

**GRANT F. LANGLEY**  
City Attorney

**RUDOLPH M. KONRAD**  
**LINDA ULISS BURKE**  
**VINCENT D. MOSCHELLA**  
Deputy City Attorneys



THOMAS O. GARTNER  
BRUCE D. SCHRIMPF  
ROXANE L. CRAWFORD  
SUSAN D. BICKERT  
STUART S. MUKAMAL  
THOMAS J. BEAMISH  
MAURITA F. HOUREN  
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LEONARDO A. TOKUS  
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G. O'SULLIVAN-CROWLEY  
KATHRYN Z. BLOCK  
MEGAN T. CRUMP  
ELOISA DE LEÓN  
ADAM B. STEPHENS  
KEVIN P. SULLIVAN  
BETH CONRADSON CLEARY  
THOMAS D. MILLER  
HEIDI E. GALVÁN  
Assistant City Attorneys

July 16, 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 Kurt Lezeske, Dennis Justus, Eli Cole, Timothy Zielinski,  
and Chad Steppke; EC 2570

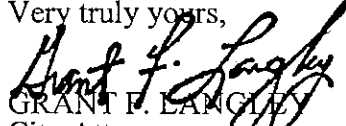
Dear Council Members:

Returned herewith is a document filed by Attorney Jonathan Cermele for attorney's fees for representing Police Officers Kurt Lezeske, Dennis Justus, Eli Cole, Timothy Zielinski, and Chad Steppke. The claim is in the amount of \$1,053.00 including \$8.00 in disbursements for 9.50 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.

1032-2008-921.009:124858v1

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

June 24, 2008

TO: P.O. KURT KEZESKE  
DISTRICT: NTF/TAC

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 DECEMBER 31, 2007
- 2) An incident regarding OFFICER- INVOLVED SHOOTING
- 3) A police shooting incident occurring on DECEMBER 31, 2007

Is this information correct?

YES X NO   

Did you receive legal representation  
in this matter?

YES X NO   

Your signature:



Print your name:

P.O. KURT D. KEZESKE

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

KURT R. LEIBOLD  
Acting Captain of Police  
Professional Performance Division

KRL: lrc

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

May 26, 2008

TO: P.O. DENNIS JUSTUS  
DISTRICT: TAC

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: DECEMBER 31, 2007
- 2) A citizen complaint made by:
- 3) A police shooting incident occurring at: 2908 S. 9<sup>TH</sup>

Is this information correct?

YES X NO   

Did you receive legal representation  
in this matter?

YES X NO   

Your signature: Dennis J. Justus

Print your name: DENNIS J. JUSTUS

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

KURT R. LEIBOLD  
Acting Captain of Police  
Professional Performance Division

KRL: kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

May 26, 2008

TO: P.O. ELI COLE  
DISTRICT: TAC

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: DECEMBER 31, 2007
- 2) A citizen complaint made by:
- 3) A police shooting incident occurring at: 2908 S. 9<sup>TH</sup>

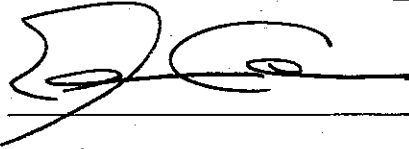
Is this information correct?

YES X NO     

Did you receive legal representation  
in this matter?

YES X NO     

Your signature: \_\_\_\_\_



Print your name: \_\_\_\_\_

ELI COLE

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

KURT R. LEIBOLD  
Acting Captain of Police  
Professional Performance Division

KRL: kjs

03 MAY 28 AM 10:10  
DIVISION OF AFFAIRS

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

May 26, 2008

TO: P.O. TIMOTHY ZIELINSKI  
DISTRICT: TWO

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: DECEMBER 31, 2007
- 2) A citizen complaint made by:
- 3) A police shooting incident occurring at: 2908 S. 9<sup>TH</sup>

Is this information correct?

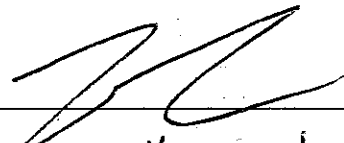
YES ☒ NO ☐

Did you receive legal representation  
in this matter?

