

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
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MILWAUKEE, WISCONSIN 53202-3551
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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

January 13, 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 Officers Joel O'Brien, Sarah Prohaska and Cindy Beaster
C.I. File No. 03-S-107; EC No. 1855

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Joel O'Brien, Sarah Prohaska and Cindy Beaster. The claim is in the amount of \$1,505.00 including \$9.00 in disbursements for 13.60 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.

89670/ 1032-2003-791

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

February 24, 2003

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

03 MAR 27 10 3 25

**RE: MPD Criminal Investigation of Death in Custody
(Mr. Napoleon Thurman)
Regarding POs Joel O'Brien, Sarah Prohaska and Cindy Beaster
Date of Incident: September 14, 2002
Location of Incident: 23rd and Capitol Drive
EC No.: 1855**

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 death in custody.

The MPD conducted a criminal investigation and investigated the shooting as a critical incident. IAD compelled POs O'Brien, Prohaska and Beaster to give statements after issuing PI-21s. Later, the DA concluded that the officers' conduct was appropriate. Attached is a copy of the DA's letter and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.

Laurie A. Eggert
Laurie A. Eggert
Attorney at Law

10/11/04
O.K.
JMS
Letter 2276

MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

03 MAR 11 PM 1:50

RECEIVED

JC/ldl
attachment
O'BRIEN

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

February 18, 2003

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

RE: MPD Criminal Investigation of Death in Custody
(Napoleon Thurman)

Regarding: Police Officers Joel O'Brien, Sarah Prohaska and Cindy Beaster

Date of Incident: September 14, 2002

Location of Incident: 23rd and Capitol Drive

Professional services

	<u>Hours</u>
9/14/02 Telephone call from PO Prohaska regarding new criminal investigation pertaining to a death in custody; open file; meeting with CIB; meeting with PO O'Brien; meeting with PO Prohaska; meeting with PO Beaster; attend PO O'Brien's statement to CIB & DA; attend PO Prohaska's statement to CIB & DA; attend PO Beaster's statement to CIB & DA; memos to file; attend PO O'Brien's PI-21; attend PO Prohaska's PI-21; attend PO Beaster's PI-21; travel.	7.20
9/16/02 Review file.	0.40
10/18/02 Telephone call from PO Beaster regarding status; telephone call to DA; Fax to DA.	0.50
10/25/02 Telephone call from DA; correspondence to clients.	0.30
11/6/02 Telephone call from PO O'Brien.	0.10
11/15/02 Telephone call to and from DA; telephone call to PO O'Brien; telephone call to and from Medical Examiner's office.	0.60

	<u>Hours</u>	
12/9/02 Telephone call to DA; telephone call to and from PO Prohaska; telephone call to and from PO O'Brien.	0.50	
12/17/02 Telephone call from PO Beaster; receive and review letter from DA; telephone calls to POs O'Brien, Prohaska and Beaster.	0.60	
12/19/02 Telephone call from PO Prohaska; telephone call to and from DA; telephone call to POs O'Brien and Beaster.	0.50	
12/20/02 Telephone call from PO Beaster.	0.30	
12/27/02 Receive and review letter from DA; telephone call to PO O'Brien; telephone call from POs Beaster and Prohaska.	0.50	
1/9/03 Telephone call to and from PO Prohaska.	0.30	
1/10/03 Telephone call from PO Beaster; telephone call to and from DA; telephone call to POs Beaster, Prohaska and O'Brien.	0.70	
1/14/03 Telephone call from PO Prohaska.	0.20	
1/16/03 Receive and review letter from DA; letter to clients regarding same.	0.20	
2/4/03 Receive and review letter from DA confirming decision to "no process" investigation and not conduct an inquest; telephone call to clients; correspondence to clients; close file.	0.70	
		<u>Amount</u>
For professional services rendered	13.60	\$1,496.00

