STATE OF WISCONSIN **CIRCUIT COURT** **BROWN COUNTY**
BRANCH 1

In the Matter of the Return of Property
To Ronald Van Den Heuvel

Case No. 15CV1614

STATE'S REPLY TO DEFENDANT'S MOTION FOR RETURN OF PROPERTY

INTRODUCTION

The State of Wisconsin, by District Attorney David L. Lasee and Special Prosecutor Bryant M. Dorsey, hereby submits this brief in opposition to the Mr. Van Den Heuvel's Motion for Return of Property. Mr. Van Den Heuvel seeks the return of seized property, pursuant to Wis. Stat. 968.20. Mr. Van Den Heuvel's motion follows the execution of search warrants on five different premises owned or operated by Mr. Van Den Heuvel on July 2, 2015. In support of his motion, Mr. Van Den Heuvel argues that the search warrants issued by the Honorable Donald R. Zuidmulder were facially overbroad with respect to the seizure of documents and the seizure and search of electronic devices. Alternatively, Mr. Van Den Heuvel argues that law enforcement executed an overbroad search, acting beyond the scope of the search warrants' limiting language. Ultimately, Mr. Van Den Heuvel argues the search and seizure of his property was illegal under the Fourth Amendment, and the fruits of the search and seizure should be excluded under Wis. Stat. 968.20.

The State argues that the search and seizure of Mr. Van Den Heuvel's property was legally valid, and the State is in rightful possession of the seized property under Wis. Stat. 968.20. With regard to the State's rightful possession of Mr. Van Den Heuvel's seized property, the State contends the seized property contains a significant number of items of evidentiary value that are highly relevant to the State's on-going criminal investigation against Mr. Van Den

Heuvel, thereby disqualifying the property's return under Wis. Stat. 968.20(1g)(a) and 968.20(1g)(b). With regard to the State's assertion that the search and seizure was legally valid, the State contends that the search warrants at issue were based upon a valid finding of probable cause, the search warrants contained sufficient particularity in light of the pervasive and complex criminal fraud at issue, and law enforcement's execution of the warrants was within the scope of the warrants' limiting language. Alternatively, if the search warrant is invalid, the State asserts that the evidence recovered is not subject to return or suppression because the good faith exception applies. Accordingly, the State requests Mr. Van Den Heuvel's 968.20 motion for return of property be denied.

Statement of Facts

The State applied for five search warrants to Brown County Circuit Judge Donald Zuildmulder on July 2, 2015. Sgt. Mary Shartner of the Brown County Sheriff's Department presented Judge Zuildmulder with applications for the search and seizure of residential and commercial properties "occupied, rented, or owned" by Mr. Van Den Heuvel. The applications for all five warrants requested the search of property and seizure of items located at 2077 Lawrence Drive-Suite A, 2077 Lawrence Drive-Suite B, 500 Fortune Avenue, 2107 American Boulevard, and 2303 Lost Dauphin Road. The search warrants expressly limited the scope of items to be seized to all business and financial records for organizations associated with Mr. Van Den Heuvel from December 31, 2010 to present, that may constitute evidence of the crime of Theft committed in violation of Wis. Stat. 943.20(1)(d) and Securities Fraud under Chapter 551 of Wisconsin Statutes. The search warrants also authorized the search and seizure of electronic devices located on the properties. The search warrants were subsequently signed and issued by Judge Zuidmulder on July 2, 2015 after his probable cause review of the affidavits presented by the State. The warrants were executed by law enforcement on the same

day. Law enforcement seized a significant number of documents and electronic devices from each location.

The affidavits presented by the State demonstrate that Mr. Van Den Heuvel was soliciting investment and loans from others for his various Green Box entities under the guise that these entities were operational. The affidavits demonstrate that Mr. Van Den Heuvel's Green Box entities were not operational. The affidavits demonstrate multiple material misrepresentations Mr. Van Den Heuvel made to investors and lenders for the purposes of obtaining investments and loans for Green Box. The affidavits demonstrate that once Mr. Van Den Heuvel obtained investments and loans, he converted the proceeds for his own personal use. The affidavits were based upon information obtained from individuals who had been victimized by Mr. Van Den Heuvel or had been employed by Mr. Van Den Heuvel. The victims include Dr. Marco Araujo ($600,000), WEDC (approximately $1,300,000), Ken Dardis ($500,000), Dodi Management LLC ($100,000), and multiple foreign EB-5 investors. The employee-witnesses include Daniel Thames, an employee who was responsible for various office and accounting tasks; Guy LoCascio, a former contract accountant for Green Box NA Green Bay, LLC; Steven Huntington, former Chief Financial Officer for Green Box NA Green Bay, LLC; and Tami Phillips, an accountant for Green Box.

To highlight, the affidavits established that Mr. Van Den Heuvel made a series of knowingly false representation to Dr. Marco Araujo, a citizen witness, who operates a medical practice in Brown County, Wisconsin, for the purpose of inducing Dr. Araujo to make a $600,000 investment in one of Mr. Van Den Heuvel's business enterprises, Green Box NA Green Bay, LLC. Search Warrant Affidavit at ¶ 12. Further information contained within these affidavits indicates that Mr. Van Den Heuvel used a substantial portion of Dr. Araujo's investment proceeds to pay personal debts and expenditures.

The affidavits established that Mr. Van Den Heuvel made a series of knowingly false representations to the Wisconsin Economic Development Corporation (WEDC), a public/private entity operated in part by the State of Wisconsin, for the purposes of obtaining a $1,300,000 loan from WEDC for his business enterprise, Green Box NA Green Bay LLC. Id. at ¶ 8. Further information provided by Guy LoCascio, a former accountant for Green Box NA Green, LLC, highlight Mr. Van Den Heuvel's material misrepresentations to WEDC. Id. at ¶10. The information provided by LoCascio indicates that Mr. Van Den Heuvel used WEDC loan proceeds to paid personal debts and expenditures. Id. at ¶ 9. LoCascio also provided information that Mr. Van Den Heuvel took money for his personal use from all the business enterprises he owned or operated. Id. at ¶ 21. LoCascio also provided information that mr. Van Den Heuvel ordered his employees at his various business enterprises to falsify financial transaction information for his various business enterprises. Id. at ¶ 22.

The affidavits established that Mr. Van Den Heuvel made a series of knowingly false representations to prospective foreign EB-5 investors. Id. at ¶ 13-15. Further information provided by Daniel Thames, a Green Box NA Green Bay, LLC employee, who was responsible for various office and accounting tasks, indicate that during the course of his employment he witnessed Mr. Van Den Heuvel obtain foreign investor's money through the federal EB-5 visa program, and subsequent converted those foreign investment funds into his own personal accounts. Id. at ¶ 15. Information provided by Thames also indicates that Mr. Van Den Heuvel represented to prospective investors that his Green Box NA Green Bay enterprise was operational, when in fact, there was no operating Green Box facility, nor was there technology behind Green Box's purported business model function as represented by Mr. Van Den Heuvel. Id. at ¶ 14. Information provided by Thames also indicates that he witnessed Mr. Van Den Heuvel give tours to potential investors, where Mr. Van Den Heuvel would made false

statements, including the statement that Green Box process was a fully functional process with fully functioning facilities across the United States. Id. at ¶ 16.

The affidavits established that Steven Huntington, former Chief Financial Officer for Green Box NA Green Bay, LLC, discovered through the course of employment that Mr. Van Den Heuvel obtained a $500,000 Green Box investment from Ken Dardis. Information provided by Huntington indicates that Mr. Van Den Heuvel used $200,600 of Dardis's investment proceeds for his own personal debts and expenditures. Id. at ¶ 26. Huntington also discovered that Mr. Van Den Heuvel obtained a $100,000 investment from Dodi Management, LLC, a family estate firm, for one of his business enterprises. Information provided by Huntington indicates that Mr. Van Den Heuvel used $73,547.34 for personal debts and expenditures. Id. at ¶ 26.

The affidavits established that Tami Phillips, an accountant for Green Box, provided information that Mr. Van Den Heuvel instructed her to knowingly manipulate financial records for his various business enterprises. Id. at ¶ 27. Information provided by Phillips indicates that Mr. Van Den Heuvel would use the various business facilities he owned and operated to further his fraudulent investment scheme. Id. Phillips, as well as Daniel Thames, provided information that Mr. Van Den Heuvel would use machines housed at various facilities in Green Box demonstrations to defraud prospective investors. Information provided by both Phillips and Thames indicate that demonstrations occurred at 2107 American Boulevard, De Pere, Wisconsin, and 821 Parkview Drive, Ashwaubenon, Wisconsin. Id.

In summary, the affidavits clearly indicate that Mr. Van Den Heuvel was soliciting investments from others under the guise that he was operating legitimate business enterprises that produced revenue generating products. The affidavits clearly indicate Mr. Van Den Heuvel was not operating legitimate business enterprises and that he knowingly made material misrepresentations to others for the purposes of obtaining investment funds. The affidavits

clearly indicate that once Mr. Van Den Heuvel obtained investment funds from others, he converted the investment proceeds for his own personal use.

Following the search and seizure of Mr. Van Den Heuvel's properties, law enforcement commenced a substantial investigation, and has been cataloging and examining the voluminous materials that have been seized. Multiple agencies have contributed significant time and resources to this active investigation, which includes personnel reviewing what are likely to be hundreds of thousands of documents, and analyzing the contents of multiple electronic devices. Investigators have identified a significant number of items of evidentiary value and these findings have reinforced the notion that there is probable cause to believe Mr. Vanden Heuvel, through his entities, was engaged in pervasive fraud as demonstrated in the search warrant affidavits. However, it is important to note, that the State has and will make efforts to return property that is deemed irrelevant to the investigation as soon as it is practical to do so.

I. THE TRIAL COURT LACKS AUTHORITY TO RETURN MR. VAN DEN HEUVEL'S SEIZED PROPERTY UNDER WIS. STAT. 968.20(1g)(a) AND WIS. STAT. 968.20(1g)(b) AS THE PROPERTY MAY BE NEEDED AS "EVIDENCE" IN "ANY FUTURE PROCEEDING" AGAINST MR. VAN DEN HEUVEL.

Mr. Van Den Heuvel's suppression of evidence rationale is not a valid basis for the return of Mr. Van Den Heuvel's seized property under Wis. Stat. 968.20. The plain language of Wis. Stat. 968.20(1)(a) authorizes the trial court's to order the return of seized property only when the property is "not needed as evidence" in any "proceeding." The relevant portion of Wis. Stat. 968.20 states:

> (1) Any person claiming the right to possession of property seized pursuant to a search warrant or seized without a search warrant may apply for its return to the circuit court for the county in which the property was seized or where the search warrant was returned, except that a court may commence a hearing, on its own initiative, to return property seized under s. 968.26.
>
> (1g) The court shall order such notice as it deems adequate to be given the district attorney and, unless notice was provided under s. 968.26 (7), to all persons who have or may have an interest in the property. The court shall hold a hearing to hear all claims to its true ownership. If the right to possession is proved to the court's satisfaction, it shall

order the property, other than contraband or property covered under sub. (1m) or (1r) or s. 173.12, 173.21 (4), or 968.205, returned if:

> (a) The property is not needed as evidence or, if needed, satisfactory arrangements can be made for its return for subsequent use as evidence; or
>
> (b) All proceedings in which it might be required have been completed.

The statute thus does not authorize the court to order the return of property when it is still needed as evidence.

Wisconsin case law suggests that the State's interpretation of Wis. Stat. 968. 20 is correct. The court in City of Milwaukee v. Glass, 239 Wis.2d 373 (2000) was called upon to interpret the meaning of Wis. Stat. 968. 20(1) following a defendant's motion to return seized property. Id. at ¶ 3. The court explained a trial court's duties and authority under the statute are expressly limited by the ordinary and accepted meaning of the statutory language contained in Wis. Stat. 968.20. Id. at ¶ 7. The court further explained that the ordinary and accepted meaning of the statutory language prohibits the trial court from returning seized property if the "property is needed for evidence or further investigation." Id. The trial court's limited duty and authority is premised on the belief that the purpose of the statute is to "permit the swift return of seized property when the property is no longer needed by law enforcement personnel." Id.

The State's position is consistent with the ordinary and accepted meaning and articulated purpose of Wis. Stat. 968.20(1). Specifically, the items seized from Mr. Van Den Heuvel's properties are of significant evidentiary value and are still needed by law enforcement to evaluate whether the extent of Mr. Van Den Heuvel's criminal liability. As such, Mr. Van Den Heuvel's seized property is not subject to return at this present time under Wis. Stat. 968.20(1g)(a).

On the contrary, because Mr. Van Den Heuvel is the primary target of an active criminal investigation, the seized items may serve as an important resource in the issuance of criminal

charges, and pursuant to Wis. Stat. 968.20(1g)(b), the State's rightful possession of those items will be necessary for any future criminal proceeding against Mr. Van Den Heuvel.

Accordingly, the State asserts that the statutory language in Wis. Stat. 968.20(1g)(a) and 968.20(1g)(b) prohibits the return of Mr. Van Den Heuvel's seized property at this time.

II. THE SEARCH FOR AND SEIZURE OF ALL THE VANDEN HEUVEL'S BUSINESS RECORDS AND ELECTRONIC DEVICES WAS LEGAL AND NOT OVERBROAD BECAUSE THE AFFIDAVITS CONTAIN PROBABLE CAUSE TO SUPPORT THE BELIEF THAT MR. VAN DEN HEUVEL'S BUSINESS ENTITIES WERE PERMEATED WITH FRAUD.

The State asserts that the search warrants in question were issued and executed within the bounds of the Fourth Amendment. In his motion, Mr. Van Den Heuvel concedes that the State's affidavits in support of the search warrants demonstrate sufficient probable cause to show that Mr. Van Den Heuvel was probably engaged in illegal conduct and the searched premises probably contained evidence of his illegal conduct. However, the State asserts that an evaluation of the facts in support of the trial court's probable cause determination is a critical issue in determining the scope of the search warrant and seizure.

When a search warrant application sets forth probable cause to believe a defendant was engaged in pervasive fraud, all business and financial records may be seized. State v. LaCount, 310 Wis.2d 85,110-111 (2007); State v. DeSmidt, 155 Wis. 2d 119, 133-134(1990); United States v. Hoskins, 639 F. Supp. 512, 516 (W.D.N.Y. 1986); United States v. Brien, 617 F.2d 299, 309 (1st Cir.), cert. denied, 446 U.S. 919 (1980). Furthermore, when there is probable cause to search and seize all records, the authorizing terms of the warrant can be described in generic terms to satisfy the particularity and execution requirements. LaCount, 310 Wis.2d 85 (2007); DeSmidt, 155 Wis. 2d 119, 140-141(1990). Courts have explained that such broad parameters for search warrants executed against such business enterprises are reasonable, in part, because cases involving complex schemes to defraud, "may require piecing together, like a jigsaw puzzle, a number of bits of evidence which if taken alone might show comparatively little." DeSmidt, 155 Wis.2d 119, 133 (1990); see also Andresen v. State of Maryland, 427 U.S.

463, 480-81 n. 10, 96 S.Ct. 2737, 49 L.Ed.2d 627 (1976). Courts have further explained that when search warrants authorize the seizure of records relevant to a particular crime and all of a business's records fall into that category, then all of the records may be seized lawfully. DeSmidt,155 Wis.2d 119,136-137 (1990). Thus, in the State of Wisconsin, when there is probable cause that a business enterprise is permeated with fraud, a search warrant authorizing the seizure of all records and describing them in generic terms, is sufficient to meet the particularity and execution requirements under the Fourth Amendment. State v. LaCount, 310 Wis.2d 85,110-111 (2007); DeSmidt, 155 Wis.2d 119, 140-141 (1990).

State v. DeSmidt is a clear illustration of what constitutes probable cause to believe a business enterprise is permeated with fraud. In DeSmidt, the Wisconsin Supreme Court held that a search warrant authorizing the seizure of all client and business records was not unreasonable because the defendant's business enterprise was permeated with fraud. DeSmidt, 155 Wis.2d 119, 129 (1990). In this case, the scope of the warrant was limited to relevant records dated from 1979 to 1985. Id. at 126-127. Following the search and seizure, the defendant moved to suppress all evidence seized during the search, claiming that the warrant lacked particularity and law enforcement's execution was overbroad. Id. at 128. The Court rejected the defendant's claims, explaining that a pervasive scheme to defraud was presented in the search warrant's affidavit, and the presence of such scheme allowed the warrant's generic terms to satisfy the Fourth Amendment's particularity requirement. Id. at 140-141. The following facts supported the Court's decision: first, the defendant was "routinely" filing fraudulent Medicare and private insurance claims from 1979 to 1985. Second, the defendant was directing one other employee to submit false insurance claims. Id. at 135-137. For the Court, these facts supported an inference that the entire business enterprise was permeated with fraud. Id. at 129.

State v. LaCount is another clear illustration. In LaCount, the trial court issued a search warrant, authorizing the search and seizure of all the defendant's financial and accounting records and computers located on the business's premises. LaCount, 310 Wis.2d 85,105 (2007). Following the search and seizure, the defendant moved to suppress all seized items, claiming law enforcement exceeded the scope of the warrant during execution. Id. at 107. The Court, in analogizing this case to DeSmidt, rejected the defendant's argument, holding that the State's search warrant application set forth probable cause to believe the defendant was engaged in pervasive fraud, making the seizure of all business records and computers on the business's premises permissible. Id. at 110. The following facts supported the Court's decision: the defendant was involved in three fraudulent transactions that led to criminal charges, including liquidation of corporate assets owned by another, solicitation of a $64,000 investment from a private individual, and misappropriation of funds belonging to another. Id. at 92. In all three instances, the defendant made material misrepresentations to effectuate the transactions and used the acquired proceeds for his own personal expenditures. Id. at 92-94. For the Court, these facts supported an inference that the entire business enterprise was permeated with fraud. Id. at 110.

The State asserts that the scope of the search warrants and the execution of those warrants in the present case should be considered reasonable and valid in light of legal principles articulated in DeSmidt and LaCount. With respect to the warrants' language, the State's search warrant applications requested authorization to search and seize all electronic devices and "all business and financial records for organizations associated with [Defendant], from December 31, 2010 to present..." Search Warrant, Page 2, #7. This language is substantially similar to the search warrant language in DeSmidt and LaCount. Furthermore, DeSmidt holds that this warrant language is reasonable and valid where the State can demonstrate probable cause to believe a business enterprise is permeated with fraud. The

State asserts that the affidavits supporting the search warrants satisfy the pervasive fraud-probable cause burden.

The State's affidavits supporting the search warrant applications clearly demonstrate that Mr. Van Den Heuvel, through his forty-four business entities, was engaged in a pervasive scheme to defraud investors and lenders, contrary to Wis. Stat. 943.20(1)(d) and Chapter 551 of Wisconsin Statutes. The affidavits demonstrate that only one of Mr. Van Den Heuvel's business entities, Patriot Tissue, was producing a revenue-generating product. Search Warrant Affidavit at ¶27(e). The affidavits demonstrate probable cause to support the conclusion that Mr. Van Den Heuvel made a series of fraudulent representations to others as part of his plan to solicit investment and loans into his various business entities, including his various Green Box entities. Id. at ¶ 7-26. These alleged misrepresentations include: pledging encumbered property as unencumbered property, Id. at ¶ 10(a), 10(d), 12(a); guaranteeing property interests in real estate owned by others, Id. at ¶ 12(c); claiming ownership of unowned patents on technology for his Green Box entities, Id. at ¶ 29; and presenting manipulated accounting records for his Green Box entities as legitimate and accurate. Id. at ¶ 13-27. The affidavits demonstrate allegations that Mr. Van Den Heuvel represents to investors and lenders that his Green Box entities are fully functional business enterprises with fully functional facilities throughout the United States, when there are none. Id. at ¶14-16. The affidavits also allege that Mr. Van Den Heuvel represents to investors and lenders that the technology behind the Green Box entities' purported business model exists, when in fact it does not. Id. at ¶ 14-16, 29. The affidavits contain allegations demonstrating that once Mr. Van Den Heuvel obtains investments and loans from others for his Green Box entities, he uses the funds for personal expenditures and personal debts. Id. at ¶7-26. These specific investment and loan conversion allegations include: Dr. Marco Araujo's $600,000 equity investment into Green Box, WEDC's $1,300,000 loan for Green Box, foreign EB-5 investments into Green Box, Ken Dardis's $500,000 investment into

Green Box, Dodi Management, LLC $100,000 investment into Green Box. The affidavits also include allegations that Mr. Van Den Heuvel instructs employees to manipulate Green Box financial records and transfer business funds and assets between his various business and personal accounts. Id. at ¶ 13-27. Ultimately, the affidavits clearly demonstrate probable cause supporting the existing of a pervasive scheme Mr. Van Den Heuvel employed to defraud investors and lenders.

DeSmidt and LaCount hold that all relevant records and electronic devices may be lawfully seized and removed from the premises if there is probable cause to believe items of evidentiary value will be located on the premises. The affidavit supporting the search warrant applications clearly demonstrate that items of evidentiary value were probably located at 2077 Lawrence Drive, Suites A and B, 2107 American Boulevard, 500 Fortune Avenue, 2303 Lost Dauphin Road.

The affidavits demonstrate that Mr. Van Den Heuvel operates his various Green Box entities out of the offices located at 2077 Lawrence Drive, Suites A and B. The affidavits demonstrate that witnesses have observed evidence of criminal wrongdoing in records and on computers located at 2077 Lawrence Drive, Suites A and B. Search Warrant Affidavits at ¶ 9. The affidavits contain allegations that Mr. Van Den Heuvel would transfer Green Box assets between 2077 Lawrence Drive, Suites A and B, and 2107 American Boulevard. Id. at ¶ 27(a). The affidavits demonstrate witnesses observed Mr. Van Den Heuvel use 2107 American Boulevard premises to store documents related to his various Green Box entities. Id. The affidavits allege that Mr. Van Den Heuvel used machines housed at 821 Parkview Drive for Green Box demonstrations to prospective investors. Id. at ¶ 27(c).The affidavits demonstrate that witnesses observed Mr. Van Den Heuvel use these machines during Green Box demonstrations at 821 Parkview Drive. Id. at ¶ 16, 27(b). The affidavits contain supported allegations that Mr. Van Den Heuvel transferred Green Box funds and assets for his own

personal use, and 2303 Lost Dauphin Road is Mr. Van Den Heuvel's personal residence. Id. at ¶ 7-26. Ultimately, the alleged facts clearly indicate that there was probable cause to believe items of evidentiary value would be located at each of the properties listed above, and further, that those documents and devices would be numerous. As such, the State asserts that law enforcement did not exceed the scope of the search warrant by seizing all relevant records and electronic devices from the locations above.

III. EVEN IF THE SEARCH WARRANT WAS INVALID, THE EVIDENCE RECOVERED WOULD NOT BE SUBJECT TO SUPPRESSION AND RETURN BECAUSE THE GOOD FAITH EXCEPTION APPLIES

If the Court would find that the search warrant was not valid, the evidence is not subject to suppression and return under Wis. Stat. 968.20 because the good faith exception applies.

The good faith exception applies when the State demonstrates that law enforcement officers "reasonably relied upon a warrant issued by an independent magistrate." State v. Eason, 245 Wis. 2d 206, 215 (2009). For the exception to apply, the State bears the burden of demonstrating that the process of obtaining the warrant included significant investigation and that the application was reviewed by an officer "trained and knowledgeable in the requirements of probable cause" or a "knowledgeable government attorney." Id. at 215

The good faith exception exists to prevent suppression when officers reasonably rely upon a search warrant. Id. at 248. The purpose of the exclusionary rule is to deter unreasonable police conduct. Id. at 231. Additionally, suppression is not a right; rather, it is a remedy to deter unreasonable searches. Id. at 242. Consequently, the purpose of suppression is not implicated when officers execute a search in reasonable reliance upon a search warrant. Id. at 231.

The Wisconsin Supreme Court, quoting the United States Supreme Court, reasoned that "[t]he exclusionary rule 'cannot be expected, and should not be applied, to deter objectively reasonable law enforcement activity.'" Id. at 234. Thus, when an officer acts in reasonable reliance upon a search warrant, suppression would have no remedial value. Id. at 231, (citing

U.S. v. Leon, 468 U.S. 897, 918-920 (1984)). This is because the officers have not engaged in any misconduct. Id. Furthermore, suppression would have no deterrent effect because the officers acted pursuant to a warrant they believed was validly issued. See id. Finally, the United States Supreme Court concluded that "the social cost of excluding the evidence far outweighed the benefit, if any, of deterrence." Id. at 234.

If the Court finds the warrant in this case to be invalid, suppression is not appropriate because the good faith exception applies. Id. at 248. The search warrant application process involved significant investigation into the alleged fraud. Id. at 215. Multiple witnesses and victims throughout the United States provided information about Mr. Van Den Heuvel and his Green Box entities. Voluminous records were obtained and analyzed by law enforcement to corroborate information and identify Mr. Van Den Heuvel's criminal conduct.

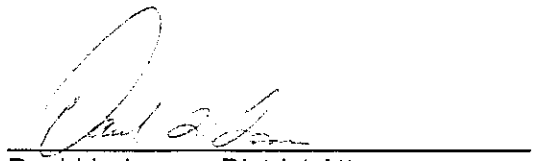
The search warrant application process also included significant review by a knowledge government attorney. Id. at 215. District Attorney David Lasee, Assistant District Attorney Karyn Behling, and Special Prosecutor Bryant Dorsey all reviewed the warrant application to ensure that it contained a factual basis for finding probable cause.

Thus, even if the Court finds that the search warrant was invalid, the evidence located during the search is not subject to suppression and return under Wis. Stat. 968.20 because the officers reasonably relied upon a warrant issued by Judge Zuidmulder to seize the items in question.

CONCLUSION

Based on the foregoing, the State of Wisconsin respectfully requests that this Court deny Mr. Van Den Heuvel's Motion to For Return of Property.

Dated at Green Bay, WI, this 29th day of January 2016.



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