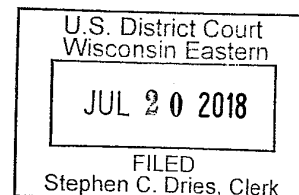


**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA

PLAINTIFF,

v.



CASE NO. 17-CR-160
NOTICE OF MOTION AND
MOTION TO DISMISS
COURT APPOINTED
COUNSEL

RONALD VAN DEN HEUVEL

DEFENDANT.

**NOTICE OF MOTION AND MOTION TO DISMISS THE USE OF
DEFENDANT'S COURT APPOINTED COUNSEL**

Defendant Ronald Van Den Heuvel respectively moves the court to grant his Motion to Dismiss the Use of his Court Appointed Attorneys in the above captioned case. In support of this motion, defendant shows following:

STATEMENT OF FACTS

1. Defendant's counsel, Robert Labelle, was asked by the Defendant to stay and read the disclosure document being drafted by the Honorable Judge William Griesbach. Mr. LaBell stated that 'he could not' and had to leave. After after two revisions, and without his counsel's presence or guidance, the defendant was told to sign the document. The document, a disclosure form put forth by the judge, was an important part of the defendant's release. Interpretation of the document was left to the defendant and subsequent advice from his PO officer. This disclosure agreement from the defendant was given to and signed by twenty-four partners and twenty-nine witnesses for the defendant's case. Tony Hayes, Chip Dahlin, Alex Knapp, Jack Abbott, Mason Kashat, John Loso, Jack Fugett and Clarence Roznoski all signed the agreement, The prosecution withheld that information from the court. The defendant's counsel did not know that the Honorable Judge William Greisbach had stated in court that 'he would draft and sign a disclosure agreement and if 'people signed it and still choose to do business with Mr. Van Den Heuvel then so be it'. The defendant acted accordingly and abided by the guidelines of the disclosure agreement set forth by the judge, yet in doing so, is incarcerated on.

2. Defendant's counsel, Robert LaBell, was asked repeatedly by the defendant to examine the thousands of 'illegally' obtained private documents sent to the IRS. Mr. LaBell stated that 'I am already involved and know this case'. It is the defendant's belief that the IRS seized illegally obtained and selective in nature, letters between the defendant and his now deceased father that were dated from 1984 to 1999, clearly outside the scope of the search warrant. This negligence on the part of defendant's counsel not to undertake research led the IRS erroneously to determine that certain notes were equity when in fact they were not.

3. The fact that the defendant's counsels stated, 'I am already involved' clearly shows prejudice. Furthermore, Mr. LaBell should have disclosed to the defendant that he was working with the DOJ and IRS respectively. That he did not, under the rules of law, is negligent in and of itself and a clear conflict of interest.

4. Ronald Van Den Heuvel has never before in case 16-CR-064 or 17-CR-160 dismissed any attorney. The previous attorneys have all left due to discovered conflicts of interest.

5. Attorneys Robert LaBell and Andrew Porter signed an agreement with the prosecutors that they 'would not use any items taken from the search warrant' in case 16-CR-064 yet prosecutors continued using items obtained from the illegal search warrant in case 16-CR-064.

6. Defendant's counsel cut a deal with the government that withheld court evidence showing that Horicon Bank had written off or down over \$26,000,000 of bad loans in 2007, 2008 and 2009 respectively. Horicon Bank had also received in May of 2009 \$13,644,000 of government tarp funding. This evidence was suppressed from the court. During the defendant's sentencing, Horicon's Bank President stood before the court and claimed the defendant 'almost ruined his bank'. When in actuality it was Horicon Bank's bad banking practices that did far more damage to itself and it's depositors. The government had knowledge that the defendant, Ronald Van Den Heuvel had previously purchased at full value, over \$40,000,000 of bad FDIC loans to help banks. Defendant's counsel stated he withheld this information and cut another deal with the prosecution. The withholding of this evidence was detrimental to the defendant's case as well as his sentencing outcome.

7. Defendant made his counsel aware that he had settled with Horicon Bank 5 years previous to the search warrant. Nine months after the search warrant, the FDIC brings a case against the defendant on an 8 year old issue. Agent Sara Hager had spent over nine months reviewing the illegally taken search warrant documents. Any and all documents relating to Horicon Bank were out of the scope of the search warrant. The FDIC stated that it would not use any documents from the nine year old case yet used documents to

support their case.

8. Defendant made his counsel aware of the government selectively withholding evidence from Relativity as proven by attorney general Brad Schimmel, yet defendant's counsel made no motion towards this. Defendant's counsel should have made available to defendant access to Relativity in both cases 16-CR-064 and 17-CR-160. Failure to do this was egregious and damaging.

9. Defendant's counsel was made aware that the government had 'a trial balance type document' showing all fundings in and out of companies dated May 7th 2015. This document, which clearly showed that the defendant did not personally receive any of the funding dollars was a critical exculpatory piece of evidence withheld from the defendant until after the plea deal was completed. This was suppression of evidence.

10. Defendant recognized and appreciated the courts intent to do justice after sentencing by allowing the defendant to avoid incarceration in order to assist his counsel with his own defense in preparation for the search warrant motion and defendant's upcoming case. The enormous amount of documents, returned and co-mingled and those that were not returned should have been made known to the court. The failure by defendant's counsel, during the course of the defendant's cases to ever visit the offices of the defendant, made the task of preparation for trial impossible. Defendant's

counsel had a duty to prepare defendant for trial, not for a plea bargain.

Mr. LaBell, during the course of defendant's cases took a vacation to Europe, hurt his back, went to China, went to South America, had back surgery, and had his office relocated. The loss of time 12 weeks or more has prevented the defendant from preparing adequately for his case.

11. Defendant made his counsel aware that during this time period a breach had occurred in the defendant's emails. Counsel was provided evidence showing the breach and the illegal altering of emails of RVDH. The defendant's counsel was also made aware that the justice department had access to the defendant's emails through those illegally obtained documents. The defendant's counsel was aware that defendant's computer was under a signed protective order from the Honorable Judge William Greisbach yet choose not to inform the judge of the breach. This breach compromised the integrity of every RVDHWI@PCDI.COM email since 2015. Mr. Steve Smith, Ed Kowlasinski, and Phil Rienhart have admitted to taking thousands of the defendant's emails.

12.. Defendant's counsel and the late attorney, Mike Fitzgerald had on multiple occasions requested the return of over 290,000 pages of documents and the defendant's server which were both taken 2077A and 2077B offices in the raid. To date, the server has not been returned. Through due diligence, the defendant located the PCDI server. Failure by the defendant's

counsel to report the email hacking incident allowed for the breach to continue unchecked. The 1,700 pages presented by the DOJ is clear proof that this theft of emails and delivery of them to the DOJ and the Oneida Eye did occur.

13. The defendants right to client attorney privileges were denied. Emails between the defendant and his lawyers and legal advisors were being read, commented on and at times altered before being sent out or forwarded under a HYPERLINK "<mailto:RVDH@PCDIwi.com>" RVDH@PCDIwi.com. The defendant at all times made his P.O. officer as well as his counsel aware of the situation. Failure by the defendant's counsel to act in accordance with the law caused irreparable damage to the defendant's case. Defendant's attorney has failed to the steps necessary to protect fully the rights of his client.

14. Defendant has throughout his lifetime entered into 2.3 billion dollars worth of contracts in over the span of 40 years and 8 businesses. There was never a single fraud issue raised in any of those dealings. There was not one instance where liquidated damages were paid for promises not delivered.

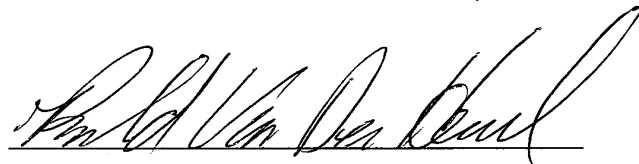
15. Defendant prays that this honorable Court allows his release on electronic monitoring or on any other condition until the general search motion is heard and the new case is brought to trial. To deny the defendant access to his documents would be injustice . Only the defendant knows

these documents and can work with all attorneys every day in an effort to avoid delaying the schedule of this case. It is in the pursuit of justice and a fair trial, that Ronald Van Den Heuvel, the defendant must have full access to 47 years and (3,800,000) pages of documents along with 29 witnesses and his attorneys.

16. Defendant acknowledges that Mr. Robert laBell can no longer act as his court appointed attorney nor can Mr. Eric Hart. So as not to burden the court, defendant will pay both Mr. LaBell and Mr. Hart on a needed basis. Furthermore, the defendant respectfully asks the court to please advise him of the amounts owed for their legal services provided to date.

17. Defendant needs justice, and that can only be served if he is allowed to properly communicate with his attorneys as he was promised per his plea agreement.

RESPECTFULLY SUBMITTED,

A handwritten signature in black ink, appearing to read 'Ronald Van Den Heuvel', written over a horizontal line.

RONALD VAN DEN HEUVEL
DEFENDANT