

# 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 31, 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 Officer Erwin Estacio  
C.I. File No. 03-S-216; ELO 1881

Dear Council Members:


Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officer Erwin Estacio. The claim is in the amount of \$163.54 including \$9.54 in disbursements for 1.40 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.  
89719/1032-2003-1617

THOMAS O. GARTNER  
BRUCE D. SCHRIMPF  
ROXANE L. CRAWFORD  
SUSAN D. BICKERT  
HAZEL MOSLEY  
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  
JAY A. UNORA  
DONALD L. SCHRIEFER  
EDWARD M. EHRlich  
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

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

2003 MAY 14 PM 2:21  
2003 MAY 14 PM 3:41  
MAY 9, 2003

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

**RE: MPD Criminal Investigation of PO Erwin Estacio  
Allegations Regarding Matthew Zoltek/Matthew Kohls  
Date of Incident: July 7, 2002  
Location of Incident: 1946 North Cambridge Avenue  
EC No.: 1881**

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 the investigation of a nuisance complaint. 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*  
Laurie A. Eggert  
Attorney at Law

JC/ldl  
attachment  
ESTACIO

1/29/05  
O.K.  
JAS  
Letter 2276

CITY OF MILWAUKEE  
RECEIVED  
03 MAY 14 PM 3:41  
OFFICE OF  
CITY ATTORNEY

**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

May 8, 2003

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

RE: MPD Criminal Investigation re: Matthew Zoltek/Matthew Kohls  
Regarding: POs Erwin Estacio  
Date of Incident: July 7, 2002  
Location of Incident: 1946 North Cambridge Avenue  
Professional services

	<u>Hours</u>	
8/15/02 Telephone call from PO Estacio regarding new criminal investigation; open file; memo to file.	0.80	
1/9/03 Fax to DDA Reddin.	0.10	
4/14/03 Review of correspondence from MPD Open Records; correspondence to client; close file.	0.50	
		<u>Amount</u>
For professional services rendered	1.40	\$154.00
Additional charges:		
4/14/03 MPD Open Records request		9.54
Total costs		<u>\$9.54</u>
Total amount of this bill		<u>\$163.54</u>

Mr. Ronald D. Leonhardt

Page 2

Amount

Balance due

\$163.54

(Rate: \$110.00 per hour)

INCIDENT INFORMATION	INCIDENT BATTERY SS #940.19	DATE OF INCIDENT 07-07-02	DATE OF REPORT 10-02-02	REP CON#
	VICTIM KOHLS, MATTHEW N.	LOCATION OF INCIDENT (ADDRESS) 2920 NORTH 4 <sup>TH</sup> STREET		DIST. 5
	VICTIM'S ADDRESS 1946 NORTH CAMBRIDGE	REPORTED BY SAME		

PROPERTY CODES --- LIST CODE FOR EACH ITEM OF PROPERTY IS "CODE #". COLUMNS ---  
 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-BICYCLE 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 \$	

USE FOR WEAPONS IN POSSESSION OF PRISONER AT TIME OF ARREST -- CHECK ALL APPLICABLE ITEMS

1 2 <input type="checkbox"/> <input type="checkbox"/> ALTERED STOCK <input type="checkbox"/> <input type="checkbox"/> AUTOMATIC <input type="checkbox"/> <input type="checkbox"/> BOLT ACTION <input type="checkbox"/> <input type="checkbox"/> BLUE STEEL <input type="checkbox"/> <input type="checkbox"/> BLUNT OBJECT	1 2 <input type="checkbox"/> <input type="checkbox"/> CHROME/NICKEL <input type="checkbox"/> <input type="checkbox"/> DOUBLE BBL <input type="checkbox"/> <input type="checkbox"/> DRUG/NARCOTIC <input type="checkbox"/> <input type="checkbox"/> EXPLOSIVES <input type="checkbox"/> <input type="checkbox"/> FIRE/INCENDIARY	1 2 <input type="checkbox"/> <input type="checkbox"/> HANDGUN <input type="checkbox"/> <input type="checkbox"/> IMPLIED WEAPON <input type="checkbox"/> <input type="checkbox"/> KNIFE/CUTTING INSTR <input type="checkbox"/> <input type="checkbox"/> LIQUID GAS <input type="checkbox"/> <input type="checkbox"/> MOTOR VEHICLE	1 2 <input type="checkbox"/> <input type="checkbox"/> OTHER <input type="checkbox"/> <input type="checkbox"/> OTHER FIREARM <input type="checkbox"/> <input type="checkbox"/> PERSONAL WEAPON <input type="checkbox"/> <input type="checkbox"/> POISON <input type="checkbox"/> <input type="checkbox"/> PUMP ACTION	1 2 <input type="checkbox"/> <input type="checkbox"/> REVOLVER <input type="checkbox"/> <input type="checkbox"/> RIFLE <input type="checkbox"/> <input type="checkbox"/> SAWED OFF <input type="checkbox"/> <input type="checkbox"/> SEMI AUTO <input type="checkbox"/> <input type="checkbox"/> SHORT/SNUB BBL	1 2 <input type="checkbox"/> <input type="checkbox"/> SHOTGUN <input type="checkbox"/> <input type="checkbox"/> SIMULATED WEAPON <input type="checkbox"/> <input type="checkbox"/> SINGLE BBL <input type="checkbox"/> <input type="checkbox"/> THROWN OBJECT <input type="checkbox"/> <input type="checkbox"/> UNKNOWN
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ARRESTED #1 LAST NAME	FIRST NAME	MID	RACE	SEX	DATE OF BIRTH	AGE	ETHNIC ORIGIN <input type="checkbox"/> HISPANIC <input type="checkbox"/> 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 <input type="checkbox"/> <input type="checkbox"/>	GANG RELATED Y N <input type="checkbox"/> <input type="checkbox"/>	DRUG RELATED Y N <input type="checkbox"/> <input type="checkbox"/>	LOCATION OF ARREST	DATE/TIME OF ARREST	TYPE OF ARREST <input type="checkbox"/> ORDERED IN/CITED <input type="checkbox"/> W/WARR/SUSP CARD <input type="checkbox"/> ALL OTHER ARRESTS		

