



**U.S. Department of Justice**

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Magistrate Judge Jones  
517 E Wisconsin Avenue  
Milwaukee, WI 53202

June 19, 2017

RE: United States v. Van Den Heuvel 16-CR-64

Dear Magistrate Judge Jones:

We are writing pursuant to Local Rule 12(c) to explain the government's position regarding the request of defendant Ronald Van Den Heuvel for an evidentiary hearing on his Motions to Suppress Physical Evidence (R. 98) and for Return of Property (R. 102). Although Mr. Van Den Heuvel's counsel did not comply with Rule 12(c)'s requirements to confer with government counsel in order to provide a description of the material disputed facts that require an evidentiary hearing, the government agrees that an evidentiary hearing is necessary before we resolve these motions. These two motions seem to have the same, or at least very similar, factual underpinnings so a combined hearing on both of them would seem appropriate.

However, an evidentiary hearing is not necessary to resolve all of the issues raised by the motions. The defense argues that the search warrants used by investigators on July 2, 2015 were facially overbroad and that the investigators flagrantly disregarded the scope of the warrants (R.99). The first issue, overbreadth of the warrant, is a legal issue analyzed on the basis of the search warrant affidavits. *Aguilar v. Texas*, 378 U.S. 108, 109 n.1 (1964); *United States v. Peck*, 317 F.3d 754,755-56 (7<sup>th</sup> Cir. 2003). There is no reason for an evidentiary hearing on the sufficiency of the warrants.

The second issue, relating to the executions of the warrants, will require an evidentiary hearing. As to that issue, the United States denies that investigators flagrantly disregarded the scope of the warrants and asserts that they proceeded in good faith reliance on the warrants.

If an evidentiary hearing is to be held, undersigned counsel need some time to prepare and have several intervening responsibilities. With those things in mind, the United States would request that any evidentiary hearing on these motions be scheduled for a date on or after July 10, 2017, but not July 17 or 18.

Thank you for your attention to this letter. We look to forward to your response.

Sincerely,

GREGORY J. HAANSTAD  
United States Attorney

By: /s/Mel S. Johnson

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