

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
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FAX (414) 286-8550

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
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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 31, 2005

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

Re: Communication from Attorney Laurie Eggert, Eggert & Cermele, S.C.
for legal fees for Police Officers Dennis DeValkenaere and Richard Schellhammer
C.I. File No. 03-S-216; EC No. 1880

Dear Council Members:


Returned herewith is a document filed by Attorney Laurie A. Eggert for attorney's fees for representing Police Officers Richard DeValkenaere and Richard Schellhammer. The claim is in the amount of \$957.00 for 8.70 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 officers on whose behalf this claim was filed, but they were 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).

Very truly yours,


GRANT F. LANGLEY
City Attorney


JAN A. SMOKOWICZ
Assistant City Attorney
JAS:enm

Enc.

89720/ 1032-2003-1615

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 9, 2003

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

**RE: MPD Criminal Investigation of POs Dennis DeValkenaere and
Richard Schellhammer
Allegations Regarding Shooting (Mr. Quincy Grant)
Date of Incident: April 17, 2003
Location of Incident: 25th and Nash
EC No.: 1880**

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 traffic stop and officer-involved shooting.

The MPD conducted a criminal investigation and investigated the shooting as a critical incident. IAD compelled POs DeValkenaere and Schellhammer to give statements after issuing PI-21s. Later, the DA concluded that the officers' use of force was in self defense. 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
Attorney at Law

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

1/29/05
O.K.
JAS
Letter 22 77

JC/ldl
attachment
DeVSCH

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: Shooting of Mr. Quincy Grant
Regarding: POs Dennis DeValkenaere and Richard Schellhammer
Date of Incident: April 17, 2003
Location of Incident: 25th and Nash

Professional services

	<u>Hours</u>	
4/17/03 Telephone call from DeValkenaere; conference with witness; intra-office conference; telephone call to CIB; meeting with CIB; meeting with PO DeValkenaere; meeting with PO Schellmacher; attend PO DeValkenaere's statement to DA; attend PO Schellmacher's statement to DA; attend PO DeValkenaere's statement to CIB; attend PO Schellmacher's statement to CIB; meeting with Ward; attend PO DeValkenaere's PI-21; attend PO Schellmancher's PI-21; travel; open file; memo to file.	8.10	
4/23/03 Receive and review letter from DA confirming officer's actions to have been justified; correspondence to clients; close file.	0.60	
		<u>Amount</u>
For professional services rendered	8.70	\$957.00
Balance due		<u>\$957.00</u>

(Rate: \$110.00 per hour)



OFFICE OF DISTRICT ATTORNEY

Milwaukee County

E. MICHAEL McCANN • District Attorney

April 22, 2003

Police Chief Arthur Jones
City of Milwaukee Police Department
749 W. State Street
Milwaukee, WI 53233

RE: THE SHOOTING OF QUINCY GRANT BY ONE OR MORE CITY OF
MILWAUKEE POLICE OFFICERS

Dear Chief Jones:

On April 17, 2003, Quincy Grant was shot several times by City of Milwaukee Police Officers Dennis Devalkenaere and/or Richard Schellhammer. The opinions expressed in this letter are applicable whether one or both officers shot Quincy Grant. Also, some of the forensic testing in this matter has not been completed. However, those results also would not change the opinions expressed in this letter.

The purpose of this letter is to advise you and other interested parties of the results of the investigation of that event by the Milwaukee County District Attorney's Office.

My investigation included, but was not limited to, an independent investigation of the facts and circumstances surrounding the incident, interviews of persons who had information concerning this incident, interviews of Officers Devalkenaere and Schellhammer, an interview of Quincy Grant, a review of the official City of Milwaukee Police Department reports relating to this incident, an examination of the area where the incident occurred, and an examination of the physical evidence.

It is the decision of the Milwaukee County District Attorney's Office, based upon my review of the facts and circumstances related to this incident, that neither Officer Richard Schellhammer or Dennis Devalkenaere will be charged with violating any provision of the Wisconsin criminal law. That decision is based upon my finding that the acts of Officer Dennis Devalkenaere and Richard Schellhammer were privileged as a lawful use of force in the exercise of the defense of himself (self-defense) pursuant to Section 939.41, Stats.

