

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

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**UNITED STATES OF AMERICA,**  
Plaintiff,

v.

**Case No. 17 CR 160**

**RONALD D. VAN DEN HEUVEL,**  
Defendant.

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**DEFENDANT'S LOCAL RULE 12c STATEMENT**

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As and for compliance with Local rule 12c, the defendant states the following:

The parties have telephonically, and in person, discussed the defendant's motion to suppress. It is believed that the following undisputed and disputed facts remain with respect to the argument that the search exceeded the allowable scope. It is anticipated that three hours of in court time is needed for the evidentiary hearing.

**ISSUES**

1. Was the search a general search?
2. Did the search exceed the authorized scope?
3. If the court determines that the search was a general search,  
Did the seizing agents act in "good faith," as the government will argue, or act in "flagrant disregard" of the search warrant's limits?
4. Is there an independent source by which the government obtained documents deemed to be outside the search, or would they have been inevitably discovered?

**UNDISPUTED FACTS**

1. That search warrants issued in this matter were executed on July 2, 2015.
2. That numerous documents and materials were seized by law enforcement and were removed from the target locations.

### **DISPUTED FACTS**

1. That the seizure exceeded the authorized scope of the warrants.
2. That either the “independent source” and or “inevitable discovery” doctrines may justify the utilization of one or more of the documents that the Court deems to have been seized unlawfully.

The parties request that the court bifurcate the issues presented as follows: That the court first determine after the September 4<sup>th</sup> hearing, issues 1 through 3. Next, if the court were to determine that some or all evidence had been unlawfully seized and should be suppressed, the government would identify, by a date to be ordered by the court, which seized items the government nonetheless wished to introduce at trial and the basis for their admission, including admission pursuant to the doctrines of “inevitable discovery” or “independent source.” The defendant would then have an opportunity to oppose admission, by a date to be set by the court. For any items in dispute, the court could then address whether the item is admissible, holding a subsequent evidentiary hearing as necessary. The proposed bifurcation process will allow the parties an opportunity to present the arguments in a more orderly and cohesive fashion, and in the best manner to conserve the court’s time and resources.

The parties also wish to advise the Court that the government will move to admit into evidence at the hearing the transcript from the August 11, 2017 evidentiary hearing in *United*

*States v. Van Den Heuvel*, No. 16-CR-64, docket no. 159. The defendant reserves the right to object to this.

Dated at Milwaukee, Wisconsin this 9<sup>th</sup> day of August, 2018.

Respectfully submitted,

*/s/ Robert G. LeBell*

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