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January 25, 2021

The Honorable Lindsey Graham
The Honorable John Cornyn
The Honorable Mike Lee
The Honorable Chuck Grassley
The Honorable Marsha Blackburn
The Honorable John Neely Kennedy
The Honorable Mike Crapo
The Honorable Thom Tillis
The Honorable Josh Hawley
The Honorable Ben Sasse
The Honorable Ted Cruz
The Honorable Joni Ernst

Senate Judiciary Committee
United States Senate
Washington, D.C. 20510

Re: *Attorney General Nominee Merrick Brian Garland*

Greetings:

I believe Judge Merrick Brian Garland, President Biden's nominee for Attorney General, is unsuited for the Office of Attorney General. My belief arises from a matter I had before Judge Garland which highlights his unsuitability for the Office of Attorney General – an office in which unbridled discretion to investigate and prosecute resides. Simply stated, Judge Garland is not a proper recipient for such discretion based upon his prior professional behavior.

To support my claim, I will first detail the matter of *U.S. v. Elizabeth Duke*. Next, my Judicial Conduct Complaint against **Magistrate Judge Robinson** arising from her handling of the matter of *U.S. v. Elizabeth Duke* is explained. Third, Judge Garland's response above his signature to that Judicial Conduct Complaint and its chilling implications are documented.

I. *Elizabeth Anna Duke: The Fugitive, Capitol Bombing, Domestic-Terrorist*

The time-line and location of the *U.S. v. Elizabeth Anna Duke* events are as follows:

November 7, 1983 – A bomb was detonated inside the United States Capitol.¹

May 24, 1985 – Elizabeth Anna Duke (“Duke”) was arrested and arraigned in Philadelphia upon an Indictment charging her with involvement in the **November 7, 1983**, bombing of the Capitol. When arrested, she had a key to a storage locker in Pennsylvania containing TNT and false identity documents. **A copy of the N.Y Times article on Duke’s arrest is attached as Exhibit “A”**. Duke was connected with William Ayers and Bernardine Dohrn, two of the most notorious — and unrepentant — figures from the violent fringe of the 1970s anti-war movement and the organizers of “Progressives for Obama.” In **1995**, Ayers and Dohrn hosted a gathering in their home for Obama and raised funds for and promoted his candidacy.

July 24, 1985 – Duke was released on bail by U.S. District Court Judge Louis Heilprin Pollak. After failing to appear back in Court as ordered, on **October 15, 1985**, the government moved to revoke Duke’s bail and a bench warrant for her arrest as a fugitive was issued the same day. **A copy of the F.B.I.’s “Wanted by the FBI” poster for Duke is attached as Exhibit “B”**.

May 11, 1988 – Duke – along with her co-conspirators Laura Whitehorn, Linda Evans, Marilyn Buck, Susan Rosenberg, Timothy Blunk, and Alan Berkman – was indicted in the District of Columbia for acts of violence against the United States, including the aforementioned bombing of the United States Capitol on **November 7, 1983**, and several other government buildings in Washington, D.C. The case was assigned Docket No.: 88-cr-145. **A copy of the Press Release from the U.S. Attorney’s Office regarding Duke’s Indictment is attached as Exhibit “C”**.

¹ Retrieved from:
www.senate.gov/artandhistory/history/minute/bomb_explodes_in_capitol.htm

June 2, 1988 – Judge Harold H. Greene issued a bench warrant for Duke when she again failed to appear, making Duke a fugitive from justice.

April 25, 2008 – Police arrest Philip Robinson Winkfield (the then 21-year-old son of **U.S. Magistrate Judge Deborah Robinson** who sits in the District of Columbia) at his apartment in Northeast Baltimore and seize five loaded guns, including two semi automatic 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.

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

November 2008 – Barack Hussein Obama is elected President of the United States. The U.S. Attorney’s Office in Maryland takes over the Winkfield case from Maryland State prosecutors moving it from Maryland State Court to federal court.

December 3, 2008 – Winkfield waives Indictment and pleads guilty to the federal offense of being an armed heroin dealer.

