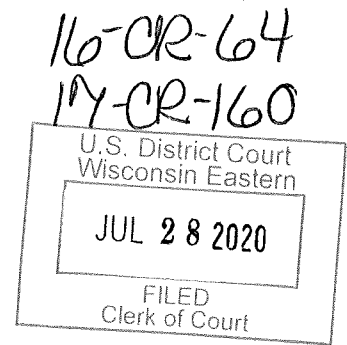


July 20, 2020



Honorable William C. Greisbach  
United States Courthouse Room 203  
125 South Jefferson Street  
Green Bay, Wisconsin 54301-4541

RE: United States of America v. Ronald H. Van Den Heuvel  
Case No: 17-CR-160

Dear Judge Greisbach,

I, Ronald H. Van Den Heuvel, am writing to respectfully ask for your consideration to re-evaluate the possibility of my early release to home confinement based on the following:

On May 18, 2020, a Response to Defendant's Motion for Compassionate Release was filed by Assistant United States Attorney, Adam Ptashkin. In that motion, under "Introduction," it is stated that at the time of the filing, there were no reported cases of the Covid-19 virus at FPC Duluth. I, the Defendant refers the court to *United States vs. Amarrah*, wherein Judge Levy acknowledges that "zero confirmed COVID-19 cases is not the same thing as zero COVID-19 cases." *Id.* at 4584. Judge Levy continues by discussing the BOP's recent testing surge, which revealed that 70% of inmates tested in federal prisons had Coronavirus. See *Pomante*, 2020 WL 2513095, at \*6 (discussing *Amarrah*). In fact, the BOP acknowledged that it expects the number of confirmed cases to rise as testing increases.) see the The Wall Street Journal (Apr. 30, 2020), <https://www.wsj.com/articles/more-than-70-of-inmates-tested-in-federal-prisons-have-coronavirus-11588252023>. The defendant also highlights the BOP's recent decision to release Paul Manafort, President Trump's former campaign chairman, even though he was in a facility without any reported COVID-19 cases. In other words, even the BOP recognizes the risks associated with COVID-19 in its facilities where there are no positive cases, as represented by its decision to release Mr. Manafort who had not yet served even half of his seven-year sentence. (*Id.*). See *United States vs. Gurman*, Ex-Trump Campaign Chairman Paul Manafort Released From Prison to Home Confinement, The Wall Street Journal (May 14, 2020), <https://www.wsj.com/articles/ex-trump-campaign-chairman-paul-manafort-released-to-home-confinement-11589375414> ("Mr. Manafort's release comes amid broader confusion over how prison officials are selecting inmates for home confinement. Prison officials have said they are giving priority to those who have served at least half of their sentences, or who have 18 months or less left and have served 25% of their terms. Mr. Manafort, who had served only about two years of his sentence and was set to be released on Nov. 3, 2024, hadn't met either criteria."). While this Defendant agrees with the Government that, 'at the time there were no known cases at FPC Duluth', this situation has since changed. There are currently 4 confirmed cases at FPC Duluth (see the BOP updated COVID-19 report dated July 8, 2020 as well as the report dated July 12, 2020 that reflects a 3 day increase in confirmed cases by 684).

In my request for a compassionate release, and as further confirmed in Attorney Ptashkin's motion, the Government does not dispute that I have Type 1 Autoimmune Diabetes. According to the World Health Organization, the populations most at risk of suffering severe health risks from COVID-19 are "older people, and those with underlying medical problems like cardiovascular disease [and] cancer." See *United States v. Saad*, No. 16-20197, 2020 WL 2251808, at \*6 (E.D. Mich. May 5, 2020) (discussing Coronavirus, World Health Organization (Apr. 27, 2020), [https://www.who.int/health-topics/coronavirus#tab=tab\\_1](https://www.who.int/health-topics/coronavirus#tab=tab_1)). The CDC has stood firm in their assessment that, 'persons over the age of 65 and individuals of any age who have serious underlying medical conditions', including Diabetes and Autoimmune disease are at greater risk. See *People Who Are at Higher Risk for Severe Illness*, Centers for Disease Control and Prevention (May 20, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html>. This defendant is among those persons most at risk to not just contract the virus, or to act as a carrier, but to die from the virus. Data released by the CDC indicates that approximately 80% of deaths from COVID-19 in the United States occur in individuals age 65 or older and that the fatality rate for individuals aged 65 to 84 could be as high as 11 percent. Severe Outcomes Among Patients with Coronavirus Disease 2019 (COVID-19) - United States, February 12 - March 16, 2020, Centers for Disease Control and Prevention (Mar. 26, 2020), <https://www.cdc.gov/mmwr/volumes/69/wr/mm6912e2.htm>. The CDC recognizes that as a Diabetic, my immune system does not work well, which makes it harder for this defendant's body to fight viruses. Given this, and the presence of 4 confirmed cases of COVID-19 at FPC Duluth, I am left to wonder what chance I stand if I were to contract the potentially deadly Covid-19. (Please see the attached correspondence from the American Diabetes Association).

