

MONTGOMERY BLAIR SIBLEY

4000 MASSACHUSETTS AVENUE, N.W.

SUITE 1518

WASHINGTON, D.C. 20016-5136

EMAIL: MBSIBLEY@GMAIL.COM

202-478-0371 (VOICE/FAX)

October 22, 2013

Via USPS Delivery Confirmation #: 03112550000146271484

Chief Judge Richard W. Roberts

U.S. District Court for the District of Columbia

333 Constitution Ave NW

Washington DC 20001-2802

Re: *United States v. Duke*
Criminal Case No: 88-cr-00145 (DAR)

Greetings:

Though you – nor any other Article III judge of this Court – have responded to my letter of July 26, 2013, in which I brought to your collective attention the improper and illegal actions of Magistrate Judge Robinson in dismissing the Indictment against the fugitive-defendant Elizabeth Duke in the above matter, I nonetheless am writing to give you additional information in the hopes that you will see your clear-to-me duty to address this neither “irrational or perverse”¹ claim that Magistrate Judge Robinson has sullied the “honor of the administration of justice” at best, committed a felony² at worst.

In particular, Deborah A. Robinson, an Article I Magistrate Judge of this Court:

- Exceeded her jurisdiction by granting the government’s curiously-timed motion to dismiss the Indictment of the fugitive, domestic terrorist, United-States-Capitol-bombing Defendant, Elizabeth Duke;
- Entering an Order dismissing the indictment against Elizabeth Duke stating: “for the reasons set forth in the government’s motion and for good cause shown”, when clearly, there were no “reasons set forth” nor “good cause shown” to justify the granting of the government’s motion to dismiss the Indictment. The Transcript of the June 17, 2009, hearing reveals that the government failed to proffer any reason

¹ *Communist Party v. Subversive Activities Control Board*, 351 U.S. 115, 124-125 (1956).

² *See*: 18 USC § 912 - Officer or employee of the United States;

to dismiss an indictment against Defendant, Elizabeth Duke. A copy of that Transcript is attached as Exhibit “A”.

- Signed the June 17, 2009, Order as a “**United States District Court Judge**”, a position Deborah A. Robinson does not hold. A copy of her order is attached as Exhibit “B”.

In addition to these reasons, I sought to file *ex parte* and under seal to you allegations involving Magistrate Judge Robinson which by refusing to give me that opportunity, I am now forced to reveal publicly.

These allegations relate to the *quid-pro-quo* that caused Magistrate Judge Robinson to enter the improper and illegal order of dismissal of the Indictment of Elizabeth Duke. In return for her dismissal, she received extraordinary consideration in the matter of the federal prosecution of her son, Philip Robinson Winkfield, who was facing 40 years in federal prison for his drug dealing activities. A time-line of events illuminates the veracity of this allegation:

April 25, 2008 – Police arrest Philip Robinson Winkfield at his apartment in Dutch Village in Northeast Baltimore and seize five loaded guns, including two semiautomatic pistols, two shotguns and a semiautomatic assault rifle; a bullet resistant vest; 157 grams of heroin; 180 grams of crack; more than six pounds of marijuana and \$8,000 cash. Winkfield is the then 21-year-old son of U.S. Magistrate Judge Deborah Robinson.

May 23, 2008 – Winkfield indicted in Baltimore City Circuit Court on Maryland State Drug offenses.

November 2008 – Barack Hussein Obama elected President of the United States. The U.S. Attorney’s Office in Maryland took over the case from Maryland State prosecutors.

December 3, 2008 – Winkfield waives indictment and pleads guilty to being an armed heroin dealer. Curiously, Chief Judge J. Fredrick Motz said after accepting Winkfield’s plea deal stated: “This is not a cooperation agreement.” Expedited Sentencing Order as to Philip Winkfield entered by Judge Motz setting sentencing for January 23, 2009. See :08-cr-00513-JFM Docket attached hereto as Exhibit “C”.

April 8, 2009 – Judge Motz enters order granting Winkfield’s Motion to Seal Documents as to Winkfield.

April 10, 2009 – Winkfield – eligible for a 40 year sentence – is sentenced to five years in federal prison for possession with intent to distribute heroin. Assistant U.S. Attorney George Hazel recommends to U.S. District Court Chief Judge Motz that Winkfield, a first time federal offender, receive the mandatory minimum of 60 months in prison. Chief Judge Motz sentenced Winkfield to five years in prison with

credit for time served and, upon a request made by the defense with the concurrence of the government, that Winkfield be sent to Cumberland FCI, a notorious “Club Fed”³.

June 17, 2009 – Magistrate Judge Deborah A. Robinson of this Court held a hearing at which the government made an Oral Motion to Dismiss Indictment and Quash Arrest Warrant as to Duke which was granted by Magistrate Judge Deborah A. Robinson.

August 31, 2012 – Winkfield released from federal prison after serving only 4.3 years of his five year sentence.

Simply stated, it appears that Magistrate Judge Robinson – under threat that her son could be committed to Maryland State Prison where the threat of violence is much higher than in the federal system and knowing her son was facing 40 years in prison – caved to the Obama Administration’s peculiar demand to dismiss an indictment against the fugitive, domestic terrorist, Capitol-bombing Elizabeth Duke made without explanation by granting that motion and then signing the order **impersonating** an Article III judge. In return, her son received the velvet glove treatment from the federal government.

And yet there is more. I will not presently reveal publically additional evidence relating to the motivation of the Obama Administration to dismiss the Indictment against Elizabeth Duke. To reveal that evidence at this time would allow spoilation of critical evidence of the most significant federal crime – Treason.

Accordingly, pursuant to 18 U.S.C. § 3332(a)⁴ and Federal Rules Criminal Procedure, Rule 6(a)⁵, you and each of you are obligated to now discharge your statutory obligation to bring “to the attention of the grand jury” the evidence of criminal behavior presented by this letter.

Finally, please take note that I am not limiting my notification of these matters to the Article

³ One inmate described Cumberland FCI: “the best it gets at the fed level” where inmates have credit cards to use vending machines, cable TV and a “gym with exercise equipment, all cardio stuff and a softball field with a gravel track around it that you can walk on. . .” Retrieved from: <http://www.prisontalk.com/forums/showthread.php?t=178241>

⁴ 18 U.S.C. §3332(a) which states in pertinent part: “It shall be the duty of each such grand jury impaneled within any judicial district to inquire into offenses against the criminal laws of the United States alleged to have been committed within that district. **Such alleged offenses may be brought to the attention of the grand jury by the court** or by any attorney appearing on behalf of the United States for the presentation of evidence.” (Emphasis added).

⁵ Federal Rules Criminal Procedure, Rule 6(a) which states: “When the **public interest** so requires, the court must order that one or more grand juries be summoned.” (Emphasis added).

Chief Judge Richard W. Roberts
October 23, 2013
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III judges of this Court but am forwarding this – and other matters – to the attention of one hundred seventy three (173) other Article III judges throughout the Eleven Circuits. Please consider carefully the appearance to one of these other District Court grand juries investigating these allegations of the refusal on two occasions of the Article III judges of this Court to address these most significant allegations. As each of you well know: “No man in this country is so high that he is above the law. **No officer of the law may set that law at defiance with impunity.** All officers of the government, from the highest to the lowest, are creatures of the law, and are bound to obey it.” *United States v. Lee*, 106 U.S. 220, 261 (1882)(Emphasis added).

Looking forward to the pleasure of your prompt reply, I remain,

Yours,

cc: w/enclosures

Jay I. Bratt, Deputy Chief
National Security Section
United States Attorney’s Office
555 Fourth Street, NW, 10th Floor
Washington, DC 20530

The Honorable Emmet G. Sullivan
U.S. District Court for the District of
Columbia
333 Constitution Ave NW
Washington DC 20001-2802

The Honorable Colleen Kollar-Kotelly
U.S. District Court for the District of
Columbia
333 Constitution Ave NW
Washington DC 20001-2802

The Honorable Reggie B. Walton
U.S. District Court for the District of
Columbia
333 Constitution Ave NW
Washington DC 20001-2802

The Honorable Ellen S. Huvelle
U.S. District Court for the District of
Columbia
333 Constitution Ave NW
Washington DC 20001-2802

The Honorable John D. Bates
U.S. District Court for the District of
Columbia
333 Constitution Ave NW
Washington DC 20001-2802

The Honorable Richard J. Leon
U.S. District Court for the District of
Columbia
333 Constitution Ave NW
Washington DC 20001-2802

The Honorable Rosemary M. Collyer
U.S. District Court for the District of
Columbia
333 Constitution Ave NW
Washington DC 20001-2802

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The Honorable James E. Boasberg
U.S. District Court for the District of
Columbia
333 Constitution Ave NW
Washington DC 20001-2802

The Honorable Amy Berman Jackson
U.S. District Court for the District of
Columbia
333 Constitution Ave NW
Washington DC 20001-2802