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 received 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 Federal Correction Institute, a notorious “Club Fed”². **A copy of the City Paper article regarding Winkfield’s plea is attached as Exhibit “D”.**

² See: What it’s really like inside ‘Club Fed’ prisons
<https://www.washingtonpost.com/news/reliable-source/wp/2015/01/05/what-its-really-like-inside-club-fed-prisons/>

II. Magistrate Judge Deborah A. Robinson Dismisses the Indictment of Elizabeth Anna Duke

June 17, 2009 – Seventy days after Winkfield’s sentencing, Assistant U.S. Attorney M. Jeffery Beatrice³, from Obama’s Department of Justice, appears before Magistrate Judge Robinson for a hearing in the matter of *U.S. v. Duke*. At that hearing, Beatrice makes an oral motion to dismiss the Indictment of and quash the outstanding fugitive arrest warrant for Duke. On the record before her, Magistrate Judge Robinson grants this extraordinary oral motion. **A copy of that Transcript is attached as Exhibit “E”**. The same day, Magistrate Judge Robinson signed the Order dismissing the Indictment as an Article III “United States District Court Judge” – a position the Article I Magistrate Judge Robinson does not hold. **A copy of her Order is attached as Exhibit “F”**. Notably, in that Order dismissing the Indictment against Duke, Magistrate Judge Deborah A. Robinson stated that the dismissal was: “for the reasons set forth in the government’s motion and for good cause shown” – a clear misrepresentation of what actually transpired at the hearing as no such “reasons” or “good cause” was mentioned as the Transcript clearly reveals.

May 13, 2013 – Some four years later, upon being apprised of this series of events by interested parties, I filed a motion to intervene in the *U.S. v. Duke* matter alerting Magistrate Judge Robinson of the improprieties of the **June 17, 2009**, hearing and requesting the audio recording of that hearing. That request is denied by Magistrate Judge Robinson and the audio recording has never been produced.

June 20, 2013 – After finally obtaining a written transcript of the **June 17, 2009**, hearing, I again move to intervene pointing out the now-proven misrepresentation-of-the-record by Magistrate Judge Robinson in her **June 17, 2009**, order. Magistrate Judge Robinson denies my motion and seals the motion from public view on the Docket in 88-cr-145.

³ Beatrice served variously as Deputy Chief of the National Security Section, Special Counsel for National Security to the U.S. Attorney, Deputy Chief of the Organized Crime and Narcotics Trafficking Section, and Senior Litigation Counsel.

III. Chief Judge Merrick Brian Garland Buries The Misfeasance Of Magistrate Judge Deborah A. Robinson

November 8, 2013 – Upon the foregoing facts, I file a judicial misconduct complaint against Magistrate Judge Robinson which is referred to **Chief Judge Merrick Brian Garland**. After relating the above facts in the bare-bone notice complaint, I specifically state in my complaint: “I have in my possession copies of the pleadings, letters, and orders to confirm the allegations made herein and would be pleased to meet with an investigator to provide copies of the same.” That offer of providing further evidence is ignored by Chief Judge Garland.

January 15, 2014 – Chief Judge Garland enters his order dismissing my Judicial Misconduct complaint for the reasons set forth in his accompanying Memorandum. In that Memorandum, Chief Judge Garland summarily concluded without explanation that: “Because the allegations **lack[] sufficient evidence to raise an inference that misconduct has occurred on the part of the magistrate**” the complaint against Magistrate Judge Robinson “**must be dismissed.**” A copy of Chief Judge Garland’s Order and Memorandum are attached as Exhibit “G”.

March 16, 2016 – President Barack Obama nominates Chief Judge Garland for Associate Justice of the Supreme Court of the United States to succeed Antonin Scalia, who had died one month earlier. The 11 members of the Senate Judiciary Committee's Republican majority refused to conduct the hearings necessary to advance the vote to the Senate at large, and Garland's nomination expired on **January 3, 2017**, with the end of the 114th Congress.

IV. Chief Judge Merrick Brian Garland Should Not Become Attorney General

In his Memorandum Order accompanying his dismissal of the Judicial Conduct complaint against Magistrate Judge Robinson, Chief Judge Garland acknowledged the allegations that: “[T]he magistrate judge (i) falsified the record, (ii) exceeded [the judge's] jurisdiction and (iii) impersonated an Article III judge in dismissing the Indictment.”

Of course, falsifying a federal record is a felony.⁴ By entering her Order stating that “good cause was shown” when no such cause was shown, Magistrate Judge Robinson falsified the record.

Moreover, by dismissing an indictment, the Article I Magistrate Judge Robinson exceeded her Congressionally-granted jurisdiction.⁵

Last, as detailed above, Magistrate Judge Robinson is an Article I judge, not an Article III judge. Hence, by signing the order of **June 17, 2009**, as the latter and not the former, she violated 18 U.S. Code § 912⁶ - “Officer or employee of the United States”, a felony.

