

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
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Deputy City Attorneys



THOMAS O. GARTNER
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KURT A. BEHLING
GREGG C. HAGOPIAN
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MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
KATHRYN Z. BLOCK
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
HEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
HEIDI E. GALVÁN
Assistant City Attorneys

April 30, 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 Jacob Knight and Chad Boyack
C.I. File No. 07-S-41-3; EC 2410

Dear Council Members:

Returned herewith is a document filed by Attorney Jonathan Cermele for attorney's fees for representing Police Officers Jacob Knight and Chad Boyack. The claim is in the amount of \$6,027.00 including \$32.00 in disbursements for 54.50 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 officers on whose behalf this claim was filed.

Pursuant to Wis. Stat. § 895.35 (2), the Common Council no longer has discretion with regard to this claim as all fees and expense were incurred after the effective date (January 7, 2006) of the amendment to the statute, and because all of the requirements of the statute have been met in this case.

Very truly yours,


GRANT F. LANGLEY
City Attorney


JAN A. SMOKOWICZ
Assistant City Attorney

JAS:amp
Enc.

1032-2007-455:124858v1

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

February 15, 2007

TO: P.O. CHAD BOYACK
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 12, 2005
- 2) A citizen complaint made by N/A
- 3) A police shooting incident occurring on NOVEMBER 12, 2005

Is this information correct?

YES NO

Did you receive legal representation
in this matter?

YES NO

Your signature: Chad Boyack

Print your name: Chad BOYACK

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

Mary K. Hoerig

MARY K. HOERIG
Deputy Inspector
Professional Performance Division

MKH: kjs

07 FEB 19 PM 2:12

RECEIVED

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

February 15, 2007

TO: P.O. JACOB KNIGHT
DISTRICT: FIVE

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

RECEIVED
07 FEB 19 PM 2:11
MILWAUKEE POLICE
INVESTIGATIVE
DIVISION

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 12, 2005 *NOVEMBER 13, 2005*
- 2) A citizen complaint made by N/A
- 3) A police shooting incident occurring on NOVEMBER 12, 2005 *NOVEMBER 13, 2005*

Is this information correct? YES ___ NO X

Did you receive legal representation in this matter? YES X NO ___

Your signature: *P.O. Jacob Knight*

Print your name: *P.O. Jacob Knight*

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

Mary K. Hoerig
MARY K. HOERIG
Deputy Inspector
Professional Performance Division

MKH: kjs

CERMELE & ASSOCIATES, S.C.

ATTORNEYS AT LAW

JONATHAN CERMELE
LAURIE A. EGGERT
RACHEL L. PINGS
MATTHEW L. GRANITZ

6310 WEST BLUEMOUND ROAD
SUITE 200
MILWAUKEE, WISCONSIN 53213
(414) 276-8750
FAX (414) 276-8906

January 26, 2007

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

**RE: MPD Criminal Investigation PO's Jacob Knight and Chad Boyack
Regarding: Officer-Involved Shooting
Date of Incident: November 12, 2005
Location of Incident: 6th Street and North Avenue**

Dear Mr. Leonhardt:

This claim is being submitted under §895.35(2), STATS., which provides that:

Notwithstanding sub (1), the City . . . shall reimburse a protective services officer for reasonable attorney fees incurred by the officer in connection with a criminal proceeding arising from the officer's conduct in the performance of official duties, unless, in relation to that conduct, any of the following applies:

- a. The officer is convicted of a crime;
- b. The officer's employment is terminated for cause;
- c. The officer resigned for reasons other than retirement before the attorneys fees are incurred;
- d. The officer is demoted or reduced in rank
- e. The officer is suspended without pay for 10 of more working days. §895.35(2), STATS.

Officers Knight and Boyack are both considered a "protective services officer" under the statute. They have incurred the fees compiled in this claim as a direct result of their being investigated for actions taken within their official capacity, and in the performance of their duties, in

connection with the use of deadly force. None of the "exceptions" apply¹.

The incident resulted in the District Attorney's Office conducting a criminal investigation into the shooting of Mr. Robert Agnew including an inquest, under Chapter 979, STATS. That investigation qualifies as a "proceeding" which mandates payment under 895.35(2), STATS.

Attached is the letter from DDA Reddin confirming that the use of deadly force was justified, privileged and in self-defense.

Sincerely,

CERMELE & ASSOCIATES, S.C.

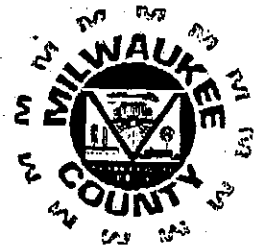
Jon Cermele

/kjs

Enclosures

KNIGHT and BOYACK

¹ Neither officer was convicted of a crime, terminated for cause, resigned prior to incurring the fees associated with this claim, demoted, or suspended without pay for more than 10 days. See 895.35(2)(b), STATS.



