

3/5/03

O.K.

JMS

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

October 8, 2001

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

RE: MPD Criminal Investigation re: Mr. Franklin D. Lee
Regarding: POs Jon Osowski and Dean Newport
Date of Incident: December 8, 2000
Location of Incident: 3253 North 23rd Street

Professional services

	<u>Hours</u>
01/08/01 Telephone call from PO Osowski regarding new criminal investigation; open file; memo to file.	0.60
01/11/01 Review of file; meeting with PO Osowski at IAD; attend PO Osowski's PI-21 statement; travel; memo to file.	1.80
02/21/01 Telephone call from PO Newport.	0.40
02/22/01 Telephone call to PO Newport.	0.20
02/23/01 Review of file; meeting with PO Newport at IAD; attend PO Newport's PI-21; travel; memo to file.	2.10
04/17/01 Telephone call from DA; correspondence to clients.	0.40
04/19/01 Discussion with DA; correspondence to clients.	0.40

	<u>Hours</u>	
04/24/01 Telephone call to PO Osowski; review of file; meeting with PO Osowski at DA's office; attend PO Osowski's statement to DA; travel; memo to file.	2.30	
05/07/01 Telephone call to DA; telephone call to PO Newport.	0.20	
05/08/01 Telephone call from PO Newport.	0.10	
05/09/01 Telephone call from PO Newport; telephone call to DA.	0.20	
05/10/01 Telephone call to DA.	0.20	
05/11/01 Telephone call to DA; telephone call to PO Newport.	0.20	
05/17/01 Telephone call to DA's office; telephone call to clients.	0.20	
05/21/01 Review of file; meeting with PO Newport at CJF; attend PO Newport's statement to DA; travel; memo to file.	1.50	
08/03/01 Telephone call to DA; correspondence to client; correspondence to MPD Open Records.	0.60	
09/25/01 Review of correspondence from MPD Open Records; correspondence to clients; close file.	0.50	
		<u>Amount</u>
For professional services rendered	11.90	\$1,309.00

Mr. Ronald D. Leonhardt

Page 3

Additional charges:

	<u>Amount</u>
04/24/01 Parking	6.00
05/21/01 Parking	3.00
09/25/01 MPD Open Records request	3.82
Total costs	<u>\$12.82</u>
Total amount of this bill	<u>\$1,321.82</u>
Balance due	<u><u>\$1,321.82</u></u>

(Rate: \$110.00 per hour)

INCIDENT INFORMATION

INCIDENT

BATTERY

VICTIM

FRANKLIN D. LEE

VICTIM'S ADDRESS

1102 W. CAPITOL DRIVE

DATE OF INCIDENT

12-08-00

DATE OF REPORT

05-23-01

REP CON#

LOCATION OF INCIDENT (ADDRESS)

3253 N. 23RD STREET

DIST.

7

REPORTED BY

SAME

PROPERTY CODES --- LIST CODE FOR EACH ITEM OF PROPERTY IN "CODE 9" COLUMN---

- | | | | | | |
|-------------------|--------------------|-----------------------|--------------------------|------------------------|-------------------|
| 01-AIRCRAFT | 09-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-PURSE/BAG/WALLET | 32-STRUCT-INDUST MFG | 39-WATERCRAFT |
| 08-CONSUMABLES | 14-GAMBLING 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

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

ARRESTED #1 LAST NAME: _____ FIRST NAME: _____ MID: _____ RACE: _____ SEX: _____ DATE OF BIRTH: _____ AGE: _____ ETHNIC ORIGIN: HISPANIC 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 GANG RELATED: Y N DRUG RELATED: Y N

LOCATION OF ARREST: _____ DATE/TIME OF ARREST: _____ TYPE OF ARREST: ORDERED IN/CITED W/WARR/SUSP CARD ALL OTHER ARRESTS

CHARGES: _____ POSSESSED SUSPECTED DRUGS AT TIME OF ARREST: Y N

ARRESTED #2 LAST NAME: _____ FIRST NAME: _____ MID: _____ RACE: _____ SEX: _____ DATE OF BIRTH: _____ AGE: _____ ETHNIC ORIGIN: HISPANIC 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 GANG RELATED: Y N DRUG RELATED: Y N

LOCATION OF ARREST: _____ DATE/TIME OF ARREST: _____ TYPE OF ARREST: ORDERED IN/CITED W/WARR/SUSP CARD ALL OTHER ARRESTS

CHARGES: _____ POSSESSED SUSPECTED DRUGS AT TIME OF ARREST: Y N

VEHICLE USED	MAKE	MODEL	TYPE	COLOR	STATE	EXP	TYPE	V.I.N. #

REPORTING OFFICER: *Ronald Harden* PAYROLL #: 49288 LOC #: 04 ASSISTING OFFICER: _____ SUPERVISOR: *H. Mary Stein* TOTAL ARRESTS: _____

INVESTIGATIVE NARRATIVE:

This report was dictated by Detective Ronald HARDEN, of the Criminal Investigation Unit/Internal Affairs Division (CIU/IAD), day shift.

On Wednesday, May 23, 2001 at about 1:30pm, Deputy District Attorney Jon REDDIN informed me that he has completed his review of this complaint of battery filed against P.O. Dean NEWPORT by the victim, Franklin D. LEE. Mr. REDDIN informed me that he has declined to issue charges and therefore this complaint will be cleared as warrant refused.

RH:laf
00 329

REVIEWING D.A. DEPUTY DISTRICT ATTORNEY JON REDDIN	P.O./DET. ASSIGNED DET. HARDEN	COURT CASE NUMBER
FINAL CHARGE WARRANT REFUSED	DISPOSITION/DATE 05-23-01	VICTIM NOTIFIED BY HARDEN
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 checked="" 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 ATTCKD PO AND SAME PO KILLED SUSP <input type="radio"/> B. SUSP ATTCKD PO AND OTHER PO KILLED SUSP <input type="radio"/> C. SUSP ATTCKD 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

NOVEMBER 13, 2001

TO: P.O. JON OSOWSKI
DISTRICT SIX

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 DECEMBER 8, 2000
- 2) A citizen's complaint made by FRANKLIN LEE
- 3) A police shooting incident occurring on

Is this information correct?

YES X NO

Did you receive legal representation in this matter?

YES X NO

Your signature: P.O. J.D.O.

Print your name: P.O. Jon D. OSOWSKI

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

STEVEN SETTINGSGAARD
POLICE COMMANDER
Internal Affairs Division

DTS:dnp

RECEIVED
11:54 PM 5:14
INTERNAL AFFAIRS
DIVISION

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

NOVEMBER 13, 2001

TO: P.O. DEAN NEWPORT
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 DECEMBER 8, 2000
- 2) A citizen's complaint made by FRANKLIN LEE
- 3) A police shooting incident occurring on

Is this information correct?

YES NO

Did you receive legal representation in this matter?

YES NO

Your signature: *D S R*

Print your name: Dean S. Newport

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

STEVEN SETTINGSGAARD
POLICE COMMANDER
Internal Affairs Division

DTS:dnp

RECEIVED
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION
01 NOV 27 AM 10:49