

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	Case No. 16 CR 00064-WCG-DEJ
v.)	
)	Honorable William Griesbach
RON VAN DEN HEUVEL and)	Magistrate Judge David E. Jones
KELLY VAN DEN HEUVEL,)	
)	
Defendants.)	

**DEFENDANT KELLY VAN DEN HEUVEL’S MOTION TO SUPPRESS AND
REQUEST FOR AN EVIDENTIARY HEARING**

Now comes Defendant, KELLY VAN DEN HEUVEL, by and through her attorneys, pursuant to the Fourth Amendment of the United States Constitution and Rule 12(b)(3)(C) of the Federal Rules of Criminal Procedure, and hereby moves this Honorable Court to suppress all evidence obtained as a result of the Brown County search warrants for: 1) 2077 Lawrence Drive, Suite A De Pere, WI 54115; 2) 2077 Lawrence Drive, Suite B De Pere, WI 54115; 3) 500 Fortune Avenue De Pere, WI 54115; 4) 2107 American Boulevard De Pere, WI 54115; and 5) 2303 Lost Dauphin Road Lawrence, WI.

Defendant Kelly Van Den Heuvel brings this motion on the grounds that the search warrants were overbroad and that the items seized were outside the scope of the warrants. Furthermore, Ms. Van Den Heuvel requests that this Court order an evidentiary hearing to determine the government’s derivative use of the illegally seized evidence.

In support thereof Defendant states:

1. On July 5, 2015, a Brown County Circuit Court Judge issued five search warrants for various properties owned, occupied or rented by Defendant Ronald Van Den Heuvel. *See* Exhibits A-E. These properties include: 1) 2077 Lawrence Drive, Suite A De Pere, WI 54115 (Ex. A); 2) 2077 Lawrence Drive, Suite B De Pere, WI 54115 (Ex. B); 3) 500 Fortune Avenue De Pere, WI 54115 (Ex. C); 4) 2107 American Boulevard De Pere, WI 54115 (Ex. D); and 5) 2303 Lost Dauphin Road Lawrence, WI (Ex. E).

2. The five Brown County search warrants authorized law enforcement to seize, *inter alia*, any and all papers, computers and electronic devices that may have related to “theft committed in violation of Section 943.20(1)(d) of the Wisconsin Statutes and Securities Fraud under Chapter 551 Wisconsin Statutes.” *See* Ex. A-E. The warrants failed to provide any other limitations with respect to what law enforcement were authorized to seize.

3. Law enforcement seized over five truckloads of materials from the five properties owned, occupied or rented by Mr. Van Den Heuvel. To date, the government has produced approximately 193,000 pages of material that was recovered from the Brown County search warrants that it intends to use at trial.

4. The Fourth Amendment of the United States Constitution requires a warrant to describe with “particular[ity] ... the place to be searched and the persons or things to be seized.” U.S. Const. amend. IV. “[T]he [particularity] requirement ensures that the search will be carefully tailored to its justifications, and will not take the character of the wide-ranging exploratory searches the Framers intended to prohibit.” *Maryland v. Garrison*, 480 U.S. 79, 84 (1987).

5. The five Brown County search warrants failed to satisfy the particularity requirements of the Fourth Amendment. In addition, the execution of these warrants went far

afield from the extremely broad scope of the warrants. For instance, the warrants called for seizure of certain information from 2010 forward, but many of the documents seized were from well before 2010. The documents seized also included items that plainly had no relationship even to the facially overbroad warrants. These items included medical records, children's records, furniture, and other items. Therefore, the evidence seized as a result of these unconstitutional search warrants must be suppressed.

6. An evidentiary hearing is also necessary to determine the extent to which federal law enforcement made derivative use of the materials that were impermissibly seized. As discussed in the memorandum in support, very little of note appears to have been done in the federal investigation prior to the searches in July 2015. The only thing that appears to have been done was an interview of Paul Piikkila in Spring 2015. Revealingly, however, those in attendance included federal law enforcement and the same local law enforcement officers who conducted the impermissibly overbroad searches.

7. The defense has conferred with the government in good faith on these items and the parties are in dispute (other than to agree that an evidentiary hearing is needed). Ms. Van Den Heuvel believes a derivative use hearing will take at least a day.

For these reasons, and those articulated in Ms. Van Den Heuvel's memorandum in support of her Motion for Suppress, Defendant, KELLY VAN DEN HEUVEL, requests that this Court grant her motion and order an evidentiary to determine the government's derivative use of the illegally obtained evidence.

Respectfully submitted,

/s/ Andrew Porter

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that in accordance with Fed. R. Crim. P. 49, Fed. R. Civ. P. 5 and the General Order on Electronic Case Filing (ECF), the following document:

DEFENDANT KELLY VAN DEN HEUVEL'S MOTION TO SUPPRESS

was served pursuant to the district court's ECF system.

_____/s/ Carrie E. DeLange

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