



## Supreme Court rules government can't freeze assets unrelated to crimes



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By Lydia Wheeler - 03/30/16 10:54 AM EDT

The Supreme Court ruled Wednesday that it is unconstitutional to freeze financial assets unrelated to a person's crime before a trial, when the money is needed to pay for an attorney.

In a 5-3 decision, the court ruled that federal prosecutors violated the Sixth Amendment when they prevented a Miami woman from using her own, untainted funds to hire an attorney to defend her in a criminal case.

The case — *Luis v. United States* — centers on Sila Luis, who amassed nearly \$45 million in a Medicare fraud scheme that included kickbacks paid to patients who enrolled with her home healthcare companies.

In order to preserve the \$2 million Luis had left for restitution and other criminal penalties, the government secured a pretrial order prohibiting her from dissipating her assets, which included those unrelated to her alleged crimes.

Though Luis argued the order kept her from obtaining an attorney of her choice, the lower court ruled that the Sixth Amendment did not give her the right to use her untainted funds for that purpose.

The Supreme Court's decision Wednesday vacates that ruling.

"The government cannot, and does not, deny Luis' right to be represented by a qualified attorney whom she chooses and can afford," Justice Stephen Breyer wrote in the court's majority opinion, on which Chief Justice John Roberts and Justices Ruth Bader Ginsburg and Sonia Sotomayor joined.

"But the government would undermine the value of that right by taking from Luis the ability to use the funds she needs to pay for her chosen attorney."

Justice Clarence Thomas accounted for the fifth vote through a concurring opinion of his own.

Justices Anthony Kennedy and Samuel Alito dissented from the ruling, along with Justice Elena Kagan, who filed her own dissent.

"The thief who immediately dissipates his ill-gotten gains and thereby preserves his other assets is no more deserving of chosen counsel than the one who spends those two pots of money in reverse order," she wrote in her opinion.