

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 16-CR-64

RONALD VAN DEN HEUVEL,

Defendant.

**UNITED STATES' NOTICE OF INTENT TO WITHHOLD
ACCEPTANCE OF RESPONSIBILITY RECOMMENDATION**

The United States of America, by and through its attorneys, Gregory J. Haanstad, United States Attorney, and Matthew D. Krueger, Assistant United States Attorneys, hereby gives notice in advance of sentencing that it no longer recommends that the defendant Ronald Van Den Heuvel receive credit for acceptance of responsibility under U.S.S.G. § 3E1.1.

The plea agreement provides that the government agrees to recommend a decrease in the Guidelines offense level “only if the defendant exhibits conduct consistent with the acceptance of responsibility.” Doc. 151 ¶ 20. The United States’ sentencing memorandum recommended that Van Den Heuvel receive that decrease because he had pleaded guilty and admitted his culpability for the offense. Doc. 173, at 3. In his recent motion to vacate his plea and motions to adjourn the sentencing, however, Van Den Heuvel has claimed “factual and legal innocence,” Doc. 172, at 1. Because that conduct is inconsistent with acceptance of responsibility, the United States no longer recommends that the offense level be decreased under U.S.S.G. § 3E1.1.

“Longstanding precedent permits district judges to withhold the adjustment” for acceptance of responsibility based upon a defendant’s “attempts to withdraw his plea.” *United*

States v. Collins, 796 F.3d 829, 836 (7th Cir. 2015); *see, e.g., United States v. Price*, 988 F.2d 712, 722 (7th Cir. 1993) (holding that a defendant’s “belated attempt to withdraw his guilty plea is grounds for denial of reduction for acceptance of responsibility”); *see also United States v. Trussel*, 961 F.2d 685, 691 (7th Cir. 1992); *United States v. Fuller*, 15 F.3d 646, 650 (7th Cir. 1994). Further, the Seventh Circuit has held that the government is free to withhold its recommendation of acceptance of responsibility when, as here, the plea agreement expressly allows the government to do so and the defendant has denied responsibility for his conduct. *See United States v. Thomas*, 181 F.3d 870, 874–75 (7th Cir. 1999).

For these reasons, the United States no longer recommends that Van Den Heuvel receive a decrease to his offense level for acceptance of responsibility.

Dated at Milwaukee, Wisconsin, this 4th day of January, 2018.

Respectfully Submitted,

GREGORY J. HAANSTAD
United States Attorney

By: /s/ Matthew D. Krueger
MATTHEW D. KRUEGER
Assistant United States Attorney
Office of the United States Attorney
Eastern District of Wisconsin
517 East Wisconsin Avenue, Room 530
Milwaukee, Wisconsin 53202
Telephone: (414) 297-1700
Fax: (414) 297-1738