YES ☒ NO ☐

Your signature: \_\_\_\_\_

Print your name: \_\_\_\_\_

  
Timothy Zielinski

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

KURT R. LEIBOLD  
Acting Captain of Police  
Professional Performance Division

KRL: kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

May 26, 2008

TO: P.O. CHAD STEPPKE  
DISTRICT: TWO

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: DECEMBER 31, 2007
- 2) A citizen complaint made by:
- 3) A police shooting incident occurring at: 2908 S. 9<sup>TH</sup>

Is this information correct?

YES ☒ NO ☐

Did you receive legal representation  
in this matter?

YES ☒ NO ☐

Your signature: \_\_\_\_\_



Print your name: \_\_\_\_\_

Chad STEPPKE

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

KURT R. LEIBOLD  
Acting Captain of Police  
Professional Performance Division

KRL: kjs

**GRANT F. LANGLEY**  
City Attorney

**RUDOLPH M. KONRAD**  
**LINDA ULISS BURKE**  
**VINCENT D. MOSCHELLA**  
Deputy City Attorneys

**CITY OF**  
**MILWAUKEE**  
**Office of the City Attorney**

**THOMAS O. GARTNER**  
**BRUCE D. SCHRIMPF**  
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**ELOISA DE LEÓN**  
**ADAM B. STEPHENS**  
**KEVIN P. SULLIVAN**  
**BETH CONRADSON CLEARY**  
**THOMAS D. MILLER**  
Assistant City Attorneys

May 1, 2008

Acting Captain Kurt Leibold  
Milwaukee Police Department  
Professional Performance Division  
6680 North Teutonia Avenue, Rm. 325  
Milwaukee, WI 53209

Re: Communication from CERMELE & ASSOCIATES, S.C.  
EC No: 2570; Our File No. 1032-2008-921.009

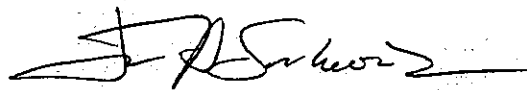
Dear Captain Leibold:

Enclosed please find a claim filed by attorney Jonathan Cermele for Attorney's fees incurred during his representation of Police Officers Kurt Kezeske, Dennis Justus, Eli Cole, Timothy Zielinski, and Chad Steppke.

Please determine whether this officer was in fact involved in the matter described in Mr. Cermele's claim, and have this officer verify Mr. Cermele's representation. Please return the claims and verification forms to our office at your earliest convenience to Angelique M. Pettigrew, Paralegal.

Thank you for your anticipated cooperation in this matter.

Very truly yours,



JAN A. SMOKOWICZ  
Assistant City Attorney

JAS:amp

Enclosure

1032-2008-921.009:130254

OFFICE OF THE CITY ATTORNEY

# CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -  
WWW.CERMELELAW.COM

JONATHAN CERMELE  
RACHEL L. PINGS  
MATTHEW L. GRANITZ

LAURIE A. EGGERT  
- OF COUNSEL -

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

April 3, 2008

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

CITY OF MILWAUKEE  
2008 APR -7 PM 2:25  
RONALD D. LEONHARDT  
CITY CLERK

**RE: MPD Criminal Investigation of PO's Kurt Kezeske, Dennis Justus, Timothy Zielinski and Chad Steppke**  
**Allegations Regarding Officer-Involved Shooting**  
**Date of Incident: December 31, 2007**  
**Location of Incident: 2908 South 9<sup>th</sup> Street**

Dear Mr. Leonhardt:

Pursuant to Article 58 of the 2007-2009 Collective Bargaining Agreement between the City and the Milwaukee Police Association, the City should request that this claim be placed on the Common Council Committee agenda within 180 days of its receipt.

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 or more working days. §895.35(2), STATS.



Officer's Kezeske, Justus, Cole, Zielinski and Steppke are all 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" apply.<sup>1</sup>

The incident resulted in the Dodge County District Attorney's Office conducting a criminal investigation into the death of Mr. Cory Hosni, under Chapter 979, STATS. Attached is a copy of Milwaukee County Deputy District Attorney Reddin's letter confirming the same. That investigation qualifies as a "proceeding" which mandates payment under §895.35(2), STATS.

Thank you.

Sincerely,

CERMELE & ASSOCIATES, S.C.

Jon Cermele

/kjs

Attachment  
KEZESKE, et al.

---

<sup>1</sup> 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.

# CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -  
WWW.CERMELELAW.COM

JONATHAN CERMELE  
RACHEL L. PINGS  
MATTHEW L. GRANITZ

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

LAURIE A. EGGERT  
- OF COUNSEL -

April 03, 2008

Mr. Ronald Leonhardt  
Milwaukee City Clerk  
City Hall, Room 205  
200 East Wells Street  
Milwaukee WI 53202

RE: MPD Criminal Investigation of PO's Kurt Kezeske, Dennis Justus, Eli Cole, Timothy Zielinski and Chad Steppke  
Allegations Regarding Officer-Involved Shooting  
Date of Incident: December 31, 2007  
Location of Incident: 2908 South 9th Street  
Professional services

	<u>Hours</u>
12/31/2007 Travel to PAB with Pings; interviews with PO's Kezeske, Justus and Cole regarding involvement in critical incident; attend statements of PO's Kezeske, Zielinski and Steppke to DA and Detectives.	5.00
1/9/2008 Intra-office conference with Granitz regarding status.	0.10
Correspondence to PO's Kezeske, Zielinski, Steppke, Cole and Justus.	0.20
1/23/2008 Calendar follow-up with District Attorney's Office.	0.10
2/1/2008 Intra-office conference with Granitz regarding status.	0.20
E-mail to DA's office.	0.10
2/5/2008 Review e-mail correspondence from DA's office.	0.10
2/11/2008 E-mail to Dodge County District Attorney's Office.	0.20

	<u>Hours</u>
2/25/2008 Review file; correspondence and fax to Dodge County DA.	0.30
2/26/2008 Telephone call from Dodge County DA; memo to file; calendar follow-up with Milwaukee County DA.	0.30
2/28/2008 E-mail to Milwaukee County DA's office.	0.10
3/5/2008 E-mail to Milwaukee County DA's office; memo to file.	0.20
3/6/2008 Telephone call from Milwaukee County DA's office; telephone call to PO Kezeske; memo to file.	0.50
3/10/2008 Telephone call from and to PO Zielinski; memo to file.	0.30
3/24/2008 Telephone call from PO Kezeske; memo to file; calendar follow-up.	0.30
3/25/2008 Fax to Dodge County DA seeking case status update; review file; telephone call from and to Dodge County DA confirming file clearance; fax to Milwaukee County DA seeking confirmation of closure; telephone call to PO Kezeske; memo to file.	1.00
3/27/2008 Receive and review correspondence from Milwaukee County DA's office closing file; telephone call to PO Kezeske regarding same; intra-office conference with Cermele; correspondence to clients regarding closure; close file.	0.50
	<u>Amount</u>
For professional services rendered	9.50 \$1,045.00
Additional charges:	
12/31/2007 Parking	8.00
Total costs	<u>\$8.00</u>

Mr. Ronald Leonhardt

Page 3

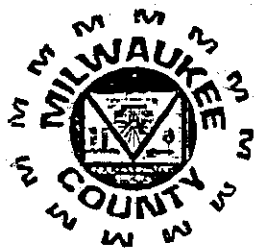
Total amount of this bill

Amount  
\$1,053.00

Balance due

\$1,053.00

(Rate: \$110.00 per hour)



## OFFICE OF DISTRICT ATTORNEY

*Milwaukee County*

JOHN T. CHISHOLM • District Attorney

March 26, 2008

Chief Edward A. Flynn  
City of Milwaukee Police Department  
749 W. State Street, Room 716  
Milwaukee, WI 53233

**Re: Fatal Shooting of Cory Hosni**

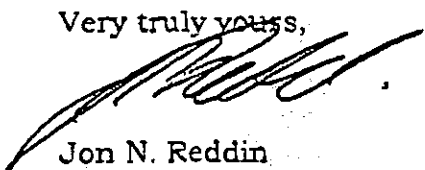
Dear Chief Flynn:

As you are aware, City of Milwaukee Police officer Kurt Kezeske, while on duty on December 31, 2007, shot and killed Cory Hosni. We asked Dodge County District Attorney Steven Bauer to review this shooting because Kezeske is married to one of our assistants and we felt we had a conflict of interest.

