

GRANT F. LANGLEY
City Attorney

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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
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
VINCENT J. BOBOT
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
KATHRYN Z. BLOCK
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
HEIDI 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 David Ligas and Mike Wawrzonek
C.I. File No. ; EC 2553

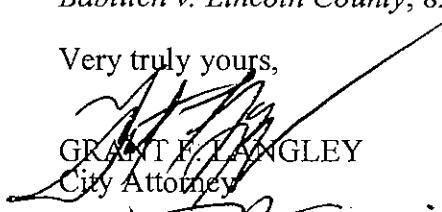
Dear Council Members:

Returned herewith is a document filed by Attorney Jonathan Cermele for attorney's fees for representing Police Officers David Ligas and Mike Wawrzonek. The claim is in the amount of \$473.00 for 4.30 hours of service billed at the rate of \$110 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


JAN A. SMOKOWICZ
Assistant City Attorney

JAS:amp
Enc.

1032-2008-740.001:124731v1

OFFICE OF THE CITY ATTORNEY

Milwaukee City Hall Suite 800 • 200 East Wells Street • Milwaukee, Wisconsin 53202-3551 • Telephone: 414.286.2601 • TDD: 414.286.2025 • Fax: 414.286.8550

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

March 12, 2008

TO: P.O. DAVID LIGAS
DISTRICT: FIVE

RE: Receipt of Legal Services from Law Firm of
Attorney Jonathan Cermele

Attorney Jonathan Cermele 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: NOVEMBER 20, 2007
- 2) A citizen complaint made by: ROMERO MOORE
- 3) A police shooting incident occurring at: N/A

Is this information correct?

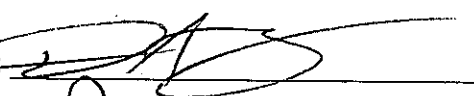
YES NO

Did you receive legal representation
in this matter?


YES NO

Your signature: _____

Print your name: _____


David Ligas

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


KURT LEIBOLD
Acting Captain of Police
Professional Performance Division

KRL: kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

March 12, 2008

TO: P.O. MIKE WAWRZONEK
DISTRICT: FIVE

RE: Receipt of Legal Services from Law Firm of
Attorney Jonathan Cermele

Attorney Jonathan Cermele 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: NOVEMBER 20, 2007
- 2) A citizen complaint made by: ROMERO MOORE
- 3) A police shooting incident occurring at: N/A

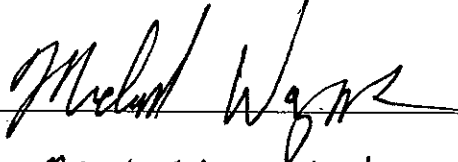
Is this information correct?

YES NO

Did you receive legal representation
in this matter?

YES NO

Your signature:



Print your name:

MICHAEL WAWRZONEK

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

A/C Kurt Liebold
 KURT LEIBOLD
 Acting Captain of Police
 Professional Performance Division

KRL: kjs

RECEIVED
 DISTRICT FIVE
 MARCH 13 2008

CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -
WWW.CERMELELAW.COM

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

February 13, 2008

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

CITY OF MILWAUKEE
2008 FEB 15 PM 12:55
RONALD D. LEONHARDT
CITY CLERK

**RE: MPD Criminal Investigation of PO's David Ligas and
Mike Wawrzonek
Allegations Regarding Mr. Romero Moore
Date of Incident: November 20, 2007
Location of Incident: 2800 Block of North Richards Street**

Dear Mr. Leonhardt:

Pursuant to Article 58 of the 2007-2009 Collective Bargaining Agreement between the City and the Milwaukee Police Association, the City should request that this claim be placed on the Common Council Committee agenda within 180 days of its receipt.

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, this claim is hereby made on their behalf for the indicated legal fees. This incident involved an arrest.

ADA Simpson reviewed the matter and did not issue charges against the officers. Attached is a copy of ADA Simpson's letter and an itemization of the time and services rendered.

Thank you.

Sincerely,

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

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a horizontal line and a large, sweeping 'S'.