OFFICE OF DISTRICT ATTORNEY

Milwaukee County

E. MICHAEL McCANN • District Attorney

September 6, 2006

Chief Nannette Hegerty
City of Milwaukee Police Department
749 W. State Street
Milwaukee, WI 53233

Re: Inquest Into the Death of Robert Agnew

Dear Chief Hegerty:

As you are aware, Robert Agnew died of gunshot wounds after being shot by officer Jacob Knight on November 13, 2005. This afternoon, a Circuit Court inquest jury found that officer Knight's actions were privileged as an act of self-defense under Wisconsin Statutes section 939.48.

We agree wholeheartedly with this verdict. Officer Knight fired after Mr. Agnew pointed a handgun at him from a distance of about 10 feet. He is fortunate to have been able to fire first, and had no choice but to use deadly force.

As far as this office is concerned, this matter is closed.

Very truly yours,

Jon N. Reddin
Deputy District Attorney

Megan Paulson
Assistant District Attorney

JNR:jr

- Robert D. Donohue
Douglas J. Brinson
Patrick J. Kenney
Lovell Johnson, Jr.
James J. Martin
Thomas A. Schulz
Alexander G. Skieniec
William J. Mohr
Donald S. Jackson
Cale G. Shelton
Terry Magowan
Gary D. Azabhorn
David Robles
Fes Terreri
Cynthia G. Brown
Norman A. Gahn
Stephanie Gharlo Romstein
Carol E. Janick
Steven M. Giamm
Mary Anne Smith
Mark S. Williams
Linda Johnson
John M. Stober
Thomas L. Potter
David Feres
Rayann Chandler Szychniak
Carole Manchester
Konrad R. Garp
Warren D. Zier
Timothy J. Costar
Carol Barry Crowley
Steven V. Uosta
Brad Vortahl
John Carroll
Paul Tiffin
Melom S. Folk
Phyllis M. DeCarvalho
Dennis P. Murphy
Christine M. Kraus
Phillip A. Adoff
Thomas J. McAdams
Bruce J. Landgraf
Doris J. Sings
David M. Lerman
John C. Proulewick
DeAnn L. Haard
Patricia A. McGowan
Irene E. Parham
Karan A. Lissel
Nancy Eisenstein
Ronald B. Dague
Lori B. Kambium
Kathie O'Byrne
Marie Dorsey
Janina W. Frisch
Kurt B. Bantley
James C. Onjin
William P. Pipp
Aubrey Skulbrawski
Joanne L. Harshbarger
John T. Chisholm
Christopher A. Ulagal
Megan R. Carmany
Laurie A. Crivello
Shawn Pompe
Kevin R. Shomin
Jennifer Marlock
Beth G. Zingales
Karen A. Veselick
Rebecca F. Dorst
Mark A. Sanders
Paul C. DeCristoforo
David T. Malone
Kathy L. Hedger
Jeffrey J. Antonowicz
Ronald Svanof
Paul Wabitsch
Kurt L. Lovom
Bruce W. Becker
Michael T. Mahoney
Mary M. Dowinski
Kathryn K. Samor
Jeanette Corbett
Jeffrey R. Orsello
David Moss
Jeremy L. Resser
Daniel J. Rabler
Sara R. Scullin
T. Christopher Doe
Katherine Kucharski
Lisa R. Fricker
Tiffany J. Harris
Daniel R. Humalik
Jacob O. Carr
Jay Hammond
Trevor A. Sisk
Andrew J. Maler
Heldi G. Gelvan
Nancy A. Noel
Elizabeth Mueller
Megan J. Thomas
Gloria I. Hubbard
Stephen Edward Nolan
Christine M. Quinn
Michael Ackerman Hayes
Adam J. Levin
Jennifer K. Rhodes
Clare Bunting
Zach Winkley
Rebecca A. Kistler
Matthew J. Tolpenson
Kerissa L. Childs
Jason M. Kleckhfer
Cezah Haleig
Gilben Ufer
Janna Menan
Anthony White
Antonio Apollo
Julia DiAceti
Nicole Dandinger
Erin Karphen
Lucy Kronfort
William Anthony Dell, Jr.
Erin Dingen
Maurgan A. Brackett
Monica J. Awe
Michael J. Lonati
Paul M. Maurer

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January 26, 2007

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

RE: MPD Criminal Investigation regarding: Mr. Robert M. Agnew shooting
Regarding: POs Jacob Knight and Chad Boyack
Date of Incident: November 12, 2005
Location of Incident: 6th and North
Professional services