Yet against these irrefutable facts, Chief Judge Garland concludes that there was a lack of: “sufficient evidence to raise an inference that misconduct has occurred on the part of [Magistrate Judge Robinson]”. Such a finding by Chief

⁴ 18 USC § 1519 - “Destruction, alteration, or falsification of records in Federal investigations and bankruptcy” states in pertinent part: “Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 20 years, or both.”

⁵ Federal Rules of Criminal Procedure, Rule 59(b)(1), “Matters Before a Magistrate Judge” specifically prohibits a Magistrate Judge from dismissing an indictment as Magistrate Judge Robinson did in her **June 17, 2009**, Order. That Rule states in pertinent part: “Referral to Magistrate Judge. A district judge may refer to a magistrate judge for recommendation . . . any matter that may dispose of a charge or defense. . . . The magistrate judge must enter on the record a recommendation for disposing of the matter, including any proposed findings of fact.” Plainly, a Magistrate Judge may only recommend a dismissal, not actually dismiss an indictment.

⁶ “Whoever falsely assumes or pretends to be an officer or employee acting under the authority of the United States or any department, agency or officer thereof, and acts as such, or in such pretended character demands or obtains any money, paper, document, or thing of value, shall be fined under this title or imprisoned not more than three years, or both.”

The Honorable Lindsey Graham *et al.*
January 25, 2021
Page 7

Judge Garland not only was intellectually dishonest, it was also a breach of his legal duty to present the evidence of Magistrate Judge Robinson's felonious behavior to a Grand Jury.⁷

In *Communist Party v. Subversive Activities Control Board*, 351 U.S. 115, 124-125 (1956), the Supreme Court stated: "The untainted administration of justice is certainly one of the most cherished aspects of our institutions. Its observance is one of our proudest boasts. . . . **Therefore, fastidious regard for the honor of the administration of justice requires the Court to make certain that the doing of justice be made so manifest that only irrational or perverse claims of its disregard can be asserted.**"

Here, Chief Judge Garland by refusing to address the substantial and decidedly not irrational or perverse claims I raised to him, has demonstrated that his commitment is not to the "honor of the administration of justice" but to other base priorities that supersede his sacred duty articulated in *Communist Party v. Subversive Activities Control Board*. **As such, he is not a suitable person to occupy the Office of Attorney General.**

I am available to address any questions, comments or concerns, and provide this letter in PDF format if requested.

Yours,

⁷ 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). Likewise, 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).

ARRESTED 5/24/85

New York Doctor Arrested in Brink's Case After 2 Years as Fugitive

Continued From Page 1

Berkman had been traced through information obtained after the arrest on May 11 of Martin Jean Beck, brother of Miss Beck, who had been indicted on charges of conspiracy and racketeering in the Brink's case.

One of the counts against Dr. Berkman accused him of having treated Miss Beck after the Brink's robbery. Miss Beck, 28, is believed to have accidentally shot herself in the leg while driving a getaway car after the robbery, according to the F.B.I.

Dr. Berkman is accused of having treated Miss Beck in a so-called safe house in Mount Vernon, N.Y.

Dr. Berkman has been wanted as a fugitive on a Federal warrant since Feb. 1, 1983, when he failed to show up for a hearing in Federal District Court in Manhattan. In November 1982, he was released on \$25,000 bail after having been indicted by a Federal grand jury in Manhattan on charges of being an accessory after the fact in the Brink's case.

Arrested and Charged

The 45 million robbery of a Brink's armored car and the fatal shootings of a guard in Newark, N.Y., and two police officers in Nyack, N.Y., occurred on Oct. 20, 1981. The F.B.I. said the crimes had been committed by political rad-

icals who were members of the Black Liberation Army, the Black Panthers and the Weather Underground.

The indictment against Dr. Berkman charged him with "preparing, organizing and conspiring to prepare, organize and participate in the Brink's robbery to hinder and prevent their apprehension, trial and punishment."

F.B.I. officials in New York and Philadelphia declined to specify what information obtained in the arrest of Miss Beck in Dobbs Ferry, N.Y., had led them to Dr. Berkman.

Mr. McCluskey, the agent in Philadelphia, said the F.B.I. had been alerted that fugitives sought in the case had rented a van from an agency in Philadelphia.