Jon Cermele

/kjs

Attachments

LIGAS and WAWRZONEK

CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -
WWW.CERMELELAW.COM

JONATHAN CERMELE
RACHEL L. PINGS
MATTHEW L. GRANITZ

6310 WEST BLUEMOUND ROAD
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(414) 276-8750
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LAURIE A. EGGERT
- OF COUNSEL -

February 13, 2008

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

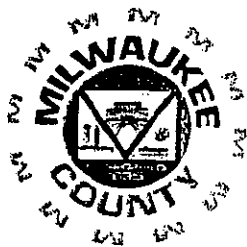
RE: MPD Criminal Investigation of PO's David Ligas and Mike Wawrzonek
Allegations Regarding Mr. Romero Moore
Date of Incident: November 20, 2007
Location of Incident: 2800 Block of North Richards Street
Professional services

| | <u>Hours</u> |
|--|--------------|
| 11/27/2007 Telephone call from PO Ligas regarding new criminal investigation; telephone call from PO Wawrzonek regarding same; calendar office conference with PO's Ligas and Wawrzonek; telephone call to PPD; open file. | 0.40 |
| 11/30/2007 Office conference with PO Ligas; intra-office conference with Pings regarding PO Ligas' recollection of arrest; memo to file. | 1.00 |
| Intra-office conference with Granitz; office conference with PO Wawrzonek; memo to file. | 1.00 |
| 12/10/2007 Telephone call to PO Ligas; telephone call to PO Wawrzonek; memo to file. | 0.20 |
| 12/11/2007 Telephone call to PO Ligas confirming decision not to provide PPD statement; telephone call to PPD regarding PO Ligas' decision not to provide statement; memo to file. | 0.20 |
| 12/17/2007 Correspondence to clients. | 0.20 |

| | <u>Hours</u> |
|--|--------------|
| 1/16/2008 Telephone call to PPD. | 0.10 |
| 1/18/2008 Telephone call to PPD. | 0.10 |
| 1/23/2008 Telephone call to PPD; calendar follow-up with DA's office; correspondence to clients; memo to file. | 0.40 |
| 1/30/2008 Telephone call to DA's office regarding status; calendar follow-up with DA's office; memo to file. | 0.20 |
| 2/7/2008 Telephone call from PPD confirming DA's office decision not to issue charges; receive and review DA's letter regarding decision to "no process"; correspondence to clients; close file. | 0.50 |

| | |
|------------------------------------|--------------------|
| | <u>Amount</u> |
| For professional services rendered | 4.30 \$473.00 |
| Balance due | <u>\$473.00</u> |

(Rate: \$110.00 per hour)



OFFICE OF DISTRICT ATTORNEY

Milwaukee County

JOHN T. CHISHOLM • District Attorney

February 1, 2008

Mr. Romero Moore
2525 N. 19th Street
Milwaukee, WI 53206

Re: Charging Decision – NO PROCESS
Incident #07-327-0108 – Battery
CIS #07-191; IAS #07-0676
(Relating P.S. ID #015332 and 016259)

Mr. Moore:

I was assigned to determine whether criminal charges should be filed against one or both police officers that arrested you on November 20, 2007 for fleeing, resisting and violation of probation. This letter reports my decision and many of the reasons for that decision. My decision is that criminal charges should not be issued in this instance.

A criminal charge may only be issued where there is admissible proof of the charge which will convince the jury of guilt beyond a reasonable doubt. That "level" of proof is not available here. I do not believe 12 citizens sitting as a jury would find either officer guilty of Battery, individually or as parties to a crime. I will briefly list the "problems" that prosecution of this matter would have to address and overcome.

First, the complaining victim [YOU] must to be someone the jury will view as truthful and of good character. Your prior record of convictions; your conduct that day (fleeing/resisting); your three cell phones and cash; your refusal to comply with officer's orders would all be reported to the jury. Your claim to have ingested marijuana, to avoid being caught with it and, later, your report that you made that up, would be shared with the jury. That fact and your prior convictions may be considered as the jury decides whether they are hearing the truth from you during the trial.

Second, the fact that two citizen witnesses are available but they offer different versions of the events. Neither is able to report on the entire incident because their observations "begin" after the arrest had been initiated. This is like a whistle or a flag by an official in a sports event. Sometime the person/official didn't see enough to make the right call. Additionally, in a courtroom, inconsistent witnesses often "cancel each other out." In this case the citizen witnesses do not offer enough for the jury to be persuaded to your point of view/your account.