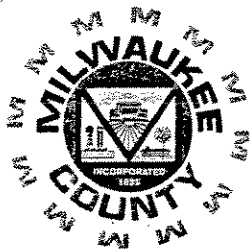
Mr. Ronald D. Leonhardt

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Additional charges:

	<u>Amount</u>
9/14/02 Parking	9.00
Total costs	<u>\$9.00</u>
Total amount of this bill	<u>\$1,505.00</u>
Balance due	<u><u>\$1,505.00</u></u>

(Rate: \$110.00 per hour)



OFFICE OF DISTRICT ATTORNEY

Milwaukee County

E. MICHAEL McCANN • District Attorney

January 31, 2003

Chief Arthur Jones
Milwaukee Police Department
751 North James Lovell Street
Milwaukee, WI 53233

RECEIVED
FEB 4 2003
CERMELE, S.C.

Re: In the Matter of: Sudden Death of Napoleon Thurman, Sr., Black Male, Date of Birth 3/15/70

Dear Chief Jones:

On September 14, 2002, shortly after being arrested, Napoleon Thurman died. Dr. Jeffrey Jentzen subsequently determined that the cause of death was sudden cardiac arrest during police apprehension. Because of the circumstances surrounding Mr. Thurman's death, the Milwaukee District Attorney's office, as standard operating procedure, became involved in reviewing the facts. Based upon my review of all of the information available to me, it is my conclusion that no member of the Milwaukee Police Department who had contact with Mr. Thurman on the morning of September 14th did anything inappropriate, let alone illegal. Even though that is my opinion, if the family of Mr. Thurman wanted to have an inquest, then my office would have requested an inquest and presented all of the facts to a jury all of the available facts.

On December 18th, I and Joe Link, an Investigator in my office, met with Lucresha Dukes, the sister of Mr. Thurman, and other family members of Mr. Thurman. That meeting lasted approximately 2 hours and it had to end because the family had to leave. A second meeting was scheduled for December 30th, but the family failed to appear. I did speak with Ms. Dukes on December 30th and she stated that she did not appear because she was sick and that she would check her work schedule and get back to me. Since that phone conversation I have not heard from Ms. Dukes. By letter dated January 14th, I informed Ms. Dukes that I needed to hear from her by January 31st or I would be sending you a letter advising you that in my opinion, there was no inappropriate activity on the part of the police that led to the death of her