In page 10, paragraph 1 of Attorney Ptashkin's Response to Defendant's Motion for Compassionate Release, he explains that if an inmate has a chronic medical condition that has been identified by the CDC as elevating the inmate's risk of becoming seriously ill from Covid-19, that condition may satisfy the standard of "extraordinary and compelling reasons." He defines a chronic condition where an inmate is not expected to recover "reasonably" may be found to be serious ABSENT the risk of Covid-19. FPC Duluth currently has four cases, and Attorney Ptashkin confirms that one of the qualifying medical conditions elevating the risk during the pandemic is diabetes AND being over 65. I meet that criteria. Your honor, I understand that severity of my conduct so stated by the government remains unchanged. What has changed, however, is the environment where I am serving my sentence. When the Court sentenced me, I do not believe that it was the intent of the Court for that sentence to "include incurring a great and unforeseen risk of severe illness or death" brought on by a global pandemic. See *Rodriguez*, 2020 WL 1627331, at \*12. I believe that I have demonstrated extraordinary and compelling reasons to justify a modification of my term of imprisonment. See *United States v. Campagna*, No. 16 Cr. 78-01, 2020 WL 1489829, at \*3 (S.D.N.Y. Mar. 27, 2020) (approving compassionate release for defendant where his "compromised immune system, taken in concert with the COVID-19 public health crisis, constitutes an extraordinary and compelling reason to modify [d]efendant's sentence on the grounds that he is suffering from a serious medical condition that substantially diminishes his ability to provide self-care").

In light of my interpretation of the law written in the aforementioned motion, along with my novice interpretations of the ( First Step Act, 18 U.S.C. § 3582(c)(1)(A) et., al and the expansion of § 3582(c)(1)(A) relief under the First Step Act. See, e.g., *United States v. Dagerdas*, F. Supp. 3d, No. 09-CR-581, 2020 WL 2097653, at \*2 (S.D.N.Y. May 1, 2020), 18 U.S.C. § 3583(e)(2), 28 U.S.C. § 994(t), I humbly request that further consideration be given to my Motion for Compassionate Release or the Commuting of my sentence to home confinement, due to the grave nature of my declining health and the fact that we are in a global pandemic. I am seeking to serve the remainder of my custody sentence in home confinement under the provision set

forth in the CARES Act. Your Honor, I am not a threat or danger to society or to anyone in my community. I community that I have lived in and loved my entire life and to which I have enormous ties. If I am granted home confinement, I assure you that I will serve the remainder of my sentence in full compliance with each and every guideline imposed by the court without question.

Respectfully,



Ronald Henry Van Den Heuvel

cc: (Regular Mail, with attachments)  
Matthew D. Krueger, Esq.  
Adam Ptashkin, Esq.  
Robert G. LeBell, Esq.

16-CR-64  
17-CR-160

U.S. District Court  
Wisconsin Eastern

JUL 28 2020

FILED  
Clerk of Court

Dear Clerk of Court

125 S. Jefferson Street

Attn: Honorable Judge William Greisbach

Green Bay, Wisconsin 54301-2490

United States

Please add these Answers to  
DOJ and others Comments Regarding Covid  
Ron Van Den Heuvel's Re-Consideration Motion  
for Compassionate Release regarding Cases  
17-CR-160 + 16-CR-060. Sorry DPL Took  
away our ability to make copies (5 weeks)  
and our Typist Inmate. DPL even Two  
Sided Copies Your Honors Documents. Misses Mary.