



Justice on Wheels visits Wautoma

**WISCONSIN SUPREME COURT
TUESDAY, APRIL 24, 2007
9:30 a.m.**

05AP2202-CR State v. Jeffrey Allen House

This is a review of a decision of the Wisconsin Court of Appeals, District I (based in Milwaukee), which affirmed a conviction in Milwaukee County Circuit Court, Judge Charles F. Kahn Jr. presiding.

This is an appeal by a man who was convicted of conspiracy to deliver cocaine. The issue before the Wisconsin Supreme Court is whether the circuit court should have suppressed evidence that was gathered from a wiretap that the defendant alleges was illegal.

Here is the background: Between 2002 and 2004, a Milwaukee drug task force ran an investigation that included wiretaps on the telephones of suspected drug dealers. The investigation led, in May 2004, to the arrest of 32 people – including Jeffrey A. House. House and the others were charged with various drug offenses.

The charge against House was based upon five telephone calls that police intercepted on two phone lines assigned to a man named Samuel Caraballo, who was also charged in this case. In these calls, House allegedly was arranging to purchase cocaine.

House pleaded ‘not guilty’ to the charge, and asked the judge to throw out the evidence that police had gathered from the wiretaps. The judge reviewed the wiretap authorizations that had been granted by Milwaukee’s chief judge and deputy chief judge and found that the original authorization was valid, but a subsequent extension of the wiretap was not. The judge suppressed evidence obtained from one of the Caraballo telephone numbers after April 14, 2004, the date when the original authorization expired. The effect of this ruling was to suppress some, but not all, of the evidence gathered against House.

House ultimately pleaded ‘no contest’ to an amended charge (conspiracy to deliver cocaine) and was given an imposed-and-stayed sentence and placed on probation with various conditions. He appealed, and the Court of Appeals affirmed.

In the Supreme Court, House argues that the original wiretap order was illegal because it authorized law enforcement to intercept phone calls that related to, among other crimes, racketeering and money laundering. These two crimes are not among those listed in the Wisconsin statute that enumerates the types of crimes for which wiretapping authority may be granted. “This is not a minor violation of the law,” House argues. “Wiretaps or interceptions are extremely invasive investigative techniques of police into one’s life. This is why Congress and the State legislature have enacted laws strictly detailing when this investigative technique can be used and the procedure that must be followed.”

The State, on the other hand, contends that racketeering and money laundering are, in fact, enumerated in the statute – although not by name. The State maintains that these crimes are encompassed within one of the other crimes listed in the statute: dealing in controlled substances.

The Supreme Court will decide whether the wiretaps in this drug investigation were lawful.