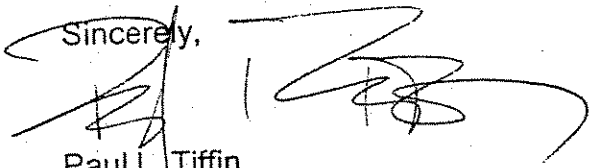
- Robert D. Donohoo
Jon N. Reddin
Carol Lynn White
Patrick J. Kenney
James J. Martin
Thomas A. Schulz
Alexander G. Sklenarz
William J. Molitor
Donald S. Jackson
Gale G. Shelton
Terry Magowan
Gary D. Mahorn
David Robles
Dorothy Daley
Peg Tarrant
Douglas J. Simpson
Cynthia G. Brown
Norman A. Gahn
George N. Priezt, III
Stephanie Gineis Rotheimer
Carol E. Stauder
Steven H. Glamm
Mary Anne Smith
Mark S. Williams
Linda Johnson
John M. Stosber
Thomas L. Potter
David Feiss
Rayann Chandler Szychinski
Elisa Castellon
Carole Manchester
Kenneth R. Berg
Benbow P. Cheesman, Jr.
Lovell Johnson, Jr.
Warren D. Zier
Timothy J. Colter
Carol Berry Crowley
Steven V. Licata
Brad Vorpaht
Jane Carroll
Paul Tiffin
Minam S. Falk
Phyllis M. DeCarvalho
Dennis P. Murphy
Christopher Ford
Christine M. Kraus
Phillip A. Aseff
Thomas J. McAdams
Bruce J. Landgraf
Mary K. McCann
Denis J. Sjogli
David M. Lerman
Janet C. Protasiewicz
DeAnn L. Heard
Patricia A. McGowan
Irene Parthum
Karen A. Loebel
Nancy Ettenheim
Marcela DePeters
Ronald S. Dague
Catherine A. Gaudreau
Lon S. Kornblum
Karinne O'Byrne
Maria Dixon
James W. Frisch
Kurt B. Benkley
James C. Griffin
William P. Pipp
Audrey Skwerawski
Josine L. Hardie
John T. Chisholm
Christopher A. Liegel
Megan P. Carmody
Laura A. Crivello
Derek C. Mosley
Shawn Pompe
Brian J. Resler
Karen A. Lynch
Allison M. Ritter
Kevin R. Shornin
Jennifer Rypel
Beth D. Zirgibel
Shannon Carrick
Rebecca F. Dallet
Mark A. Sanders
Paul C. Dedinsky
David T. Malone
Kelly L. Hedge
Jeffrey J. Alenbourg
Rachael Gossens
Deborah L. Mills
Patti Wabitsch
Kent L. Lovern
Paul R. Sander
Julius Kim
Neilson W. Phillips, III
Bradford J. Logsdon
Patrick J. Farley
Joy Bertrand
Margaret M. Zimmer
Bruce W. Becker
Michael T. Mahoney
Mary M. Sowinski
Kathryn K. Sarnier
Jeanette Corbett
Jeffrey P. Greipp
Thomas C. Binger
David Maas
Jeramy L. Reser
Daniel J. Gabler
Sara P. Scullen
Genise M. Hooks
Brent Master
T. Christopher Dee
Kathanne Kucharski
Lisa P. Fricker
Robin J. Rosche
Phillip R. Rangsbuebsin
Tiffany J. Harris
Daniel R. Humble
Jacob D. Corr
David H. Weber
Joy Hammond
Martin T. Lundquist
Asron Weiss
John J. Riester
Trevor A. Sisk
Andrew J. Maier
Heidi E. Galvan
Nancy A. Noet
Rebecca K. Blumberg
Joan C. Aguado
Stephen W. Sawyer

Chief Jones
January 31, 2003
Page 2

brother. This letter is being written to you because it is January 31st and I have not heard from Ms. Dukes or any other member of Mr. Thurman's family.

If you have any questions, feel free to contact me at 278-4662.

Sincerely,

A handwritten signature in black ink, appearing to be "Paul L. Tiffin", written over a horizontal line.

Paul L. Tiffin
Assistant District Attorney

PLT:cm

cc: Lieutenant Keith Ballish
Milwaukee Police Department

John Crmele, Attorney for the Officers
1840 North Farwell Avenue, Suite 303
Milwaukee, Wisconsin 53202

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

March 21, 2003

TO: P.O. JOEL OBRIEN
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 SEPTEMBER 14, 2002
- 2) A citizen's complaint made by NAPOLEON THURMAN
- 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 T NO _____

Your signature: Joel T. O'Brien

Print your name: Joel T. O'Brien

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

Steven M. Settingsgaard
KJS

Steven M. Settingsgaard
Police Commander
Internal Affairs Division

SMS:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

March 21, 2003

TO: P.O. SARAH PROHASKA
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 SEPTEMBER 14, 2002
- 2) A citizen's complaint made by NAPOLEON THURMAN
- 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 _____

Your signature: Po Sarah Prohaska

Print your name: Po Sarah PROHASKA

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

SMS:kjs

MILWAUKEE POLICE DEPARTMENT

March 21, 2003

MEMORANDUM

TO: P.O. CINDY BEASTER
DISTRICT SEVEN

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 SEPTEMBER 14, 2002
- 2) A citizen's complaint made by NAPOLEON THURMAN
- 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 _____

Your signature: PO Cindy Beaster

Print your name: PO Cindy BEASTER

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



Steven M. Settingsgaard
Police Commander
Internal Affairs Division

RECEIVED

03 MAR 27 PM 1:10
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION
SMS:kjs