

GRANT F. LANGLEY
City Attorney

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



THOMAS O. GARTNER
BRUCE D. SCHRIMPF
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
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
MIRIAM R. HORWITZ
MARYNELL REGAN
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
JARELY M. RUIZ
ROBIN A. PEDERSON
Assistant City Attorneys

January 5, 2009

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 Chuck Libal, Abner Valcarcel,
Christopher Zimmerman, and Malcolm McNeil; EC 2597

Dear Council Members:

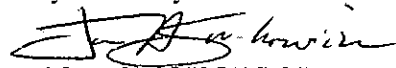
Returned herewith is a document filed by Attorney Jonathan Cermele for attorney's fees for representing Police Officers Chuck Libal, Abner Valcarcel, Christopher Zimmerman, and Malcolm McNeil. The claim is in the amount of \$902.00 for 8.20 hours of service billed at the rate of \$110 per hour. We ask 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. No criminal charges were brought against the 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:amp
Enc.

1032-2008-2037.005:124731v4

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

September 3, 2008

TO: DET. CHARLES LIBAL
DISTRICT: VCD

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: February 2, 2008
- 2) A citizen complaint made by: OMAR BURTON
- 3) A police shooting incident occurring at: NA

Is this information correct?

YES NO

Did you receive legal representation
in this matter?

YES NO

Your signature: _____



Print your name: _____

CHARLES LIBAL

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

September 3, 2008

TO: DET. CHRISTOPHER ZIMMERMANN
DISTRICT: VCD

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: February 2, 2008
- 2) A citizen complaint made by: OMAR BURTON
- 3) A police shooting incident occurring at: NA

Is this information correct?

YES NO

Did you receive legal representation
in this matter?

YES NO

Your signature: *Chris Zimmermann*

Print your name: Chris Zimmermann

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

September 3, 2008

TO: DET. ABNER VALCARCEL
DISTRICT: VCD

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: February 2, 2008
- 2) A citizen complaint made by: OMAR BURTON
- 3) A police shooting incident occurring at: NA

Is this information correct?

YES NO

Did you receive legal representation
in this matter?

YES NO

Your signature: 

Print your name: Det. Abner VALCARCEL

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

September 3, 2008

TO: P.O. MALCOLM MCNEIL
DISTRICT: VCD

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: February 2, 2008
- 2) A citizen complaint made by: OMAR BURTON
- 3) A police shooting incident occurring at: NA

Is this information correct?

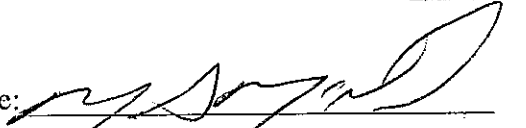
YES NO

Did you receive legal representation
in this matter?

YES NO

Your signature:

Print your name:


Malcolm S. McNeil

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
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ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
HEIDI E. GALVÁN
Assistant City Attorneys

June 25, 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: 2597; Our File No. 1032-2008-2037.005

Dear Captain Leibold:

Enclosed please find a claim filed by attorney Jonathan Cermele for Attorney's fees incurred during his representation of Police Officers Chuck Libal, Abner Valcarcel, Christopher Zimmerman, and Malcolm McNeil.

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,

A handwritten signature in black ink, appearing to read "JAS" followed by a stylized surname.

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:amp
Enclosure

1032-2008-2037.005:12978

OFFICE OF THE CITY ATTORNEY

CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -
WWW.CERMELELAW.COM

JONATHAN CERMELE
MATTHEW L. GRANITZ
CHELSIE ALLAN

LAURIE A. EGGERT
- OF COUNSEL -

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

June 12, 2008

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

**RE: MPD Criminal Investigation of Det.'s Charles Libal, Abner Valcarcel and Christopher Zimmermann and PO Malcolm McNeil Allegations Regarding Mr. Omar Burton
Date of Incident: February 2, 2008
Location of Incident: 1561 West Mitchell 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.

The above-named police detectives and officer 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, this claim is hereby made on their behalf for the indicated legal fees. This incident involved a search warrant.

According to correspondence from Acting Captain Leibold, the matter is suspended pending new information. As such, no charges were issued against the detectives or officer. Attached is a copy of the letter along with status of the CIS Investigatory file, and an itemization of the time and services rendered.

