

The Defendant's REAL NAME is Ronald H. Van Den Heuvel / Ronald Hewry Van Den Heuvel. When confronted by Oneida Eye on 8/10/18 in front of U.S. Atty. Matthew Krueger about using the wrong middle initial ('D'), defense attorney Robert LeBell blamed his secretary. Yet, Atty. LeBell continued to submit court filings using the WRONG NAME for his client.

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

UNITED STATES OF AMERICA,
Plaintiff,

v.

Case No. 17 CR 160

RONALD D. VAN DEN HEUVEL,
Defendant.

DEFENDANT'S LOCAL RULE 12c STATEMENT #2

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 which relates to *Franks v Delaware*, 438 U.S. 154 (1978). It is believed that the following undisputed and disputed facts remain with respect to the argument that the search warrant affidavit contained a false statement. It is anticipated that one hour of in court time is needed for the evidentiary hearing.

ISSUES

1. Was the search warrant affidavit based upon a substantially made knowingly or intentionally, or was made with reckless disregard for the truth?
2. Was the statement or corresponding omission necessary to the finding of probable cause?

UNDISPUTED FACTS

1. That search warrants issued in this matter were executed on July 2, 2015 upon an affidavit containing numerous assertions

2. That numerous documents and materials were seized by law enforcement and were removed from the target locations.

DISPUTED FACTS

1. That any or all of the statements which are claimed to have been falsely made were false or with deliberate or reckless disregard for the truth.
2. That if the court were to determine that one or more statements were falsely made or made with deliberate or reckless disregard for the truth, were they necessary to the finding of probable cause?

The instant 12c statement should not be construed as a concession by the government that the defendant is entitled to an evidentiary hearing on his "Franks" motion.

Dated at Milwaukee, Wisconsin this 17th day of August, 2018.

Respectfully submitted,

/s/ Robert G. LeBell

Robert G. LeBell, SBN 01015710
Attorney for Defendant
1223 N. Prospect Avenue
Milwaukee, Wisconsin 53202
(414) 276-1233
Fax: (414) 239-8565
dorbell@ldm-law.com

