

Fed. Crim. Jury Instr. 7th Cir. PROPERTY (2019 ed.)

Federal Jury Practice And Instructions

Federal Criminal Jury Instructions of the Seventh Circuit
Committee on Federal Criminal Jury Instructions of the Seventh Circuit

Statutory Instructions

PROPERTY PROPERTY SUBJECT TO FORFEITURE

The government is not required to prove that the money obtained by the Defendant is still in the Defendant's possession. Rather, the government is only required to prove the elements that I have described to you. You are further instructed that what happens to any property that is declared subject to forfeiture is exclusively a matter for the court to decide. You should not consider what might happen to the property in determining whether the property is subject to forfeiture. [In this connection, you should disregard any claims that other persons may have to the property because those interests will be taken into account by the court at a later time.]

Committee Comment

United States v. Ginsburg, 773 F.3d 798 (7th Cir. 1985) (*en banc*) holds that the government does not have to prove that the property is in existence at the time of conviction.