

Seizure and Forfeiture

Suddenly, and without warning, you lose your car, electronic devices, business, savings, and possibly your family's home. What happened?

At both the State and Federal level, certain laws allow the government to use civil proceedings to take ownership (effect forfeiture) of your possessions. Authorities have the power to seize your real and personal property if they can prove that there is a sufficient connection between the object that they seek to take and some criminal activity. But what if you didn't do anything wrong?

Sometimes, the spouse and family of a criminal defendant have no idea that their home or vehicles are subject to seizure by the government. They may not have even been aware that such charges were outstanding. All at once, life begins to crumble and homelessness and helplessness ensue.

There have even been cases where one business partner conceals business difficulties, like tax problems, from the other partner(s). The business may seem to thrive one moment, and then in the next the U. S. Marshalls are taking possession of your business assets and accounts.

At the Federal level, there are several laws that allow authorities to take control and title of your assets. The Racketeer Influenced and Corrupt Organization Act (RICO), for example, allows the government to seize any property either used to advance a criminal enterprise or purchased with the proceeds of a criminal enterprise. This type of seizure is not limited to (though often thought of concurrently with) the "mob" or "gangs." A family member, for example, who manufactures and distributes illegal substances in the family home, could subject that home to forfeiture under this law, sometimes without the homeowner's knowledge of the underlying criminal act.

The Internal Revenue Code permits the government to obtain liens against property, but is not limited only to liens. Depending on the nature of the situation, a family's or a business's assets could be seized to satisfy tax debt and fines incurred as a result of a failure to file a return, provide information to the IRS, or to pay taxes. Savings and investment instruments may be confiscated where the accused evades tax liability. This happens, and when it does, it can also be without foreknowledge.

The State has the same options for violations of its criminal and tax laws. Both the State and Federal government can seize bank accounts, investments, and other liquid assets in addition to real and personal property. To prevent the governments' use of this power, you need the wisdom of experienced trial attorneys to protect your valuable possessions.

The attorneys at Gianola, Barnum, Bechtel & Jecklin, L.C. will work with you to prevent and fight the forfeiture process. We will analyze the links claimed in the petition and investigate the underlying matter giving rise to the seizure. We can identify weaknesses in the governments' case and work towards proving why your interests should not be dissolved. Sometimes, reorganization is necessary and interests in property can be protected through partition. Other times, we can show the government why taking your possessions would not advance their interests. No matter what the cause, we can help resolve your asset forfeiture problem in a manner that includes a holistic approach to achieving your long-term goals with an emphasis on near-term compassion.