Thank you.

Sincerely,

CERMELE & ASSOCIATES, S.C.

Jon Cermele

/kjs

Attachments

LIBAL, et al

CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -
WWW.CERMELELAW.COM

JONATHAN CERMELE
MATTHEW L. GRANITZ
CHELSIE ALLAN

Laurie A. Eggert
- Of Counsel -

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

June 12, 2008

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

RE: MPD Criminal Investigation of Det.'s Charles Libal, Abner Valcarcel and Christopher Zimmermann and PO Malcolm McNeil
Allegations Regarding Mr. Omar Burton
Date of Incident: February 2, 2008
Location of Incident: 1561 West Mitchell Street
Professional services

	<u>Hours</u>
2/28/2008 Telephone call from and to Det. Libal regarding new criminal investigation; open file; schedule and calendar office conference with Det. Libal; telephone call from PPD.	0.30
3/6/2008 Office conference with Det. Libal and PO McNeil; memo to file.	0.70
3/7/2008 Intra-office conference with Granitz; memo to file; obtain contact information for witnesses; telephone call to witnesses.	0.50
3/25/2008 Telephone call from PPD; memo to file.	0.30
3/27/2008 Telephone call to clients; telephone call to witness.	0.20
3/28/2008 Telephone call from and to client; several telephone calls to and from PPD; schedule statements; travel to Academy; meeting with clients; attend statements of clients; return travel.	2.00
4/3/2008 Telephone call from Det. Zimmerman; office conference with same; memo to file; conference with witness and memo to file; telephone call to PPD.	0.50

	<u>Hours</u>	
4/4/2008 Telephone call from and to Det. Valcarcel; memo to file.	0.50	
4/8/2008 Telephone call to Det. Zimmerman to schedule PPD statement; telephone call to Det. Valcarcel to schedule PPD statement; telephone calls to PPD regarding same; travel; attend statements to PPD.	2.30	
5/15/2008 Telephone call to PPD regarding status; telephone call from PPD confirming case closed pending further information; correspondence to Det. Lt. Dubis requesting written confirmation of closure.	0.30	
5/22/2008 Receive and review written confirmation from MPD regarding case closed pending further information; correspondence to clients; close file.	0.30	
Receive and review correspondence from PPD; correspondence to clients indicating file closure; close file.	0.30	
		<u>Amount</u>
For professional services rendered	8.20	\$902.00
Balance due		<u>\$902.00</u>

MAY 22 2008

Police Department

Edward A. Flynn
Chief of Police

Monday, May 19, 2008

Rachel L. Pings
Attorney At Law
6310 West Bluemound Road
Suite 200
Milwaukee, WI 53213

Dear Ms. PINGS:

This letter is in response to your inquiries regarding the status of CIS Investigatory Files.

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

Sincerely,



KURT LEIBOLD
ACTING CAPTAIN OF POLICE

CIS FILE NO.	PPD FILE NO.	COMPLAINANT	ALLEGATION	DISPOSITION
08-0019	08-0170	BURTON, OMAR	THEFT	SUSPENDED-PENDING NEW INFORMATION
07-0168	07-0745	HEWING, DEREK	C.D.T.P.	UNFOUNDED
07-0179	07-0779	SCHROEDER, JAMES	THEFT	SUSPENDED-PENDING NEW INFORMATION
07-0200	07-0924	HARRIS, KEVIN	THEFT	SUSPENDED-PENDING NEW INFORMATION
07-0159	07-0790	BENNETTE-GREEN, RICHARD	MISCONDUCT IN PUBLIC OFFICE	SUSPENDED-PENDING NEW INFORMATION
07-0148	07-0697	WILSON, ALMONYONNA	PHYSICAL ABUSE OF A CHILD	BASELESS
07-0198	07-0911	BLANKENHEIM, ROBERT	BATTERY	WARRANT REFUSED
07-0161	07-0746	BARNES, LEMAR	MISCONDUCT IN PUBLIC OFFICE	WARRANT REFUSED
08-0035	08-0122	PARR-CHESSER, WHITNEY	BATTERY	UNFOUNDED