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DISTRICT IV

December 20, 2013

To:

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You are hereby notified that the Court has entered the following opinion and order:

2012AP1205	Kevin Wayne Phillips v. State of Wisconsin (L.C. # 2010CF88)
2012AP1206	Kevin Wayne Phillips v. State of Wisconsin (L.C. # 2010CF89)
2012AP1207	Kevin Wayne Phillips v. State of Wisconsin (L.C. # 2010CF91)
2012AP1208	Kevin Wayne Phillips v. State of Wisconsin (L.C. # 2010CF92)
2012AP1209	Kevin Wayne Phillips v. State of Wisconsin (L.C. # 2010CF93)
2012AP1210	Kevin Wayne Phillips v. State of Wisconsin (L.C. # 2010CF94)
2012AP1211	Kevin Wayne Phillips v. State of Wisconsin (L.C. # 2010CF95)
2012AP1212	Kevin Wayne Phillips v. State of Wisconsin (L.C. # 2010CF96)
2012AP1213	Kevin Wayne Phillips v. State of Wisconsin (L.C. # 2010CF97)
2012AP1214	Kevin Wayne Phillips v. State of Wisconsin (L.C. # 2010CF98)
2012AP1215	Kevin Wayne Phillips v. State of Wisconsin (L.C. # 2010CF100)
2012AP1216	Kevin Wayne Phillips v. State of Wisconsin (L.C. # 2010CF102)
2012AP1217	Kevin Wayne Phillips v. State of Wisconsin (L.C. # 2010CF103)
2012AP1218	Kevin Wayne Phillips v. State of Wisconsin (L.C. # 2010CF105)
2012AP1219	Kevin Wayne Phillips v. State of Wisconsin (L.C. # 2010CF106)
2012AP1220	Kevin Wayne Phillips v. State of Wisconsin (L.C. # 2010CF107)
2012AP1221	Kevin Wayne Phillips v. State of Wisconsin (L.C. # 2010CF108)
2012AP1222	Kevin Wayne Phillips v. State of Wisconsin (L.C. # 2010CF109)
2012AP1223	Kevin Wayne Phillips v. State of Wisconsin (L.C. # 2010CF110)
2012AP1224	Kevin Wayne Phillips v. State of Wisconsin (L.C. # 2010CF111)
2012AP1225	Kevin Wayne Phillips v. State of Wisconsin (L.C. # 2010CF112)
2012AP1226	Kevin Wayne Phillips v. State of Wisconsin (L.C. # 2010CF113)

2012AP1227	Kevin Wayne Phillips v. State of Wisconsin (L.C. # 2010CF114)
2012AP1228	Kevin Wayne Phillips v. State of Wisconsin (L.C. # 2010CF115)
2012AP1229	Kevin Wayne Phillips v. State of Wisconsin (L.C. # 2010CF116)
2012AP1230	Kevin Wayne Phillips v. State of Wisconsin (L.C. # 2010CF117)
2012AP1231	Kevin Wayne Phillips v. State of Wisconsin (L.C. # 2010CF118)
2012AP1232	Kevin Wayne Phillips v. State of Wisconsin (L.C. # 2010CF119)
2012AP1233	Kevin Wayne Phillips v. State of Wisconsin (L.C. # 2010CF121)
2012AP1234	Kevin Wayne Phillips v. State of Wisconsin (L.C. # 2010CM135)
2012AP1235	Kevin Wayne Phillips v. State of Wisconsin (L.C. # 2010CM139)
2012AP1236	Kevin Wayne Phillips v. State of Wisconsin (L.C. # 2010CM140)
2012AP1237	Kevin Wayne Phillips v. State of Wisconsin (L.C. # 2010CM141)
2012AP1238	Kevin Wayne Phillips v. State of Wisconsin (L.C. # 2010CM142)
2012AP1239	Kevin Wayne Phillips v. State of Wisconsin (L.C. # 2010CM143)
2012AP1240	Kevin Wayne Phillips v. State of Wisconsin (L.C. # 2010CM144)
2012AP1241	Kevin Wayne Phillips v. State of Wisconsin (L.C. # 2010CM145)
2012AP1242	Kevin Wayne Phillips v. State of Wisconsin (L.C. # 2010CM146)
2012AP1243	Kevin Wayne Phillips v. State of Wisconsin (L.C. # 2010CM149)

Before Lundsten, Sherman and Kloppenburg, JJ.

Kevin Phillips appeals an order denying his motion for return of property seized in executing a search warrant. Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2011-12).¹ We affirm.

Phillips sought return of the property under WIS. STAT. § 968.20(1). That statute provides, in relevant part, that any person claiming the right to possession of property seized pursuant to a search warrant may apply for its return, and the court shall hold a hearing to hear all claims to its true ownership. The statute further provides that, if the right to possession is proved to the court's satisfaction, the court shall order the property returned if it "is not needed as evidence" or "[a]ll proceedings in which it might be required have been completed." *Id.*

¹ All references to the Wisconsin Statutes are to the 2011-12 version unless otherwise noted.

At the hearing on Phillips’ motion, the State argued that police are “still working with law enforcement agencies from surrounding counties and states” and “still waiting for victims to identify items of property.” On appeal, the State argues that the rightful owners of the seized property may be found, which might uncover additional burglaries or other crimes, and thus lead to more potential charges. We agree with the State. Based on this record, Phillips’ motion is properly denied because “[a]ll proceedings” in which the property “might be required” have not been “completed.”

IT IS ORDERED that the order appealed is summarily affirmed under WIS. STAT. RULE 809.21.

Diane M. Fremgen
Clerk of Court of Appeals