Held Without Bail

On Thursday a woman, later identified as Miss Duke, returned the van and was picked up at the rental agency in a light blue Toyota driven by Dr. Berkman, Mr. McCluskey said. The Toyota, Mr. McCluskey said, was followed into Bucks County, where the two suspects were arrested. The exact location was not disclosed.

In addition to the unloaded revolver carried by Dr. Berkman and Miss Duke, F.B.I. agents said, another revolver and shotgun were in the car.

At a hearing in Federal District Court in Philadelphia yesterday, Dr. Berkman was held without bail as a

New York Doctor Held as Fugitive in Brink's Case

By SELWYN RAAB
A New York City physician, on the run for two years since his indictment for trying suspects in the Brink's armored-car robbery and killings in Lockland County, has been arrested, the Federal Bureau of Investigation announced yesterday.

The doctor, Alan Berkman, who is 39 years old, was apprehended Thursday night by F.B.I. agents in Bucks County, Pa., near Philadelphia.

Dr. Berkman, who was arrested after his car was forced to the side of a road, had a loaded revolver in his lap and was wearing a woman's brown, curly wig, John L. Hogan, special agent in charge of the F.B.I. bureau in Philadelphia, said.

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Arrested with Dr. Berkman was Elizabeth Jane, 44, of Aetna, Tex. Mr. Hogan said Dr. Berkman and Miss Duke were members of the May 19 Communist Movement, which he described as a Marxist organization dedicated to overthrowing the United States Government.

Miss Duke, according to the F.B.I., also had a loaded revolver in her hand when agents stopped the car Dr. Berkman was driving.

"They both seemed stoked and hardly said a word when agents surrounded them and announced they were under arrest," James McCluskey, an F.B.I. agent in the Philadelphia bureau, said. "They offered no resistance."

An F.B.I. spokesman in New York City, Joseph A. Valagosta, said Dr.

Continued on Page 6, Column 1

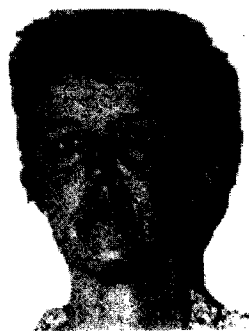
FOR MORE ON OFFICE MATTERS OF THE TIMES, call 1-800-368-5828.

ELIZABETH DUKE 414
HEAD OF AUSTIN TEXAS BRANCH OF
MAY 19th COMMUNIST ORGANIZATION

WANTED BY THE FBI

Unlawful Possession of United States Identification; Conspiracy; Unlawful Storage of Explosives;
Unlawful Possession of Firearms and Destructive Devices; Storage and Concealment of Stolen Explosives;
Unlawful Possession of Five or More False Identification Documents; Possession of Counterfeit
Social Security Cards; Aiding and Abetting; Unlawful Possession of Document-Making Implement

ELIZABETH ANNA DUKE



Photograph taken in 1985

Aliases:

Betty Ann Duke, Elizabeth Ann Duke, Betty Weir, "Betty Ann"

DESCRIPTION

Date(s) of Birth Used:	November 25, 1940; April 20, 1941	Hair:	Brown (May now be gray)
Place of Birth:	Beeville, Texas	Eyes:	Blue
Height:	5'6"	Sex:	Female
Weight:	120 pounds	Race:	White
NCIC:	W502404799	Nationality:	American
Occupation:	Teacher, Philanthropist		
Scars and Marks:	Duke has pin holes on the front of her earlobes due to a genetic condition.		
Remarks:	Duke is known to speak fluent Spanish. She has ties to Texas and is known to travel in the northern United States near the Canadian border.		

CAUTION

Elizabeth Anna Duke is wanted for her alleged involvement in a series of criminal activities during the late 1970's and early 1980's. She was allegedly a member of the radical group known as the May 19th Communist Organization which advocated communism and the violent overthrow of the United States Government. Duke was arrested in Bucks County, Pennsylvania, in May of 1985 for her alleged participation in this group, but was released on bail. She later fled the jurisdiction and has been a fugitive since October of 1985. A federal arrest warrant was issued for Duke in the Eastern District of Pennsylvania on November 13, 1986, charging her with the aforementioned federal charges.

REWARD

The FBI is offering a reward of up to \$50,000 for information leading directly to the arrest and conviction of Elizabeth Anna Duke.

SHOULD BE CONSIDERED ARMED AND DANGEROUS AND AN ESCAPE RISK

If you have any information concerning this person, please contact your local FBI office or the nearest American Embassy or Consulate.

