

United States District Court

EASTERN DISTRICT OF WISCONSIN

COURT MINUTES

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

Deputy Clerk: Katina Hubacz

DATE: **November 16, 2016 at 10:30 a.m.**

Court Reporter: FTR Gold

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

Time Called: 10:32:01

UNITED STATES v. **RONALD H. VAN DEN HEUVEL**,

Time Concluded: 10:53:24

KELLY YESSMAN VAN DEN HEUVEL

Time Called: 11:03:22

PROCEEDING: **STATUS CONFERENCE (COUNSEL ONLY)** Time Concluded: 11:10:18

UNITED STATES by: **Mel Johnson, Matthew Krueger**

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

KELLY YESSMAN VAN DEN HEUVEL, and by

ATTORNEY: **Robert G. LeBell for deft Ronald H. Van Den Heuvel**

Andrew C. Porter and Carrie DeLange for deft Kelly Yessman Van Den Heuvel

Atty Sanders appears by phone to make sure his appearance isn't necessary for conference today. Court confirms his participation is not necessary and excuses Atty Sanders from today's hearing.

Atty LeBell:

- indicated he is not sure if his appointment is appropriate based on recent sealed hearing had with Judge Griesbach
- was informed to not deal with anything other than CJA issue until hear from Judge Griesbach - to date, have not heard back
- will need to clarify with Judge Griesbach after today's hearing

Govt:

- all material not related to Brown County search warrant has been produced - about 23,000 pgs
- Brown County search warrant material - about 315,000 pgs - two-thirds has been produced
- will have all material produced no later than 12/16
- has to go to outside vendor and due to volume, has been rolling production instead of all in one batch
- at least half are bank records - about 10,000 pgs or less that are pertinent has been produced for awhile
- feel this volume of material should not result in long delay
- do have material from search warrant that will be used in case
- would like case to move quicker - ask to recommend to Judge Griesbach to set trial date - or can file motion

- suggest possible June trial date - with motions dates of April

Court suggests:

Motions due: 4/7/17; Responses due: 4/21/17; Replies due: 4/28/17

Atty Porter:

- client is interested in clearing her name as soon as possible
- first hearing about setting of a trial date - had other discussions with Govt but this did not come up
- encourage parties discuss dates - if his client is going to trial, will be serious motions filed and already have a very busy March/April calendar so don't know these dates will be realistic
- want enough time to be prepared
- strongly object to setting trial date at this time

Atty LeBell:

- feel case has been in hands of Govt for some time
- easy to simplify things, but different from defense perspective
- his client's situation, need to use program - would require CJA approval, which takes time and the cost, need for firewall etc - haven't had physical ability to review materials - not because haven't had time
- would also object to setting a trial date at this point - also anticipate serious motions will need to be filed
- suggest parties discuss and come up with proposal instead of just setting dates
- feel June date is not realistic and asks this court to reiterate to Judge Griesbach the extra time needed for CJA approval etc

Court:

- understand what parties are saying so suggest June date for motions and possible August date for trial
 - encourage parties to discuss right now if August will work and will go back on the record in 5 minutes
- Court resumes.

Govt:

- defense has suggested some dates and Govt does not object

Atty Porter:

- suggest 6/5/17 date for motions; 30 days for response; 14 days for replies; trial date on or after 9/11/17 (2 wks)
- suggest status conference week of 12/19 to confirm balance of discovery has been done and to resolve any remaining issues in regards to Atty LeBell's appointment

Court:

- will talk to Judge Griesbach about proposed dates and then will issue an order with motions dates

Telephonic Status Conference (COUNSEL ONLY) set for: 12/21/16 at 10:00 a.m.

Court makes Speedy Trial finding. The time from today until 12/21/16 is excluded under Speedy Trial Act.