

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.

**REPLY TO THE RESPONSE TO DEFENDANT'S
SECOND MOTION TO SUPPRESS PHYSICAL EVIDENCE/FRANKS**

COMES NOW the above-named Defendant, Ronald D. Van Den Heuvel, though Attorney Robert G. LeBell, and offers this reply to the Government's Response to Defendant's Second Motion to Suppress Physical Evidence/Franks.

The Government argues that the affiant's statement that she knew the Perini Building was not for sale was not reckless and therefore a preliminary showing was not met to have a hearing. The affiant's statement was, "You[r] affiant is aware that the Perini Building was never for sale." That is a definitive statement. That is not saying, "I believe it was not for sale" or "the affiant was not able to verify that the building was for sale". Based upon the Defendant's memorandum and exhibits, it appears clear the building was for sale. Sara Real Estate is not a "small" broker. According to their website (<http://sarainvest.com/>) they currently have offices in Madison, Milwaukee, Minneapolis, and St. Louis. Certainly, the owner of the real estate should be easy to find by searching publicly available property tax records or by knocking on

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the front door of the building. While the affidavit is long and complex that is not an excuse to be reckless.

The hypothetical feasibility of Green Box is relevant when determining probable cause. The Government in their Response to Defendant's Motion to Suppress Physical Evidence (Doc. 91 at 14) argues that the entire business is a fraud. They say, "the affidavit underlying the search warrants provided substantial, reliable information showing that Van Den Heuvel ran his businesses as a fraudulent enterprise". *Id* at 15. That same tone is evident in this affidavit. They cannot argue that they think the entire thing being a fraud is irrelevant when responding to the motion to suppress, but then also say it is relevant when responding to an exception to suppression.

The Government argues in its conclusion that any inaccurate facts were an unintentional mistake (Doc. 83 at 5). An unintentional mistake can be a reckless disregard for the truth. Therefore, the Defendant renews his request for an evidentiary hearing.

Dated at Milwaukee, Wisconsin this 31st day of August, 2018.

Respectfully Submitted,

/s/ Robert G. Lebell

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