

Supreme Court Clarifies That Untainted Assets Cannot Be Frozen Pre-Trial By The Government

Corporate Defense and Disputes Blog on **April 6, 2016**

Last week the Supreme Court further clarified the procedures and limits regarding the government's ability to freeze assets in connection with criminal prosecutions. Following the 2014 decision in *Kaley v. United States*, where the Court ruled (in the government's favor) that a defendant could not challenge the legality of a pre-trial asset seizure by contesting the grand jury's determination of probable cause, last week the Court added to the body of law on asset forfeiture by siding with defendants and limiting the government's ability to freeze "untainted" assets. The Court's March 30, 2016 decision in *Luis v. U.S.* holds that the government's pre-trial freeze of "untainted" assets (meaning money not connected to the alleged crimes) violates the Sixth Amendment right to counsel by choice... [Continue Reading](#)