CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
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Assistant City Attorneys

December 12, 2003

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

Re: Communication from Attorney Laurie A. Eggert, Eggert Law Office, S.C.
for legal fees for Police Officer Robert Henry
C.I. File No. 01-S-396; ELO No. 1716

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officer Robert Henry. The claim is in the amount of $280.05 including $5.05 in disbursements for 2.50 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 Police Officer 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. Sec. 895.35, Stats., *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.
2276

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
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FAX (414) 276-8906

CITY OF MILWAUKEE
2001 NOV 12 AM 8:36
RONALD D. LEONHARDT
CITY CLERK

November 7, 2001

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

RE: MPD Criminal Investigation of PO Robert Henry
Allegations Regarding Mr. Terrence Henderson
Date of Incident: May 23, 2001
Location of Incident: District #5
EC No.: 1716

Dear Mr. Leonhardt:

The above-named police officer has retained us to represent him in connection with the above-referenced matter.

Consistent with its policy, the City Attorney's Office has refused to represent him, and as he was performing the duties of his office at the time of the events giving rise to the incident, the claim is hereby made on his behalf for the indicated legal fees. This incident involved the arrest and booking of Mr. Henderson. Charges will not be issued against the officer. Attached is a copy of the clearance report and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.

Laurie A. Eggert
Attorney at Law

'01 NOV 14 AM 3:17
CITY ATTORNEY

LAE/ldl
HENRY

12/12/03
O.K.
JMS
Letter 2276

EGGERT & CERMELE, S.C.
Attorneys at Law

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November 7, 2001

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

RE: MPD Criminal Investigation re: Mr. Terrence Henderson
Regarding: PO Robert Henry
Date of Incident: May 23, 2001
Location of Incident: District #5

Professional services

		Hours
06/14/01	Telephone call from client regarding criminal investigation; telephone call to IAD; open file.	0.50
06/15/01	Telephone call to IAD; memo to file.	0.20
06/18/01	Telephone call to witness; telephone call to and from client; memo to file.	0.70
06/25/01	Review of file.	0.20
08/02/01	Correspondence to MPD Open Records; review of file.	0.40
10/29/01	Review of correspondence from MPD Open Records; correspondence to client; close file.	0.50

		Amount
For professional services rendered	2.50	$275.00

Additional charges:

	Amount
10/29/01 MPD Open Records request	5.05
Total costs	$5.05
Total amount of this bill	$280.05
Balance due	$280.05

(Rate: $110.00 per hour)

,IGATIVE NARRATIVE:

This report was dictated by Detective Ronald HARDEN, of the Criminal Investigation Unit/Internal Affairs Division (CIU/IAD), day shift.

In summarizing this investigation the complainant, Terrance HENDERSON, alleged that Officers WAGNER and BOYACK had no valid reason for stopping him and his girlfriend Sierra SHAW. He denies possessing any drugs and believes he was within his rights to resist efforts to be arrested and handcuffed. Also, he believed the officers were trying to "kill me" and bit one officer causing a bleeding wound. He also alleges that the booking officer at District #5, Robert HENRY, slammed him onto the floor and choked him without cause and again believed the officer was going to "kill me", yet HENDERSON remained passive as officers watched but failed to stop HENRY.

Detective Shannon JONES stated in his report relating to his interview with Sierra SHAW that she was completely evasive with her responses to his questions.

In contrast WAGNER and BOYACK related in reports and CIB interviews of stopping HENDERSON and SHAW relative to their assignment. HENDERSON was observed dropping drugs onto the ground and upon taking action to arrest him, SHAW claimed the drugs belonged to her. HENDERSON tried to escape and fought them while back up officers arrived and helped subdue him. HENDERSON continued this conduct even after being handcuffed and placed inside the conveyance wagon.

No officer outside of Officer HENRY is identified as being present when HENDERSON claims he was being choked and Officer HENRY declined to make any statements during an interview with Det. Michael CARLSON.

After my interview with HENDERSON I discovered he provided me with a false home address and phone number for SHAW after learning I would interview her. I was led to concur with Detective JONES' assessment of SHAW and believe that SHAW was not completely truthful in her responses to my questions.

This recent incident was reviewed at the District Attorney's Drug Unit and charges of Possession of Controlled Substance with Intent to Deliver (cocaine) and resisting were issued against HENDERSON. Further, the MPD arrest records show HENDERSON having four previous drug arrests including a Resisting/Obstructing an Officer.

In conclusion of this investigation both HENDERSON and SHAW have displayed a lack of truthfulness and cooperation regarding this complaint and for these reasons this investigation is being cleared as baseless.

RH:laf
01-171

REVIEWING D.A.	P.O./DET. ASSIGNED DET. HARDEN	COURT CASE NUMBER
FINAL CHARGE	DISPOSITION/DATE	VICTIM NOTIFIED BY DET. HARDEN

INCIDENT STATUS
- O CLEARED BY ARREST 18 OR OVER
- O PARTIAL CLEARANCE BY ARREST
- O UNFOUNDED/BASELESS
- O NO PROSECUTION DESIRED
- O PROPERTY RECOVERED
- O WARRANT REFUSED
- O ARREST UNDER 18
- O A. Detained at MCCC
- O B. Ordered in to MCCC DATE: _____
- O WAIVED AS AN ADULT

----- C.I.B. ADMINISTRATIVE USE ONLY -----

CLEARED EXCEPTIONALLY
- O A. Death of Offender
- O B. Prosecution Declined
- O C. Extradition Denied
- O D. Refused to Cooperate
- O E. Juvenile, no custody
- O F. Not Applicable

JUSTIFIABLE HOMICIDE
- O A. SUSP ATTCKD PO AND SAME PO KILLED SUSP
- O B. SUSP ATTCKD PO AND OTHER PO KILLED SUSP
- O C. SUSP ATTCKD CIVILIAN
- O D. SUSP ATTEMPTED FLIGHT FROM CRIME
- O E. SUSP KILLED IN COMMISSION OF CRIME
- O F. SUSP RESISTED ARREST
- O G. UNABLE TO DETERMINE/NOT ENOUGH
- O H. SUSPECT KILLED BY PRIVATE CITIZEN
- O I. SUSPECT KILLED BY POLICE OFFICER

INFORMATION

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

DECEMBER 10, 2001

TO: P.O. ROBERT HENRY
DISTRICT FIVE

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 MAY 23, 2001
2) A citizen's complaint made by TERRENCE HENDERSON
3) A police shooting incident occurring on NA

Is this information correct? YES X NO

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

Your signature: Robert Henry

Print your name: Robert Henry

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

STEVEN SETTINGSGAARD
POLICE COMMANDER
Internal Affairs Division

DTS:dnp