- List of names: Jon N. Reddin, Douglas J. Simpson, Cynthia G. Brown, Norman A. Gahn, Stephanie Gwinn Robarew, Carol E. Jarvek, Steven H. Gintani, Mark S. Williams, Linza Johnson, John M. Stober, Thomas L. Potter, David Feiss, Rayann Chandler Szychninski, Carol Manchester, Kenneth R. Berg, Warren D. Zier, Timothy J. Cotter, Carol Berry Crowley, Steven V. Lucas, Brad Verpea, Paul Tiffin, Mviam S. Falk, Phyllis M. DeCarvalho, Dennis P. Murphy, Philip A. Anelt, Thomas J. McAdams, Bruce J. Landgraf, Denis J. Stangl, David M. Lerman, Janet C. Piotrowskiewicz, DeAnn L. Heald, Patricia A. McGowan, Irene E. Panfili, Karin A. Losbel, Nancy Ellenheim, Robert S. Oajur, Lori S. Hornblum, Karine O'Byrne, Mana Oursay, James W. Frisch, Kurt B. Borkley, James C. Grillin, William P. Papp, Audrey Skowronski, Joanne L. Hardiku, Christopher A. Lietzel, Megan P. Carrico, Laura A. Civello, Shawn Pompe, Kevin R. Shorin, Jennifer Malinck, Brett D. Ziegler, Karen A. Vespilac, Mark A. Sanders, Paul C. Deansky, David T. Moigne, Kelly L. Hedger, Jeffrey J. Allenburg, Rachael Siencial, Paul Wabitsen, Bruce W. Bueker, Michael T. Mahoney, Mary M. Sawinski, Kathryn K. Samal, Joannette Corbett, Jolley P. Gretlap, David Maas, Daniel J. Gabler, Sara P. Seifler, T. Christopher Dee, Lisa P. Frickel, Tiffany J. Harris, Daniel R. Henthle, Jacob D. Cui, Joy Hanmond, Trevor A. Sisk, Andrew J. Miller, Hana E. Galvets, Nancy A. Nost, Katharine F. Kucharski, Esobeth Murellut, Megur J. Paurson, Grant L. Hurlbier, Stephan Eduard Mollen, Christle M. Quinn, Michelle Ackerman Haves, Robin J. Rosche, Jennifer K. Rhodes, Gwre Starling, Zach Whitney, Rebecca A. Rieler, Matthew J. Turbantort, Kathryn L. Chicks, Caran Fleming, Mary C. Theiser, Glenn Utter, James Merritt, Anthony White, Andrew Apollo, Julia Orscoli, Nicole Donohue, Eran Karstner, Lucy Kronkewski, William Anthony Bell, Jr., Erin Dineen, Monica J. Hall, Michael J. Lomari, Paul M. Mayer, Sara Beth Lewis, Aaron E. Hall, Jonn Spies, Luitico Panson, David M. Skujiti, Amanda Kuczewski, Benjamin Wossen, Renee Hends, Karl P. Hayes, Jessica Zefley, Holly L. Burch, Anson Krukutusa, Jacob A. Mathan

Third, a jury will be reminded that police work is done by HUMANS and that humans don't do everything perfectly. Further, that police work exposes officers to violence . . . both directed at them and employed by them. To assure that officers can complete their work even though violence may need to be employed, the law recognizes a PRIVILEGE to use force for self-protection and performance of duty. To convict a police officer of using too much force, the prosecutor must overcome the privilege by evidence that satisfies the jury beyond a reasonable doubt. (Remember – there is no “measurement” or scale and the proofs must consider the “human element”, i.e., the fact that humans make errors . . . that are seldom CRIMES.)

Finally, juries usually have a good sense of what's fair, what's in the general best interest . . . put another way: How bad was it? How badly was he hurt? What was he up to? Is this worth an officer's career? None of those general gut-level questions are likely to be answered in favor of a verdict of guilty.

For the above reasons I have recommended to our District Attorney that this matter be closed without process.

Thank you for your cooperation with the investigation of your complaint and we wish you well in the future.

Sincerely,



Douglas J. Simpson
Assistant District Attorney

DJS:jo

c: Det. Elizabeth Stewart
Lt. Det. Karen Dubis
Chief Deputy District Attorney Jon Reddin
NP file
DJS