

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

UNITED STATES OF AMERICA

v.

SENTENCING MINUTES

RONALD H. VANDENHEUVEL

Case No. 16-CR-64

HONORABLE WILLIAM C. GRIESBACH presiding
Proceeding Held: January 5, 2018
Deputy Clerk: Cheryl

Time Called: 9:30 a.m.
Time Concluded: 11:26 a.m.
Tape: 010518

Appearances:

UNITED STATES OF AMERICA by:	Matthew D. Krueger, SA Sara Hager
RONALD H. VANDENHEUVEL in person and by:	Robert G. LeBell
US PROBATION OFFICE by:	Brian Koehler

Motion to Withdraw as Counsel:

Mr. LeBell states that explanation of the breakdown in communication involves attorney-client privilege. The Court asks Mr. VanDenHeuvel if he is willing to waive the attorney-client privilege.

Mr. VanDenHeuvel states that he can explain the breakdown in communication.

Mr. LeBell asks if attorney-client privilege is waived.

Mr. Krueger comments on motion to withdraw.

Mr. VanDenHeuvel and Mr. LeBell agree to discuss the matter in chambers and off the record.

9:38 a.m. – Court recesses.

10:01 a.m. – Court resumes.

Mr. LeBell will file a brief under seal detailing the explanation regarding the breakdown in communication. The Court denies the motion to withdraw as counsel and states findings.

Motion to Withdraw the Plea:

The Court denies the motion.

Motion to Adjourn Sentencing:

The Court denies the motion.

- | | |
|---|--|
| <input type="checkbox"/> The parties have no objections to the factual statements in the PSR | <input type="checkbox"/> The parties have no objections to the application of the guidelines in the PSR |
| <input checked="" type="checkbox"/> Objections/corrections to factual statements in PSR by <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant | <input checked="" type="checkbox"/> Objections/corrections to application of guidelines by <input checked="" type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant |
| <input checked="" type="checkbox"/> The court adopts the factual statements and guideline application as set forth in the PSR | <input type="checkbox"/> The court adopts the factual statements and guideline application with these changes: |

Objections:

The government states that it now objects to the points for acceptance of responsibility.

Defendant wishes to testify regarding factual statements set forth in the PSR.

10:15 a.m. – Defendant **Ronald VanDenHeuvel** is sworn.

Direct examination by Mr. LeBell. Mr. LeBell withdraws question and states he is not comfortable examining the defendant as it may be damaging to his client.

Mr. Krueger responds. Mr. LeBell replies.

The Court allows Mr. VanDenHeuvel to testify on his own behalf.

10:23 a.m.- Witness testifies.

10:31 a.m. – Cross examination by Mr. Krueger.

10:38 a.m. – Witness excused.

The Court finds that the defendant is not entitled to the acceptance of responsibility points.

Defendant objects to Court’s findings regarding the acceptance of responsibility points.

10:40 a.m. – Allen Schwab, Horricon Bank addresses the Court.

10:41 a.m. – Jay Vanden Boogart addresses the Court.

Video of victim Julie Gumban was submitted to the court. The Court receives the video as exhibit 1 and will be included in the record. Defendant objects to the consideration of Ms. Gumban’s video being included as she should not be considered a victim. Mr. Krueger states that the Court can consider this as evidence related to the offense. The Court also receives the transcript as exhibit 2.

10:44 a.m.

- | | |
|--|---|
| <input checked="" type="checkbox"/> The government presents sentencing argument: The government asks the Court to consider all factors in sentencing memorandum. | <input checked="" type="checkbox"/> The defendant presents sentencing argument: The defendant requests probation or 1 year and 1 day. |
| <input checked="" type="checkbox"/> Defendant exercises right of allocution. | <input checked="" type="checkbox"/> The court imposes sentence. |
| <input checked="" type="checkbox"/> The government dismisses all remaining counts. | <input checked="" type="checkbox"/> Defendant advised of appeal rights. |

SENTENCE IMPOSED:

Imprisonment: 36 Months as to Count(s) 1s of the superseding indictment.
 Months as to Count(s) of the _____.

Imprisonment term for each count to be served concurrently consecutively.

TOTAL TERM OF IMPRISONMENT IMPOSED: 36 months.

This term of imprisonment is to be served (concurrently with or consecutively to) any state court sentence the defendant is currently serving.

Probation: Years as to Count(s) of the _____.

Supervised Release: 3 Years as to Count(s) 1s of the superseding indictment.

_____ Years as to Count(s) _____ of the _____.

MONETARY PENALTIES

Special Assessment: \$ 100.00 due immediately

Fine: \$ _____ fine waived

Restitution: \$ 316,445.47 determination deferred

JOINT AND SEVERAL PAYMENTS

Fine and/or Restitution is **joint and several** with _____.

Repayment of Buy Money is **joint and several** with _____.

FORFEITURE

All property forfeited upon conviction or by order of the court shall be included in the criminal judgment.

RECOMMENDATIONS

The court recommends the defendant's placement at _____.

The court recommends the defendant's participation in the Bureau of Prisons' 500-hour drug treatment program.

Other: _____.

CUSTODY

The defendant is remanded to the custody of the U.S. Marshal Service.

The defendant is to voluntarily surrender at the institution designated by the Bureau of Prisons as notified by the U.S. Probation Office.

The Court does not delay the sentence due to defendant's pending case as requested. Mr. LeBell asks the court to reconsider the delay of sentence. The Court states that Mr. LeBell may renew the motion, however, the request is denied at this time.

CONDITIONS OF SUPERVISED RELEASE/PROBATION

Mandatory Conditions

- Report (within 72 hours/to USPO as directed)
- Not commit another federal, state, local crime
- Not illegally possess any controlled substance
- Not to possess any firearms
- Cooperate in the collection of DNA
- Comply with requirements of SORNA
- Participate in approved domestic violence program

Standard Conditions

- Not leave State of Wisconsin without permission
- Answer inquiries truthfully/follow instructions
- Use best efforts to support dependents
- Use best efforts to find/maintain employment
- Provide 10-day notice of change of address
- Not purchase, possess drug paraphernalia
- Not go to places where drugs unlawfully used
- Not associate-persons engaged in criminal activity
- Permit USPO visits and confiscation of contraband
- Provide 72-hour notice of police contact
- Not act as informer/special agent without approval
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Special Conditions

Defendant objects to the conditions of supervised release. The Court overrules the objections.

- Drug Testing – Special Condition
- Drug Testing – Standard Condition
- Drug Testing – Waived
- Monthly Restitution Payment: \$ 200.00
- Monthly Fine Payment: \$ _____
- Repay Buy Money – Total: \$ _____.
- Repay Buy Money: \$ _____/month
- No New Lines of Credit
- Financial Disclosure
- Submit to search by USPO
- No tavern employment or patronization
- No employment with fiduciary responsibilities
- No gambling
- No transfer of assets in excess of \$500.00
- No possession/use of computer – on-line access
- No possession/use of data encryption/erasure
- Provide computer passwords and logons
- Consent to computer searches
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- Home Confinement for _____ days
- Home Confinement with Alcohol Testing for _____ days
- Community Correctional Center: _____ days
- Residential Re-Entry Center: _____ days
- Cooperate with Bureau of Immigration/Customs
- Cooperate with IRS
- Cooperate with Child Support
- Participate in mental health treatment program
- Participate in sex offender assessment/treatment
- Waive confidentiality – sex offender treatment
- No sexually-explicit materials w/minors
- No possession/viewing of pornography or erotica
- Obtain GED or HSED
- No contact – unrelated children under 18
- No contact with victim(s)
- No contact with gang members
- Perform community service: _____ hours
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