Robert D. Donohoo
Jon N. Reddin
Carol Lynn White
Patrick J. Kenney
James J. Martin
Thomas A. Schulz
Alexander G. Sklenarz
William J. Mollitor
Donald S. Jackson
Gale G. Shelton
Terry Magowan
Gary D. Mahkorn
David Robles

Deborah Daley
Peg Tarrant
Douglas J. Simpson
Cynthia G. Brown
Norman A. Gahn
Stephanie Gineris Rothstein
Carol E. Janick
Steven H. Giamm
Mary Anne Smith
Mark S. Williams
Linda Johnson
John M. Stoiber
Thomas L. Potter
David Feiss
Rayann Chandler Szychlinski
Carole Manchester
Kenneth R. Berg
Benbow P. Cheesman, Jr.
Lovell Johnson, Jr.
Warren D. Zier
Timothy J. Cotter
Carol Berry Crowley
Steven V. Licata
Brad Vorpahl
Jane Carroll
Paul Tiffin
Miriam S. Falk
Phyllis M. DeCarvalho
Dennis P. Murphy
Christine M. Kraus
Philip A. Arieff
Thomas J. McAdams
Bruce J. Landgraf
Mary K. McCann
Denis J. Stingl
David M. Lerman
Janet C. Protasiewicz
DeAnn L. Heard
Patricia A. McGowan
Irene Parthum
Karen A. Loebel
Nancy Eitenheim
Marcella DePeters
Ronald S. Dague
Lori S. Kornblum
Karine O'Byrne
Maria Dixon
James W. Frisch
Kurt B. Benkley
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Audrey Skwirawski
Joanne L. Hardtke
John T. Chisholm
Christopher A. Liegel
Megan P. Carmody
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Shawn Pompe
Brian J. Resler
Karen A. Lynch
Allison M. Ritter
Kevin R. Shomin
Jennifer Rypel
Beth D. Zsigibel
Shannon Carrick
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Mark A. Sanders
Paul C. Dedinsky
David T. Malone
Kelly L. Hedge
Jeffrey J. Altenburg
Rachael Gossens
Julius Kim
Patti Wablich
Kent L. Lovem
Paul R. Sander
Eadford J. Logsdon
Patrick J. Farley
Joy Bertrand
Margaret M. Zimmer
Bruce W. Becker
Michael T. Mahoney
Mary M. Sowinski
Kathryn K. Garner
Jeanette Corbett
Jeffrey P. Grepp
Thomas C. Binger
David Maas
Jeremy L. Resar
Daniel J. Gabler
Sara P. Scullen
Genise M. Hooks
Brent Nisler
T. Christopher Dee
Katharine Kucharski
Lisa P. Fricker
Robin J. Rosche
Phillip R. Rangsuetsin
Tiffany J. Hams
Daniel R. Humble
Jacob D. Corr
David H. Weber
Joy Hammond
Martin T. Lundquist
Trevor A. Sisk
Andrew J. Maier
Heidi E. Galvan
Nancy A. Noel
Rebecca K. Blumberg
Stephen W. Sawyer
Elizabeth Mueller
Megan J. Vawter
Grant I. Huebner
Catie Kidder
John Rusch
Stephan Eduard Nollen
Eric D. Defort
Christine M. Quinn
Megan Fisher
Munjed A. Ahmad
Mary C. Theisen
Michelle A. Ackerman

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APR 23 2003

Page 2
April 22, 2003

Further, some of the actions of the officers would also be privileged as the lawful use of force in the accomplishment of a lawful arrest pursuant to Section 939.45(4), Stats.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Robert D. Donohoo".

Robert D. Donohoo
Chief Deputy District Attorney

RDD:lmh

Cc: Attorney Jonathan Cermele
City Attorney Grant Langley
City of Milwaukee Fire and Police Commission

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

June 5, 2003

TO: P.O. DENNIS DEVALKENAERE
DISTRICT SEVEN

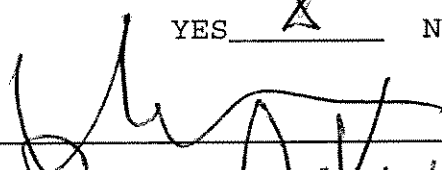
RE: Receipt of Legal Services from Law Firm of
Attorney

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 APRIL 17, 2003
- 2) A citizen's complaint made by QUINCY GRANT
- 3) A police shooting incident occurring on 25TH AND NASH

Is this information correct? YES NO

Did you receive legal representation in this matter? YES NO

Your signature: 
Print your name: DENNIS DEVALKENAERE

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


Steven M. Settingsgaard *KTS*
Police Commander
Internal Affairs Division

SMS:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

June 5, 2003

TO: P.O. RICHARD SCHELLHAMMER
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 APRIL 17, 2003
- 2) A citizen's complaint made by QUINCY GRANT
- 3) A police shooting incident occurring on 25TH AND NASH

Is this information correct? YES NO

Did you receive legal representation in this matter? YES NO

Your signature: Richard Schellhammer
Print your name: Richard Schellhammer

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

SMS:kjs

P.O. SCHELE & HAMMER

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

JUNE 6, 2003

TO: Captain ANNA RUZINSKI
District SEVEN

RE: ATTACHED MEMORANDUM(S)

Please see that the police officer(s) named in the attached memorandum(s) respond by filling in the requested information.

Then return the memorandum(s) to the Internal Affairs Division.

Steven M. Settingsgaard
Police Commander
Internal Affairs Division

Attachment (s)

03-155-3011

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03 JUN 16 PM 2:00
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION