

United States District Court

EASTERN DISTRICT OF WISCONSIN

COURT MINUTES

HON. **DAVID E. JONES**, presiding.

Deputy Clerk: Mary Murawski

DATE: **August 31, 2016 at 9:30 a.m.**

Court Reporter: FTR Gold

CASE NO. **16-CR-64**

Time Called: 9:30:16

UNITED STATES v. **RONALD H. VAN DEN HEUVEL**,

Time Concluded: 9:54:36

KELLY YESSMAN VAN DEN HEUVEL

PROCEEDING: **TELEPHONIC STATUS CONFERENCE (COUNSEL ONLY)**

UNITED STATES by: **Mel Johnson, Matthew Krueger**

DEFENDANT: **NOT PRESENT**, and by

ATTORNEY: **Robert G. LeBell for deft Ronald H. Van Den Heuvel**

Daniel Sanders for Paul Piikkila

Andrew C. Porter for deft Kelly Yessman Van Den Heuvel

COURT: reviewed Status Report filed by the govt. Govt doesn't oppose setting another status conference. Some delay is necessary to afford newly-appointed counsel Attorney LeBell to get up to speed.

ATTY SANDERS: Deft Paul Piikkila filed a plea agreement and had a change of plea hearing on 7/22/16.

GOVT: Attorney Krueger did not include in status report 2 minor details.

- 1) Brown Cty Sheriff search warrant material; among that were electronic devices; report mentioned all had been made available except for one. Difficulties appear are being resolved; should receive within next 2 weeks and will be made available to defense.

- 2) Production of hard copy materials, being scanned, 1st production will go out later today.

- Govt didn't put a date for completion on the hard copy materials. The scanning process can vary because of the nature of the materials. The bulk going out in September and hoping remainder can be done by October. Hesitant to give a firm date.

- Hard copy being scanned is the only copy. May be electronic versions of some of the documents on the digital devices, but not sure. Hard copy being retained for evidentiary value.

- Defense is unable to review hard copy at US Attorney's office because it was shipped off to a scanning facility.

- Documents being scanned are the Brown County search warrant material. Govt's view on these

materials is that it spans through 2015. Span a much broader array of topics. From the govt's review of the materials, they believe there is very little they think will be relevant to this case. In govt's review of these materials, if they come across additional documents they think are relevant to this case, they will forward information to defense counsel.

ATTORNEY LEBELL: Govt's perception of relevance of the Brown County documents is highly different than defense counsel's view.

- Almost a million documents and the problem is not just the volume of documents, but how defense will be able to access these materials. Defense working with government and their I.T. dept to make sure everyone is on the same page.

ATTORNEY PORTER wants to be mindful that while all parties have the desire to resolve this case as efficiently and expeditiously as possible, defense still needs to be given time to review the documents that are being scanned.

COURT will discuss with Judge Griesbach about the needs of defense to prepare adequately for defense, while also making sure Judge Griesbach is satisfied this case is moving forward.

Telephone Status Conference (COUNSEL ONLY) set for September 27, 2016 at 1:30 PM

COURT finds under Speedy Trial Act that the time from today until September 27, 2016 is excluded. Court finds that the exclusion is necessary to allow defense counsel an adequate opportunity to prepare their case, in particular there is a need for time given the volume of discovery materials that are still in production, regardless whether there may be some dispute as to the relevance of these materials, there is no dispute as to the need of defense counsel to review materials to adequately prepare a defense. Court finds the interest of the defendants in preparing a reasonable defense overcomes the public's interest in a prompt disposition of this matter and therefore the time is excluded under the Speedy Trial Act.

ATTORNEY LEBELL is asking for this case to be deemed complex. Attorney Porter has no objection. Govt has no objection.

COURT: Due to the volume of discovery materials, volume and potential complexity given these are financial records requires certain expertise and understanding, and the organizing and synthesizing of the materials, court finds this matter designated complex.