

The Saga of the Case
Eric Pepke 23 January 2019

I have written scores of documents trying to get the basics of my case on one page. It is difficult because it is so big and complicated. Then I read an editorial, "Federal Prosecutors Need a Watchdog, Too" from The New York Times, 12/26/2018. I wrote a letter to the paper, an exercise in futility, as none of the more than 100 letters I have sent to mainstream journalists has ever resulted in a response. However, it helped me think well enough to produce this, the best one-page summary so far, even if it is just the tip of the iceberg.

The editorial starts, "Whatever it takes, this behavior must stop." from United States v. Bartko, 728 F.3d 327 (4th Cir. 2013). I believe this was part of the same set of events that resulted in the demotion of Robert Higdon from criminal chief to senior litigator. See <http://s1.zetaboards.com/Liestoppers/meeting/topic/5226271/1/> originally from the News and Observer (newsobserver.com). (I only have that link because a group of Buddhists in Arkansas, Compassion Works for All, found it for me. None of the ostensible aid organizations, including the ACLU, have been of any use at all.) About a year later, Higdon left federal service. I have been unable to determine if his leaving was connected to the scandal.

I have direct personal knowledge and clear evidence that not only has the behavior not stopped, but it is being facilitated and encouraged by the E.D.N.C. judiciary at least at the magistrate level.

In 2015, I was arrested by Garner and Cary NC police. Later these charges were dropped, and the federal government charged me. I have good reason to believe the arrest was orchestrated by the feds all along for political reasons, targeting me for criticism of the government. I believe I could prove this at least to preponderance of evidence and possibly beyond a reasonable doubt with the case record and discovery, which I have so far failed to obtain.

After federal indictment, the Franklin NC jail physically tortured me with over 500 hours of continuous sleep deprivation. See Ashcraft v. Tennessee, 322 US 143, 150 n. 6 (1944). They also gave me a written death threat. Addled by this and with an unhelpful lawyer, I pleaded guilty to something not illegal under a constitutional law, unaware that pleading would prevent me from challenge the illegality.

At the arraignment, my prosecutor, Carrie Dean Randa, claimed the government had obtained evidence by patently impossible means clearly contradicting the record. This suggests the government may also have planted evidence. As I have seen none, it is possible they simply lied, but the hypothesis of planting better fits otherwise inexplicable facts.

I was sentenced to prison. At the sentencing, Randa made more impossible claims. About two months later, she left federal service. The prison rumor is that she was fired for prosecutorial misconduct, but I cannot confirm. It would take five minutes on Google, but I might as well be on Mars.

I appealed, but the appellate court only perfunctorily addressed my claims in such a way that makes me think the court had hardly read them or the record.

I filed a collateral attack under §2255. The government appointed Robert Higdon, re-hired after his two-year hiatus just in time for my §2255.

The magistrate recommended dismissing my §2255 for failure to state a cause. Her recommendation (1) completely ignores my response to Higdon's motion to dismiss as if she had not even read it and (2) misrepresents the record of the arraignment in such a way that cannot possibly be accidental and must be a lie to advocate for the government with no judicial independence.

I have objected. That is where the case stands now. A year after filing, this is still very early, but so far, I have experienced nothing but iniquity from the government (which does not surprise me at all) and the judiciary (which does).