	<u>Hours</u>
11/13/2005 Telephone call regarding officer-involved-shooting; travel to scene; interview witnesses; travel to PAB; meeting with PO Knight; meeting with PO Boyack; meeting with CIB and DA; follow up meeting with PO Boyack; return travel; open file; memos to file.	7.30
11/14/2005 Review of file.	0.40
11/15/2005 Discussion with DDA Reddin.	0.20
1/6/2006 Intra-office conference with Eggert; telephone call to and from DDA Reddin regarding status, etc.	0.50
1/12/2006 Discussion with DDA Reddin.	0.40
1/13/2006 Telephone call to PO Knight.	0.30
1/17/2006 Telephone call from CIB; telephone call to DDA Reddin.	0.40
1/18/2006 Telephone call to and from PO Knight.	0.20

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MILWAUKEE

	<u>Hours</u>
2/8/2006 Review file; telephone calls from and to DDA Reddin.	0.30
3/3/2006 Review file; Fax to McCann regarding clearance letter.	0.40
3/6/2006 Telephone calls to and from McCann.	0.40
3/20/2006 Review file; Fax to DA.	0.30
3/21/2006 Telephone call to DDA Reddin.	0.20
4/25/2006 Telephone call to Dep. Chief O'Keefe; Fax to McCann; telephone call to and from Dep. Chief O'Keefe.	0.50
5/12/2006 Telephone call from and to client.	0.30
5/22/2006 Review file; telephone call to McCann.	0.30
5/23/2006 Review file; telephone call to McCann.	0.20
5/24/2006 Telephone call to McCann; telephone call to client.	0.30
5/25/2006 Telephone call from McCann confirming inquest; telephone call to and from PO Knight; telephone call to and from DDA Reddin regarding scheduling inquest; telephone call to PO Boyack.	0.80
5/26/2006 Telephone call to PO Boyack; correspondence to both clients.	0.50
5/31/2006 Review file; travel; meeting with DDA Reddin; return travel.	1.80
6/1/2006 Telephone call from PO Knight; office conference with PO Knight.	1.40
6/13/2006 Receive and review documentation from PO Knight and PO Boyack; telephone call to Reddin; schedule office conference with PO Boyack; telephone call to and from PO Knight.	0.60
6/14/2006 Telephone call to Reddin; office conference with PO Boyack; telephone call to and from DA's investigator.	1.30

	<u>Hours</u>
6/15/2006 Telephone call to DA's investigator; telephone call to and from DDA Reddin.	0.40
7/5/2006 Telephone call to Reddin.	0.20
7/6/2006 Organize file; telephone call to DDA Reddin; review literature regarding use of force.	1.20
8/2/2006 Several telephone calls from DDA Reddin regarding trial date.	0.30
8/4/2006 Telephone call to DA's office; telephone call to PO Knight; office conference with same; telephone call to PO Boyack.	1.10
8/7/2006 Receive and review Documentation from DA's office.	0.40
8/17/2006 Office conference with PO Boyack.	0.50
8/18/2006 Telephone call to DDA Reddin.	0.20
8/21/2006 Discussion with DDA Reddin.	0.30
8/22/2006 DNA research; meeting with DDA Reddin; research.	1.20
8/23/2006 Further DNA research.	4.10
8/24/2006 "Secondary DNA" research; telephone call to client; office conference with client; telephone call to Reddin.	0.90
8/28/2006 Several telephone call from Dep. Chief O'Keefe; telephone call to PO Knight; telephone call to and from PO Boyack.	0.60
8/30/2006 Review file; several telephone calls to and from PO Knight; several telephone calls to and from DDA Reddin; schedule date and time for meeting with Reddin; calendar same; several telephone calls to PO Boyack.	1.20

	<u>Hours</u>	
8/31/2006 Telephone call from PO Boyack; further review of file; travel to DA's office; meeting with PO Knight; meeting with PO Knight and DDA Reddin; return travel; telephone call to and from ADA Paulson; schedule date and time for interview with PO Boyack; telephone call to PO Boyack regarding same; calendar same.	4.40	
9/1/2006 Review file; travel to DA's office; meeting with PO Boyack; attend PO Boyack's interview with ADA Paulson; return travel.	2.10	
9/5/2006 Prepare for Inquest; travel; meeting with PO Knight; meeting with PO Boyack; meeting with DDA Reddin; attend Inquest; return travel.	9.20	
9/6/2006 Review file; travel; attend Inquest; return travel; telephone call to client; telephone call to and from DDA Reddin confirming that his office would accept jury's verdict that use of deadly force was in self-defense and no charges would be issued.	6.10	
9/14/2006 Telephone call to and from DDA Reddin; receive and review Faxed confirmation that no charges would issue.	0.40	
9/15/2006 Correspondence to clients; close file.	0.40	
		<u>Amount</u>
For professional services rendered	54.50	\$5,995.00
Additional charges:		
9/1/2006 Parking		8.00
9/5/2006 Parking		12.00
9/6/2006 Parking		12.00
Total costs		<u>\$32.00</u>

Mr. Ronald Leonhardt

Page 5

Total amount of this bill

Amount
\$6,027.00

Balance due

\$6,027.00

(Rate: \$110.00 per hour)