

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 16-CR-64

RONALD H. VAN DEN HEUVEL,
PAUL J. PIIKKILA, and
KELLY Y. VAN DEN HEUVEL,

Defendants.

UNITED STATES' REQUESTS REGARDING EVIDENTIARY HEARING

The United States of America, by and through its attorneys, Gregory J. Haanstad, United States Attorney for the Eastern District of Wisconsin, and Mel S. Johnson and Matthew D. Krueger, Assistant United States Attorneys for said district, hereby respectfully requests that the evidentiary hearing on the defendants' pretrial motions be conducted by Chief Judge Griesbach in Green Bay. The United States further requests that, in accordance with Local Rule 12(b)-(c), the briefing schedule for the pretrial motions be extended to follow the evidentiary hearing. In support of this request, the government states the following:

1. The superseding indictment in this case charges defendant Ronald Van Den Heuvel with 19 counts, including a conspiracy to defraud Horicon Bank (Count One), twelve related counts involving loans from Horicon Bank (Counts Two to Thirteen), and six counts related to attempts to obtain loans from other banks fraudulently (Counts Fourteen to Nineteen). Defendant Kelly Van Den Heuvel is charged in Counts One, Ten, and Eleven. (Defendant Paul Piikkila has entered a guilty plea.)

2. Defendants have filed various pretrial motions. Certain of the motions do not seek an evidentiary hearing. These motions include requests for notice of Rule 404(b) evidence, *see* Doc. 95, 104; requests for certain discovery, *see* Doc. 96, 105, 108; and requests to sever counts or defendants, *see* Doc. 100, 110. The United States intends to file responses to those motions by the current deadline of July 14, 2017.

3. Defendants request evidentiary hearings for three other motions, their motions to suppress and return evidence seized by the Brown County Sheriff's Office, as well as to determine the government's derivative use of that evidence. *See* Doc. 98, 102, and 113. As the United States explained by its letter of June 19, 2017, the government agrees that an evidentiary hearing is needed as to how the investigators executed the search warrants. The government further agrees that a hearing is appropriate to address derivative use of the evidence. A hearing is not needed, however, to determine the facial sufficiency of the warrants. *See* Doc. 109.

4. In accordance with Local Rule 12(b) and (c), the United States requests that its deadline for submitting a response to these three motions be extended until after the evidentiary hearing. That is the process contemplated by Local Rule 12(b) and (c), which allows the parties to submit their substantive briefs in light of the evidence elicited at the hearing.

5. The United States expects that many of the witnesses who would testify at the evidentiary hearing live in the Green Bay area. These include law enforcement officials who helped execute the search warrant. In addition, defendants have attached affidavits of individuals who worked with the defendants and live in the Green Bay area, presumably because defendants would call them as witnesses.

6. The evidentiary hearing has not been scheduled. Magistrate Judge Jones is assigned to this case and presumably would hold the evidentiary hearing in Milwaukee.

7. The United States respectfully requests that Chief Judge Griesbach hold the evidentiary hearing in Green Bay. Doing so would avoid the inconvenience of having witnesses travel from the Green Bay area to Milwaukee. In addition, proceeding before Chief Judge Griesbach in the first instance may ultimately be more efficient. Given the nature of the issues, whichever party did not prevail before Magistrate Judge Jones would likely appeal and seek de novo review by Chief Judge Griesbach. Holding a second evidentiary hearing on the same issues would be time-consuming and run close to the October 23, 2017 trial date.

8. The United States sought the views of defense counsel on this request. Counsel for Kelly Van Den Heuvel (Andrew Porter) stated that she does not have an objection if Ronald Van Den Heuvel does not. Counsel for Ronald Van Den Heuvel (Robert LeBell) stated that he still needed to confer with his client. The United States proceeded to file this request now because it is aware that Magistrate Judge Jones is attempting to schedule the hearing.

9. For purposes of scheduling, undersigned counsel for the United States is available for an evidentiary hearing on any date in July and August except for the following: July 21, July 26, July 28, July 31, August 1, and August 23.

For the reasons stated above, the United States requests that (1) Chief Judge Griesbach conduct the evidentiary hearing in Green Bay and that (2) the Court extend the deadlines for responding to the three motions that require a hearing until after the hearing.

Respectfully submitted this 10th day of July, 2017.

GREGORY J. HAANSTAD
United States Attorney

By: */s/ Matthew D. Krueger*

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