

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA

v.

**MOTION HEARING: Defendant's Motion to
Dismiss Counsel and Status Conference**

RONALD H. VAN DEN HEUVEL

Case No. 17-CR-160

HONORABLE WILLIAM C. GRIESBACH presiding
Proceeding Held: August 10m, 2018
Deputy Clerk: Cheryl

Time Called: 1:32 p.m.
Time Concluded: 2:30 pm
Tape: 081018

Appearances:

UNITED STATES OF AMERICA by:	Matthew Krueger and Adam Ptashkin
RONALD H. VAN DEN HEUVEL in person and by:	Robert G. LeBell
US PROBATION OFFICE by:	Brian Koehler
INTERPRETER: None	<input type="checkbox"/> Interpreter Sworn

[56] Pro se Motion to Dismiss Counsel: Mr. LeBell suggests an in chamber conference as to this issue. The court inquires as to how the defendant wishes to proceed. Defendant states he wishes to proceed pro se. He states he has funds to hire attorneys to assist him. The court inquires if this is attorney client privilege information. Mr. LeBell requests a private conference with his client.

1:38 p.m. – Court recesses.

1:59 pm - Court resumes. Mr. LeBell states defendant wishes to hire private counsel and also retain Mr. LeBell. Mr. Van Den Heuvel informs the Court he intends to engage the following attorneys: Mr. LeBell, Eric Hart, Ed Kraemer, Jeff Morgan, Timothy Hansen, John Pettijean and David Matias. The Court will continue to operate under the assumption the defendant does not have the funds to obtain counsel until the time that funds are produced to show otherwise.

2:03 pm - **[56] Motion to dismiss court appointed counsel is DENIED.** If defendant's intention to hire additional counsel falls through the case will not be delayed.

[62] Motion to Suppress: Mr. Krueger informs the Court it intends to defend the facial validity of the search warrant. Mr. Krueger requests clarification as to defendant's obligation to provide monthly financial reports to pretrial services and approval for liquidation of funds and other assets. Mr. Krueger sets forth concerns as to the impact of liquidation of funds/assets in connection to the restitution ordered in the earlier criminal case as defendant has continued to attempt to conduct financial transactions from the jail. The government requests that defendant still be required to seek probation approval for any financial transactions over \$500. Mr. LeBell responds. Mr. Koehler confirms there has been no supervision since defendant was incarcerated in the Brown County Jail. The Court has not removed the conditions; however, the defendant is now in custody. The government is able to pursue accessible assets or remedies as to the restitution obligation.

2:08 pm - Mr. Krueger sets forth proposal to bifurcate issues as to search warrant: 1) as to facial validity; 2) as to the manner the search warrant was executed. Mr. Krueger requests an evidentiary hearing and requests to admit into evidence the transcript from the previous evidentiary hearing held in 16-CR-64 last summer. The response by the government to motion as to facial validity on the warrant is due on August 25, 2018. The Court directs reply to be filed within one week. The Court will address the issue as to facial validity first. Mr. LeBell states defendant has no objection to the Court considering the previously created transcript in so far as it went. Mr. LeBell was in the middle of cross-examining a witness and anticipates the government will have one or two additional witnesses to call. Mr. LeBell requests the Court withhold deciding as to the application issue until defense counsel has had time to supplement the factual record. **The Evidentiary Hearing is scheduled for September 4, 2018 at 9:00 am.**

2:16 pm - Mr. LeBell anticipates filing a motion for a change of venue. The parties have a brief discussion as to the possibility of moving the trial to Milwaukee. Mr. Krueger states that two thirds of the witnesses are from the Green Bay area. The trial is scheduled to begin on November 13, 2018. The parties anticipate the trial going past Thanksgiving and request that court not be held on the Friday after Thanksgiving. The Court agrees.

Mr. LeBell requests to consider all motions in limine at the Final Pretrial Conference.

Motions in Limine Deadline: Movant 10 days prior to the FPT and Responses due 5 days before FPT.

Mr. LeBell requests to move the FPT to an earlier date.

The **Final Pretrial Conference is rescheduled to October 25, 2018 at 9:00 am.**

Mr. Krueger anticipates the trial going beyond Thanksgiving. Mr. Krueger intends to propose a long list of stipulations to defense counsel in an effort to reduce the number of witnesses.

Mr. LeBell addresses possible charges incurred relating to media searches, printed material and tapes. Counsel requests to be allowed to summarize the local TV and radio broadcasts rather than incur these charges. The Court instructs the parties to consult with each other on the matter.

2:25 pm - 404(b) responses may require a hearing and counsel requests to address this at the October 25, 2018 Final Pretrial date.

Mr. LeBell requests that defendant be allowed to address the Court regarding medical issues he is dealing with at the jail. Defendant speaks as to issues with receiving insulin. The Court directs the U.S. Marshals to speak with the Brown County Jail personnel regarding medical needs and report back on this matter. Defendant's medical physician may submit a letter or report to the U.S. Marshal service regarding this matter.

The parties are obligated to exchange witness and exhibit lists 10 days before the jury trial.

Once trial begins, a list should be provided setting forth the order of witness appearance.

Jury instructions and voir dire are due prior to the Final Pretrial Conference.