I have just received a memo from District Attorney Bauer concluding that this shooting was privileged as an act of self defense and defense of others. Having reached this decision, Mr. Bauer considers this case closed, as does our office.

Should you have any questions, please call me at 278-4810. Thank you.

Very truly yours,

  
Jon N. Reddin  
Chief Deputy District Attorney

JNR:jr

cc/John Chisholm

Jon N. Reddin  
James J. Martin  
Patrick J. Kenney  
Lovell Johnson, Jr.  
Kent L. Lowery  
Thomas A. Scholz  
Alexander G. Sklarz  
William J. Moller  
Donald B. Jackson  
Gale G. Shelton  
Gary D. Mahlum  
David Roberts  
Pat Tarrant  
Douglas J. Smeccon  
Cynthia O. Brown  
Norman A. Sann  
Stephane Ghene Rochaine  
Curtis G. Janick  
Steven M. Cichom  
Mark S. Williams  
Linda Johnson  
John M. Stiller  
Thomas L. Potter  
David Fales  
Rayann Chancier Szyginski  
Cecilia Manchester  
Kenneth R. Borg  
Warren D. Zier  
Timothy J. Cotter  
Carol Berry Crowley  
Steven V. Uvare  
Brad Vorjani  
Paul Tiffin  
Mingus S. Fox  
Phyllis M. DeCarvalho  
Dennis P. Murphy  
Philip A. Anon  
Thomas J. McAdams  
Bruce J. Lemke  
Darin J. Stang  
David M. Larmann  
Janal C. Prochowski  
DeAnn L. Heide  
Fondra A. McGowan  
Irene L. Penhuni  
Karen A. Lohbel  
Nancy Ellenheim  
Ronald S. Daguo  
Lori S. Kornblum  
Kathie O'Byrne  
Marta Dorsey  
James W. Frisch  
Kurt E. Bonkney  
James C. Griffin  
William P. Pipp  
Audrey Skowrowski  
Joanne L. Harlike  
Christopher A. Liegel  
Megan R. Carmody  
Laura A. Chwalek  
Shawn Pompe  
Kevin R. Sherman  
Both D. Zingel  
Korah A. Vespric  
Mark A. Sandete  
Paul C. Dedinsky  
David T. Malone  
Kelly L. Hing  
Jeffrey J. Altshuler  
Rachael Stancel  
Patti Wapner  
Bruce W. Becker  
Michael T. Monchey  
Mary M. Gownski  
Kathryn A. Seres  
Jesseville Corbin  
Jeffrey P. Grippo  
David Maac  
Daniel J. Galtier  
Sara P. Scullen  
T. Christopher Deo  
Lisa D. Fricker  
Daniel R. Humble  
Jacob D. Carr  
Joy Hommenda  
Trevor A. Sisk  
Nancy A. Nowi  
Katharine F. Kucharski  
Elizabeth Mueller  
Megan J. Paulson  
Grant I. Mueller  
Stephan Ederic Norton  
Christine M. Quinn  
Nicholas Ackerman Hees  
Jennifer K. Khodan  
Claire Spilling  
Zach Whitley  
Rebecca A. Kieler  
Matthew J. Torbenton  
Kaitlyn L. Chiles  
Caren Manning  
Mary C. Treibson  
Osborn Usher  
Johna Merwin  
Anthony White  
Antoni Apello  
Nicole D. Lyon  
Erin Karahan  
Lucy Kronforst  
Elin Dineen  
Monica J. Hall  
Michael J. Lohski  
Paul M. Meuser  
Sara Beth Lawrie  
Alynn E. Hall  
Jenni Sales  
Leatrice Pinson  
David M. Stegall  
Amanda Kwikowski  
Benjamin Watson  
Renee Hainke  
Kent P. Hayas  
Joseph Sobot  
Holly L. Duren  
Anthon Kurokawa  
Jacob A. Marston  
Heather M. Flack  
Megan M. Whitman  
Dawsey E. Miron  
Sarah Ebone  
Johnfor J. Kopp