

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN HIGH,

Defendant.

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ORDER

07-CR-091-C

On September 20, 2007, this court held a recorded telephonic conference to discuss defendant John High's request for a *Franks* hearing on his motion to suppress evidence. High did not participate personally, but was represented by his attorneys, Brian Mullins and Richard Coad. The government was represented by Assistant United States Attorney Rita Rumbelow.

After hearing from both sides and having considered all the submissions, I determined that there is no need for a *Franks* hearing. The parties agreed that we need a *Segura* hearing<sup>1</sup> and further agree that in the event the government establishes probable cause to secure the apartment, then statements made by the residents during the pre-warrant wait are sufficient to establish probable cause, thereby rendering immaterial the challenged statements of the

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<sup>1</sup>*Segura v. United States*, 468 U.S. 796, 810 (1984).

affiant's informant.

Entered this 20<sup>th</sup> day of September, 2007.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge