

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 16-CR-64

Case No. 17-CR-160

RONALD H. VAN DEN HEUVEL,

Defendant.

**RESPONSE TO DEFENDANT’S MOTION FOR RECONSIDERATION OF DENIAL
OF MOTION FOR RELEASE FROM CUSTODY**

The United States of America, by and through its attorneys, Matthew D. Krueger, United States Attorney, and Adam Ptashkin, Assistant United States Attorney, hereby responds to the defendant’s Motion for Reconsideration of the Court’s Denial of the defendant’s Motion for Release from Custody. For the reasons below, the government strongly opposes the current Motion.

FACTUAL AND PROCEDURAL BACKGROUND

The defendant, Ronald H. Van Den Heuvel (“Van Den Heuvel”), pled guilty to multiple fraud schemes with losses totaling approximately \$9.8 million. As this Court observed through those sentencings, Van Den Heuvel built a long track record of manipulating, exploiting, and defrauding others to fuel his high-end life. His offenses stemmed from a predatory nature, such that he would continue to pose a risk to others if released. He has been detained for just under 24 months—since July 6, 2018, when the Court found that he was continuing to engage in fraud even while on pretrial supervision. 17-CR-160 Dkt. 49.

The Court denied the defendant's previous two motions for compassionate release. 17-CR-160 Dkt. 157, 162. The defendant has now asked for reconsideration of the Court's second order. 17-CR-160 Dkt. 163. His prison facility, FPC Duluth, as of this writing, reports only one case of COVID-19 amongst inmates or staff. Although Van Den Heuvel is in a high-risk demographic, releasing him now would be unjust, undermine deterrence, and offend his numerous victims.

ARGUMENT

The Court Should Deny the Motion Because Van Den Heuvel's Medical Condition and Related Circumstances, Including the 18 U.S.C. § 3553 Factors, Counsel Against Early Release.

A. Defendant's Medical Condition Is Not Dispositive.

The Sentencing Commission's policy statement defines "extraordinary and compelling reasons" to include, as relevant here, certain specified categories of medical conditions. USSG § 1B1.13, cmt. n.1(A).

The United States does not dispute that the defendant is 66 and has medical conditions, including diabetes, that make him vulnerable to life threatening complications if he were to become infected with the COVID-19 virus. Although those medical conditions are serious, it bears noting that the defendant is not currently infected with COVID-19 according to his Motion, and the defendant is housed in a federal prison camp that currently has only one known infection. The United States respectfully submits that the defendant's medical condition does not, by itself, warrant compassionate release.

B. The 18 U.S.C. § 3553(a) Factors Strongly Weigh Against Defendant's Release.

Van Den Heuvel's request for a sentence reduction should be denied because he has failed to demonstrate that he merits release under the 18 U.S.C. § 3553(a) factors. Under the applicable policy statement, this Court must deny a sentence reduction unless it determines the defendant "is

not a danger to the safety of any other person or to the community.” U.S.S.G. § 1B1.13(2). This Court also must consider the § 3553(a) factors, as “applicable,” as part of its analysis. *See* § 3582(c)(1)(A); *United States v. Chambliss*, 948 F.3d 691, 694 (5th Cir. 2020).

The defendant continues to present a serious danger to the people of Wisconsin because of the intelligence, charisma, and capacity for deceit that were the basis of his fraud schemes. The defendant spent the proceeds of the schemes to support an extremely luxurious lifestyle, and there is no reason to think this financial appetite has decreased after less than a full two years in prison.

The defendant engaged in two fraud schemes that involved sophisticated plans and lies that fraudulently secured approximately \$9.8 million that the defendant used to finance a luxurious lifestyle. Notably, the defendant attempted to engage in fraudulent financial transactions even after he pleaded guilty to the bank fraud scheme, which resulted in the defendant’s detention before the investment fraud scheme case was resolved. 16-CR-64 Dkt. 234, 235.

The Section 3553(a) factor of protecting the public from further crimes weighs in favor of a denial of the Motion. The defendant’s Motion is part of a long term pattern of false statements by the defendant. These continued false statements are evidence that the defendant would continue to be a danger to the community and once again orchestrate fraud schemes if he were to be released.

The United States is not going to respond to each of the myriad outlandish claims made in the defendant’s Motion, but it will address several in order to exhibit the absurd nature of the claims and accusations. The defendant’s Motion claims that the United States Attorney engaged in a variety of misconduct. These claims of misbehavior by the United States, and additional frivolous claims about an investigatory law enforcement agent are false. In addition, the defendant’s Motion seems to imply that his own defense attorney and the defense attorney for his wife essentially

cooperated with the United States in order to persecute him. However, the defendant and his wife were vigorously defended by two highly experienced defense attorneys.

As he admitted in his plea agreement, the defendant ran a fraud scheme that took millions of dollars from investors based on material false statements. Neither the United States nor any defense attorney is responsible for this fraud scheme or the defendant's actions. As the Court stated at sentencing, in this case the "evidence is overwhelming" that Van Den Heuvel "lied to . . . betray people and defraud them," and then lied to his children by claiming the prosecution was unjust. 17-CR-160 Dkt. 114 at 94.

In addition, rather than take responsibility for his actions and focus his Motion on his medical conditions and a potential future devoid of criminal activity, the defendant's Motion asserts extravagant claims about his future business prospects. For example, the defendant claims that if released he "will sell developed patent pending equipment to multibillion dollar companies." 17-CR-160 Dkt. 163 at 15. This statement is reminiscent of false statements about patents that did not exist that the defendant made during the Green Box investment fraud scheme. The defendant also states he can sell products that "are needed now to help the COVID-19 world we live in." 17-CR-160 Dkt. 163 at 28. Again, these claims are comparable to false statements made by the defendant in the past, and indicate continued detention is necessary to protect the public from potential future crimes.

For example, on or about October 11, 2018, just before entering his guilty plea on October 12, 2018, the defendant made two telephone calls from jail to a Green Bay Press-Gazette reporter. The United States obtained recordings of the calls from the Brown County Jail. Below are several of the statements Van Den Heuvel made during the calls that are similar to the statements in the defendant's current Motion:

- “One [Green Box] is built and operating in China. The second one is going to be built. We’re building one in Ghana. There is two in the United States starting up.” In truth, no Green Box was operating in China nor anywhere else on the planet to the United States’ knowledge.
- “This is going to change the whole world. I’ve got Ph.D. letters stating it’s going to add twenty years of life to every human. There’s going to be no germs. 90% of our germs come from and viruses come from food contaminated waste streams. . . . Never again. Never again. And we got it. And it works.” The United States has seen no scientific evidence that Green Box would add twenty years of life to every human.

Notably, the defendant’s Motion also engages in a smear campaign against one of the victims of his fraud. 17-CR-160 Dkt. 163 at 20. The United States respectfully submits that the defendant’s Motion, rather than support his arguments for early release, actually supports the United States’ argument that the defendant needs to serve the remainder of his sentence to protect the public.

The United States takes the defendant’s medical conditions extremely seriously, but cannot agree that he should be released from serving the entirety of his sentence because of the financial threat he will pose to the citizens of Wisconsin and other places if he is released.

The Section 3553(a) factor of just punishment also requires that he serve the entirety of his sentence. The Court stated at sentencing that it “would send a terrible message if I did not impose a sentence that was substantial.” 17-CR-160 Dkt. 114 at 100. In selecting a sentence of 90 months, the Court noted that “a good argument could be made for” an even higher sentence. 17-CR-160 Dkt. 114 at 101. The Section 3553(a) factors—including the need for just punishment, to protect the public from further crimes of the defendant, and deterrence—continue to weigh in favor of requiring Van Den Heuvel to serve the entirety of his sentence. The defendant earned his sentence through elaborate schemes to defraud innocent people. Releasing him now would be unjust.

CONCLUSION

The United States respectfully submits the Court should deny the defendant's Motion.

Dated this 29th day of June, 2020.

Respectfully submitted,

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