CHARGES	POSSESSED DRUGS AT TIME OF ARREST	SUSPECTED Y N <input type="checkbox"/> <input type="checkbox"/>
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ARRESTED #2 LAST NAME	FIRST NAME	MID	RACE	SEX	DATE OF BIRTH	AGE	ETHNIC ORIGIN <input type="checkbox"/> HISPANIC <input type="checkbox"/> 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 <input type="checkbox"/> <input type="checkbox"/>	GANG RELATED Y N <input type="checkbox"/> <input type="checkbox"/>	DRUG RELATED Y N <input type="checkbox"/> <input type="checkbox"/>	LOCATION OF ARREST	DATE/TIME OF ARREST	TYPE OF ARREST <input type="checkbox"/> ORDERED IN/CITED <input type="checkbox"/> W/WARR/SUSP CARD <input type="checkbox"/> ALL OTHER ARRESTS		

CHARGES	POSSESSED DRUGS AT TIME OF ARREST	SUSPECTED Y N <input type="checkbox"/> <input type="checkbox"/>
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V E H USED	VEHICLE MAKE	MODEL	TYPE	COLOR	STATE	EXP	TYPE	V.I.N. #
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REPORTING OFFICER <i>Det. Mark Levenhagen</i> DETECTIVE MARK LEVENHAGEN 47666	PAYROLL #	LOC 04	ASSISTING OFFICER	SUPERVISOR <i>H Det Raymond E. Richards</i> 50144	TOTAL ARRESTS
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INVESTIGATIVE NARRATIVE:

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

On Tuesday, October 01, 2002, I, Squad 356, Detective LEVENHAGEN, spoke with Deputy District Attorney Jon REDDIN regarding this incident. After reviewing the facts of the case, DDA REDDIN decided there was not enough evidence to prove any criminal wrong doing by any Milwaukee Police Officer involved in this incident and he "No Processed" the case.

The investigation revealed that Officers involved in the arrest of Matthew KOHLS made a valid arrest. There was no physical evidence of any injuries to Matthew KOHLS and both Police Officers who were interviewed regarding this incident, Police Officer Erwin ESTACIO, payroll number 67337 and Officer Melissa PETTKE, payroll number 65273 gave statements, in which they denied ever choking or seeing Matthew KOHLS being choked by anyone. The only potential witness, Matthew KOHLS' friend, Matthew ZOLTAK who was arrested along with KOHLS stated that at one point, he went back to the little room outside the Fifth District garage and KOHLS said that one of the officers had grabbed his throat. ZOLTAK stated that KOHLS never said anything about an officer choking him, and he (ZOLTAK) never observed any problems at District Five between KOHLS and any of the officers. This case is being filed as unfounded. This ends the investigation, pending any new information that may come forward in the future.

ML:tls

02-190/Clearance

REVIEWING D.A. Deputy District Attorney Jon REDDIN	P.O./DET. ASSIGNED Detective Mark LEVENHAGEN	COURT CASE NUMBER
FINAL CHARGE:	DISPOSITION/DATE: 10-01-02	VICTIM NOTIFIED BY
INCIDENT STATUS	<input type="radio"/> CLEARED BY ARREST 18 OR OVER <input type="radio"/> PARTIAL CLEARANCE BY ARREST <input checked="" type="checkbox"/> UNFOUNDED/BASELESS <input type="radio"/> VICTIM RESUSES TO COOPERATE (SUSPECT INFORMATION NEEDED)	<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	<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 INFORMATION <input type="radio"/> H. SUSPECT KILLED BY PRIVATE CITIZEN <input type="radio"/> I. SUSPECT KILLED BY POLICE OFFICER

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

June 5, 2003

TO: P.O. ERWIN ESTACIO  
DISTRICT FIVE

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 JULY 7, 2002
- 2) A citizen's complaint made by MATTHEW ZOLTEK/MATTHEW KOHLS
- 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: Erwin Estacio

Print your name: ERWIN ESTACIO

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

MILWAUKEE POLICE  
 INTERNAL AFFAIRS  
 DIVISION

03 JUN 10 PM 2:49

RECEIVED

SMS:kjs