

GRANT F. LANGLEY
City Attorney

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THOMAS O. GARTNER
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KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
Assistant City Attorneys

February 23, 2007

To the Honorable Common Council
of the City of Milwaukee
Room 205 - City Hall

Re: Communication from Attorney Laurie Eggert, Eggert & Cermele
for legal fees for Police Officer Jason Mucha
C.I. File No. 04-S-98; EC No. 2012

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie A. Eggert for attorney's fees for representing Police Officer Jason Mucha. The claim is in the amount of \$352.00 for 3.20 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. A criminal investigation was initiated against the police officer on whose behalf this claim was filed, but he was ultimately not charged.

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). The Common Council continues to have discretion with regard to this claim because the fees were incurred prior to the effective date of 2005 Wisconsin Act 73 (effective June 7, 2006) which now makes such payment mandatory except in certain, statutorily-defined circumstances.

Very truly yours,


GRANT F. LANGLEY
City Attorney


JAN A. SMOKOWICZ
Assistant City Attorney

JAS:enm

Enc.

1032-2004-1087.014/116051

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele
Rachel L. Schneider

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

March 23, 2004

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

**RE: MPD Criminal Investigation of PO Jason Mucha
Allegations Regarding Mr. Omar Terry
Date of Incident: April 21, 2003
EC No.: 2012**

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 a field investigation stop. Later, the MPD concluded that no criminal charges would issue. Attached is a copy of a status report from Commander Settingsgaard of IAD, and an itemization of the time and services rendered

Sincerely,

EGGERT & CERMELE, S.C.

Laurie A. Eggert
Attorney at Law

JC/ldl
attachment
MUCHA TER

2/19/07
C.K.
JMS
Letter 2277

MAR 25 11 56 AM '04
MILWAUKEE, WI

MAR 25 11 56 AM '04
MILWAUKEE, WI



RECEIVED

JAN 13 2004

EGGERT & CERMELE, S.C.

Nannette H. Hegerty
Chief of Police

Police Department

Tuesday, December 23, 2003

Jonathan Cermele
Attorney At Law
1840 North Farwell Avenue
Suit 303
Milwaukee, WI 53202

Dear Mr. CERMELE:

This letter is in response to your inquiry of December 19, 2003, regarding the status of CIU Investigatory Files.

Attached please find the requested information. If further assistance is needed Lieutenant of Detectives Jeffery Micklitz can be contacted at 935-3540.

Sincerely,

STEVEN M. SETTINGSGAARD
POLICE COMMANDER

CIU FILE NO.	IAD FILE NO.	COMPLAINANT	ALLEGATION	DISPOSITION
1. 03-241	03-0927	WRIGHT, COLEMAN	BATTERY	PENDING
2. 03-246	03-0975	WINSTON, THOMAS	BATTERY	BASELESS
3. 03-180	03-0606	TERRY, OMAR	THEFT	WARRANT REFUSED
4. 03-270	03-1032	PEAKE, SAVANNAH	THEFT	PENDING
5. 03-162	03-0656	HINDS, MARIO	BATTERY	WARRANT REFUSED
6. 03-187	03-0706	LOPEZ, TOMMY JR.	BATTERY	UNFOUNDED
7. 03-186	03-0697	BROWN, DERRICK	BATTERY	UNFOUNDED
8. 03-216	03-0833	McNEIL, BOBBY	THEFT/CDTP	PENDING
9. 03-009	03-0026	SONSTHAGEN, DANIEL	BATTERY	WARRANT REFUSED
10. 03-156	03-0635	EYRE, KEVIN	THREATENING PHONE CALLS	WARRANT REFUSED

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March 23, 2004

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

RE: MPD Criminal Investigation re: Mr. Omar Terry
Regarding: PO Jason Mucha
Date of Incident: April 21, 2003
Location of Incident: 2016 North 24th Place
Professional services

	<u>Hours</u>	
10/21/2003 Telephone call from PO Mucha regarding new criminal investigation; open file; memo to file; telephone call to witness; memo to file.	0.80	
11/5/2003 Several telephone calls to PO Mucha; telephone call to and from IAD.	0.30	
11/7/2003 Review of file; meeting with PO Mucha at IAD; attend PO Mucha's PI-21 statement; travel; memo to file.	1.50	
12/19/2003 Review of file; Fax to IAD.	0.20	
1/13/2004 Receive and review correspondence from IAD confirming investigation cleared as baseless; correspondence to clients; close file.	0.40	
		<u>Amount</u>
For professional services rendered	3.20	\$352.00
Balance due		<u>\$352.00</u>

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

APRIL 12, 2004

TO: P.O. JASON MUCHA
DISTRICT: THREE

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 APRIL 21, 2003
- 2) A citizen's complaint made by OMAR TERRY
- 3) A police shooting incident occurring on N/A

Is this information correct?

YES X NO

Did you receive legal representation in this matter?

YES X NO

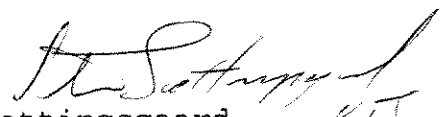
RECEIVED
 04 APR 19 AM 8:44
 MILWAUKEE POLICE
 INTERNAL AFFAIRS

Your signature: _____

Print your name: _____

Jason Mucha

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


 Steven M. Settingsgaard
 INSPECTOR OF POLICE
 Internal Affairs Division

SMS:kjs