The Honorable Rudolph Contreras
U.S. District Court for the District of
Columbia
333 Constitution Ave NW
Washington DC 20001-2802

The Honorable Deborah A. Robinson
U.S. District Court for the District of
Columbia
333 Constitution Ave NW
Washington DC 20001-2802

The Honorable Beryl A. Howell
U.S. District Court for the District of
Columbia
333 Constitution Ave NW
Washington DC 20001-2802

The Honorable Robert L. Wilkins
U.S. District Court for the District of
Columbia
333 Constitution Ave NW
Washington DC 20001-2802

The Honorable Ketanji Brown Jackson
U.S. District Court for the District of
Columbia
333 Constitution Ave NW
Washington DC 20001-2802

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,	.	
	.	
Plaintiff,	.	CR No. 88-0145
	.	
v.	.	
	.	
ELIZABETH DUKE,	.	Washington, D.C.
	.	Tuesday, June 17, 2009
Defendant.	.	
.	.	

TRANSCRIPT OF STATUS CONFERENCE
BEFORE THE HONORABLE DEBORAH A. ROBINSON
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Government:	M. JEFFREY BEATRICE, ESQ. U.S. Attorney's Office 555 Fourth Street, NW Room 4104 Washington, DC 20530 (202) 353-8831
Transcribed By:	BRYAN A. WAYNE, RPR, CRR Official Court Reporter U.S. Courthouse, Room 4704-A 333 Constitution Avenue, NW Washington, DC 20001 (202) 354-3186

Exhibit "A"

Proceedings electronically recorded and transcribed.

P R O C E E D I N G S

THE DEPUTY CLERK: Criminal case No. 88-145,
Elizabeth Duke. For the government, Mr. Beatrice.

THE COURT: Mr. Beatrice.

MR. BEATRICE: Thank you, Your Honor. We would orally
move to dismiss this case at this time, dismiss the indictment
and also to quash the warrant, and we will submit a proposed
order today, Your Honor.

THE COURT: Very well. Thank you, Mr. Beatrice.

(Proceedings adjourned.)

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

v.

ELIZABETH DUKE,

Defendant.

:
:
:
:
:
:

Criminal No. 88-00145 (DAR)

FILED

JUN 17 2009

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

ORDER

Upon consideration of the government's oral Motion to Dismiss Indictment and Quash Arrest Warrant and the record herein, for the reasons set forth in the government's motion and for good cause shown, it is this 17th day of June 2009,

ORDERED that the above case is dismissed without prejudice, and it is

FURTHER ORDERED that the arrest warrant issued for the defendant in this case is hereby quashed, and it is

FURTHER ORDERED that the United States Marshals Service cancel and/or withdraw the warrant from the NCIC data base.


DEBORAH A. ROBINSON

United States District Court Judge

Exhibit "B"

**U.S. District Court
District of Maryland (Baltimore)
CRIMINAL DOCKET FOR CASE #: 1:08-cr-00513-JFM All Defendants**

Case title: USA v. Winkfield

Date Filed: 11/07/2008

Date Terminated: 04/16/2009

Assigned to: Judge J. Frederick Motz

Defendant (1)

Philip Winkfield

TERMINATED: 04/16/2009

represented by **Gregg Lewis Bernstein**

Office of the States Attorney for Baltimore
City

100 N Calvert St Room 210

Baltimore, MD 21202

14103964001

Fax: 14105395215

ATTORNEY TO BE NOTICED

Designation: Retained

Robert W Mance

Robert W Mance Attorney At Law

1050 17th St NW Ste 1000

Washington, DC 20036

12022231254

Fax: 12024528690

ATTORNEY TO BE NOTICED

Designation: Retained

Pending Counts

21:841(a)(1) and 841(b)(1)(B)

POSSESSION WITH INTENT TO
DISTRIBUTE HEROIN

(1)

Disposition

Imprisonment for a total term of 60 months;

Supervised Release for a term of 4 years;

Assessment \$100.00

Highest Offense Level (Opening)

Felony

Exhibit "C"

Terminated Counts

Disposition

None

Highest Offense Level (Terminated)

None

Complaints

None

Disposition**Plaintiff**

USA

represented by **George Jarrod Hazel**

Office of the United States Attorney
 36 S Charles St Fourth Fl
 Baltimore, MD 21201
 14102094800
 Fax: 14109620716
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Rod J Rosenstein

Office of the United States Attorney
 Do Not Mail
 Baltimore, MD 21201
 14102094800
 Email: rod.rosenstein@usdoj.gov

Date Filed	#	Docket Text
11/07/2008	<u>1</u>	INFORMATION as to Philip Winkfield (1) count(s) 1. (hmls, Deputy Clerk) (Entered: 11/10/2008)
12/03/2008	<u>6</u>	Initial Appearance as to Philip Winkfield (Defendant informed of Rights.) held on 12/3/2008 before Judge J. Frederick Motz. (Court Reporter: Christine Asif) (mdw, Deputy Clerk) (Entered: 12/04/2008)
12/03/2008	<u>7</u>	Arraignment as to Philip Winkfield (1) Count 1 held on 12/3/2008 before Judge J. Frederick Motz. (Court Reporter: Christine Asif) (mdw, Deputy Clerk) (Entered: 12/04/2008)
12/03/2008		Plea entered by Philip Winkfield (1) "Guilty" as to Count 1 before Judge J. Frederick Motz. (Court Reporter: Christine Asif) (mdw, Deputy Clerk) (Entered: 12/04/2008)
12/03/2008	<u>8</u>	Bench Warrant Returned Executed on 12/3/08 in case as to Philip Winkfield. (hmls, Deputy Clerk) (Entered: 12/04/2008)

12/03/2008	9	NOTICE OF ATTORNEY APPEARANCE: Gregg Lewis Bernstein appearing for Philip Winkfield. (hmls, Deputy Clerk) (Entered: 12/04/2008)
12/03/2008	10	NOTICE OF ATTORNEY APPEARANCE: Robert W Mance appearing for Philip Winkfield. (hmls, Deputy Clerk) (Entered: 12/04/2008)
12/03/2008	11	WAIVER OF INDICTMENT by Philip Winkfield. (hmls, Deputy Clerk) (Entered: 12/04/2008)
12/03/2008	12	PLEA AGREEMENT as to Philip Winkfield. (hmls, Deputy Clerk) (Entered: 12/04/2008)
12/03/2008	13	PLEA SUPPLEMENT as to Philip Winkfield. (hmls, Deputy Clerk) (Entered: 12/04/2008)
12/03/2008	14	Expedited Sentencing Order as to Philip Winkfield. Signed by Judge J. Frederick Motz on 12/3/08. (hmls, Deputy Clerk) (Entered: 12/04/2008)
12/04/2008	15	Detention Hearing as to Philip Winkfield held on 12/4/2008 before Magistrate Judge Beth P. Gesner. (FTR Gold: Goldsmith.) (hsg, Deputy Clerk) (Entered: 12/04/2008)
12/04/2008	16	ORDER for Medical Evaluation as to Philip Winkfield. Signed by Magistrate Judge Beth P. Gesner on 12/4/08. (hmls, Deputy Clerk) (Entered: 12/04/2008)
12/04/2008	17	ORDER OF DETENTION as to Philip Winkfield. Signed by Magistrate Judge Beth P. Gesner on 12/4/08. (hmls, Deputy Clerk) (Entered: 12/04/2008)
04/06/2009	22	-SEALED- MOTION to Seal by Philip Winkfield. Responses due by 4/23/2009 (Attachments: # 1 Text of Proposed Order)(Bernstein, Gregg) (Entered: 04/06/2009)
04/06/2009	23	SEALED DOCUMENT (Bernstein, Gregg) (Entered: 04/06/2009)
04/08/2009	24	PAPERLESS ORDER granting 22 Motion to Seal re 23 Proposed Sealed Document as to Philip Winkfield (1). Signed by Judge J. Frederick Motz on 4/8/09. (hmls, Deputy Clerk) (Entered: 04/08/2009)
04/10/2009	26	Sentencing as to Philip Winkfield held on 4/10/2009 before Judge J. Frederick Motz. (Court Reporter C. Asif.) (pat, Deputy Clerk) (Entered: 04/16/2009)
04/16/2009	27	JUDGMENT as to Philip Winkfield (1), Count(s) 1, Imprisonment for a total term of 60 months; Supervised Release for a term of 4 years; Assessment \$100.00. Signed by Judge J. Frederick Motz on 4/16/09. (c/m 4/17/09 jnl, Deputy Clerk) (Entered: 04/17/2009)
03/08/2011	29	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings as to Philip Winkfield held on 4/10/2009, before Judge J. Frederick Motz. Court Reporter/Transcriber Christine T. Asif, Telephone number 410-962-4492. Total number of pages filed: 16. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained from the Court Reporter or through PACER. Redaction Request due 3/29/2011. Redacted Transcript Deadline set for 4/8/2011. Release of Transcript Restriction set for 6/6/2011. (ca, Court Reporter)