

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

1112 MONROE STREET, SAUK CITY,
SAUK COUNTY, WISCONSIN,

Defendant.

MEMORANDUM

03-C-0236-C

A status conference was held by telephone in this case on September 15, 2004. Elizabeth Altman, Assistant United States Attorney, appeared for the government. Rose Yanke appeared for claimant and Valerie L. Bailey-Rihn appeared for National City Home Loan Services.

Although the state court has decided the claimant's suppression motion by denying it, Ms. Yanke was not in a position to say that her client would agree to proceeding with the forfeiture proceedings in this court. Defendant has not yet decided whether he will go to trial or plead guilty in Sauk County court and whether he will appeal the denial of his suppression should he be convicted.

Pursuant to 18 U.S.C. § 981(g)(1), this civil forfeiture proceeding against the property at 1112 Monroe Street is stayed because the claimant is the subject of a related criminal case in state court and he has standing to assert a claim in this forfeiture procedure. Furthermore, continuation of this forfeiture proceeding will burden the right of the claimant against self-incrimination in the related case in state court.

Therefore, it will be necessary to continue the stay in this case until the state court has completed all of the proceedings against defendant. Once that has happened, the parties may brief the question whether a stay is necessary under § 981 while claimant's case is on appeal.

Entered this 17th day of September, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge