

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRANDON JAMES VALERIUS,

Defendant.

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Case No. 11-cr-40056-01-JAR

**ORDER GRANTING DEFENDANT'S
MOTION FOR RETURN OF PROPERTY**

This case comes before the Court on Defendant Brandon James Valerius's Motion for Return of Property (Doc. 32). The Government has filed a response. The motion is fully briefed, and the Court is prepared to rule. For the following reasons, Defendant's motion is granted.

Defendant requests the return of \$480 that was taken from him at the time of his arrest. The cash came from a recent paycheck, and Detective Deirks of the Riley County Police Department determined the cash was not associated with the criminal allegations in this case. Detective Deirks further recommended that the cash be released to Defendant. Defendant has noted that the cash was photographed and that Defendant will stipulate to the seizure and any other information that the Government may need. The Government does not dispute any of Defendant's assertions but explains that it will not oppose Defendant's request at the time of sentencing, which is when the Government usually requests disposal of all evidence.

The sentencing hearing, which was originally set for March 5, 2012, and would have allowed for expeditious return of Defendant's money, has been continued to July 9, 2012, requiring Defendant to wait numerous months for the return of his money. Because the

Government does not dispute that the money is not associated with the criminal allegations, the Court grants Defendant's motion and orders the Government to return the \$480 seized from Defendant at the time of his arrest.

IT IS THEREFORE ORDERED BY THE COURT that Defendant's Motion for Return of Property (Doc. 32) is GRANTED.

IT IS FURTHER ORDERED that the Government shall return to Defendant the \$480 seized from him at the time of his arrest.

Dated: March 6, 2012

S/ Julie A. Robinson
JULIE A. ROBINSON
UNITED STATES DISTRICT JUDGE