

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 16-CR-64

KELLY VAN DEN HEUVEL,

Defendant.

**MOTION FOR LEAVE TO DISMISS CHARGES IN INDICTMENT
AGAINST KELLY VAN DEN HEUVEL**

The United States of America by its attorneys, Gregory J. Haanstad, United States Attorney, and Mel S. Johnson and Matthew D. Krueger, Assistant United States Attorneys, hereby seeks leave of the Court to dismiss, without prejudice, the charges found in Counts One, Ten, and Eleven of the superseding indictment in this case, pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure. This motion is based on the attached agreement entitled "Waiver of Statute of Limitations and Speedy Trial Act Rights" made between defendant Kelly Van Den Heuvel and the United States.

Dated at Milwaukee, Wisconsin, this 11th of October, 2017.

Respectfully submitted,

GREGORY J. HAANSTAD
United States Attorney

By: /s/ Mel S. Johnson

MEL S. JOHNSON

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WAIVER OF STATUTE OF LIMITATIONS AND SPEEDY TRIAL ACT RIGHTS

WHEREAS, on April 19, 2016, the United States has filed criminal charges against Ronald Van Den Heuvel and Kelly Van Den Heuvel in *United States v. Van Den Heuvel*, No. 16-CR-64, in the United States District Court for the Eastern District of Wisconsin;

WHEREAS, the United States has entered into a plea agreement with Ronald Van Den Heuvel pursuant to which the United States has agreed to dismiss charges against Kelly Van Den Heuvel at the time of sentencing of Ronald Van Den Heuvel;

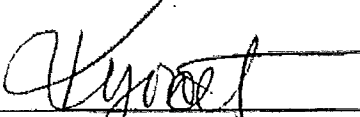
WHEREAS, Kelly Van Den Heuvel has requested that the United States dismiss the charges against her at the time of Ronald Van Den Heuvel's entry of a guilty plea;

NOW, THEREFORE, the United States and Kelly Van Den Heuvel make the following agreement:

The United States will move to dismiss the charges against Kelly Van Den Heuvel without prejudice after acceptance of the guilty plea of Ronald Van Den Heuvel. If Ronald Van Den Heuvel does not withdraw his guilty plea, the United States will not reinstate the charges against Kelly Van Den Heuvel. However, if Ronald Van Den Heuvel successfully withdraws his guilty plea, the United States reserves the right to reinstate the pending charges against Kelly Van Den Heuvel.


In return, if charges are reinstated against her, based upon Ronald Van Den Heuvel's successful withdrawal of his guilty plea, Kelly Van Den Heuvel knowingly and voluntarily waives any defenses she might have had under the statute of limitations, the Speedy Trial Act, and the speedy trial provisions of the Sixth Amendment to the United States Constitution to the extent such defenses were based upon or accounted for the time between the dismissal of charges against her and the reinstatement of charges against her claim. Kelly Van Den Heuvel agrees that any delay between the dismissal of charges against her and the reinstatement of charges upon Ronald Van Den Heuvel's successful withdrawal of his guilty plea shall be excludable time under the Speedy Trial Act.

DATED: 10/10/17




Kelly Van Den Heuvel

DATED: 10/10/17



DRINKER BIDDLE & REATH LLP
Andrew C. Porter
Counsel for Kelly Van Den Heuvel

DATED: Oct. 11, 2017

GREGORY J. HAANSTAND
United States Attorney


Mel J. Johnson
Matthew Krueger
Assistant United States Attorneys

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 16-CR-64

KELLY VAN DEN HEUVEL,

Defendant.

**ORDER GRANTING THE GOVERNMENT'S
MOTION FOR LEAVE TO DISMISS CHARGES IN THE INDICTMENT
AGAINST KELLY VAN DEN HEUVEL**

Upon motion of the United States, and pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure.

IT IS ORDERED that the United States is granted leave to dismiss, without prejudice, the charges found in Counts One, Ten and Eleven of the superseding indictment in this case.

Dated at Milwaukee, Wisconsin, this ____ of October, 2017.

HON. WILLIAM C. GRIESBACH
Chief United States District Judge