

United States District Court

EASTERN DISTRICT OF WISCONSIN

COURT MINUTES

HON. **DAVID E. JONES**, presiding.

Deputy Clerk: Katina Hubacz

DATE: **August 4, 2016 at 11:00 a.m.**

Court Reporter: FTR Gold

CASE NO. **16-CR-64**

Time Called: 11:01:20

UNITED STATES v. **RONALD H. VAN DEN HEUVEL, et al.** Time Concluded: 11:39:47

PROCEEDING: **BOND REVIEW**

PROBATION OFFICER: **Hannah Behnke**

UNITED STATES by: **Mel Johnson**

DEFENDANT: **RONALD H. VAN DEN HEUVEL**, and by

ATTORNEY: **Krista Halla-Valdes**

Here to reconsider bond conditions previously set for Mr. Van Den Heuvel, pursuant to the Order Appointing Counsel entered by Judge Griesbach. The property bond previously set has not been satisfied.

Need to determine actual financial status of Deft and whether feel have assets to satisfy this bond. Need to know if there are inaccuracies in the financial affidavit filed by Deft and an explanation as to why, and if there are paper assets opposed to physical assets.

Defense:

- do request to revisit bond but after reviewing case closer, has come to attention that Federal Defender's office has potential conflict due to prior client
- conflict poses enough of possibility to withdraw and appoint new counsel
- do not feel can be cured by mutual consents - met with Atty Stiller and Atty Albee and they all agree
- can go ahead with today's hearing
- appointing someone will present a task due to complexity and how much time necessary to get up to speed on case - have no one in mind at this point - planning to meet with Atty Stiller and Albee after today's hearing

Court:

- inclined to grant motion to withdraw. Request a formal motion be filed and ask Defense to go into detail what the conflict is to make Judge Griesbach aware.

Govt:

- feel way case has proceeded it has become more complex than it needs to be
- Brown County search warrant seized large volume of material - defense wants to see all this information - need to see if anything exculpatory - don't feel much of that information is relevant
- not objecting to motion to withdraw but feel is spiraling out of control
- original A&P, talked about bail, based on representation him and family owned house and was worth 1.9 million so Govt suggested this property bond
- then found out Deft didn't own the house - Govt and Judge Griesbach were aware of 3rd party and based on discussions at a hearing, had no problem with this
- feel Deft has shown all along he is indigent
- object to change of the bond - been position that Deft is a flight risk
- feel Deft is a dishonest person - made strange statements/assertions under oath
- did not appear at hearing - warrant was issued for his arrest
- declared bankruptcy for company Greenbacks which then stayed the warrant
- feel information presented in Affidavit to PTS is false
- claims to get monthly income from 10-12 business entities
- filed no tax returns for 2010, 2013, 2014
- claim people give him money to pay his bills
- supposed to pay property taxes on house but has admitted hasn't paid for last several years and when paid, not sure who paid them - can't recall
- statements made at our last hearing were inaccurate about posting \$200,000 when he did not post this
- representations can not be trusted
- feel this bond is lenient - not harsh
- posting house gives incentive to not jump bail
- feel as time goes on, deft has become more of a flight risk. He has no property, no operating ongoing business, no assets
- only thing holding him here is residence and family
- believes he lives in a fictional world and portrays himself as something he is not and things are starting to crumble which gives him less reason to stay and not flee
- in regards to the mortgage, Govt did not know proper documents have not been filed

Bond:

- \$200,000 cash bond, in form of property, has been previously ordered by Judge Griesbach
- mortgage company Manchester Mortgage owns this property, not Deft - did express willingness to post bond against this property

- the issue created by appointment of counsel, shows Deft does not have funds to hire attorney on his own
- may have funds but they are not liquid
- by making a finding of indigence, not sure this property bond is appropriate - purpose behind it when originally set, was based on property being owned by Deft
- based on representation made at last hearing by Govt, Deft is indigent and has a problem with a 3rd party posting this bond to ensure deft's appearance
- Deft does not have assets can use to satisfy this bond without a 3rd party

Pretrial:

- spoke w/ PO in Green Bay and reports no issues with reporting
- not aware of any of the financial specifics

Defense:

- was told paperwork was shown to Govt - request was made for additional taxes be paid and felt Govt signed off regarding Manchester Mortgage who is in charge of this property
- Atty DePodesta was representing Deft at this time and Ms. Halla-Valdes does not have this paperwork and did not see anything filed - will touch base again with Atty DePodesta

Court:

- thought Govt would be seeking detention but an argument was not made
- PTS states has been cooperative
- property bond may be in process of being satisfied
- if not, will need to set some conditions

Parties to inform court by end of day tomorrow of the status of property bond and expects this issue be resolved.

Atty Halla-Valdes is directed to satisfy whatever paperwork is needed.

Govt offers to contact person spoke with previously at Manchester Mortgage.

If satisfied, Govt has no objection to keeping this bond in effect. If cannot, a hearing will be held on Monday to discuss additional conditions for the Deft.

Continuation of Bond Review set for: 8/8/16 at 2:00 p.m., only to occur if bond has not been satisfied