Exhibit "B"



U.S. Department of Justice

United States Attorney

District of Columbia

*Judiciary Center
555 Fourth St. N.W.
Washington, DC 20001*

May 11, 1988

PRESS RELEASE

Jay B. Stephens
United States Attorney
for the
District of Columbia

United States Attorney Jay B. Stephens today announced that a federal grand jury has returned an indictment charging seven individuals with acts of violence against the United States, including bombing the United States Capitol on November 7, 1983 and several other government buildings here in Washington, D.C.

In announcing the indictments Mr. Stephens stated, "Let this be a warning to those who seek to influence the policies of the United States Government through violence and terrorism that we will seek unrelentingly to bring them to justice. Those who attack our sacred institutions of government and seek to destroy the symbols of our democratic system ultimately will have to pay the price."

Exhibit "C"

The grand jury returned a five-count indictment charging seven individuals -- Laura Whitehorn, Linda Evans, Marilyn Buck, Susan Rosenberg, Timothy Blunk, Alan Berkman and Elizabeth Duke -- with participation in a far-reaching conspiracy to bomb various government and private buildings and with involvement in the bombings of the United States Capitol and three Washington area military facilities -- the National War College at Fort McNair, the Computer Center at the Washington Navy Yard, and the Washington Navy Yard Officer's Club.

The indictment charges that the defendants and their co-conspirators were part of a secret organization which described itself as a "communist politico/military organization" and which operated under the names Revolutionary Fighting Group (RFG), Armed Resistance Unit (ARU) and the Red Guerrilla Resistance (RGR).

The indictment charges that as part of their program of "armed propaganda" the defendants and their co-conspirators also placed and detonated explosives at four locations in New York City -- the FBI's office in the Federal Building on Staten Island, the Israeli Aircraft Industries Building, the South African Consulate, and the Patrolmen's Benevolent Association. They also allegedly surveilled other bombing targets, including the Old Executive Office Building in Washington and the United States Naval Academy in Annapolis.

According to the indictment, the defendants and their co-conspirators made extensive use of aliases and false identification to evade surveillance and detection by law

enforcement authorities. The indictment charges that to support their efforts, the defendants obtained rifles, shotguns, handguns, bullet proof armor, and combined time-delay firing mechanisms and explosives into operable bombs. In addition, the indictment charges that the defendants funded their operations, in part, through theft and armed robbery.

Mr. Stephens praised the cooperative efforts of the District of Columbia Metropolitan Police Department, the Bureau of Alcohol, Tobacco and Firearms, and the Federal Bureau of Investigation, who in December, 1983 formed the Metropolitan Area Terrorist Task Force to investigate the series of bombings in the District of Columbia. The Task Force has coordinated its efforts with the Joint Terrorist Task Force in New York City, and the FBI and ATF offices in Philadelphia and Baltimore. The case is being handled by Assistant United States Attorneys Rhonda C. Fields and Margaret Ellen.

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CALENDAR

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SCAPESCAPE

THURSDAY 8-29 Station North Chicken Box 6:00 Apply Within 6:30 Antigone 7:00 The Situation INTERMISSION 8:30 Argonne Liam Flynn's Ale House 7:30 Intermision w/ Doomhilda **FRIDAY 8-30** Charles St. Lot 6:00 Gage 6:45 Mickey Free 7:15 AK Slaughter 8:00 DDM 9:00 TT the Artist 10:00 Rye Rye w/ Master of Ceremonies Shodekeh The Metro Gallery 8:30 Kitsune Rad 9:30 Brother JT 10:45 Co La 11:30 Microkingdom 12:15 Joan of Arc North Ave. Lot 6:00 The Woolly Moon 7:00 The Matrimonials 8:00 Lazlo Lee & the Motherless Children 9:15 Bobby E. Lee & the Sympathizers The Windup Space 6:00 Murderboats 7:00 Et Al. 8:00 Other Colors 9:00 Adam Lempel & the Heartbeats 9:45 Which Magic 11:00 Deep in the Game w/ Cex. Mark Brown & Schwarz* w/ visuals by TJ Domingue * visuals by Greg St. Pierre Liam Flynn's Ale House 6:30 Auberjine & the Brinjal Band 7:15 Neutron Bomb 8:00 Judge Mental 9:00 Impatience Machine 9:45 Sick Din 10:30 The Creepers 11:15 Lizz King 12:15 Vayda 1:00 The Boo Boos The Crown - Weekends Record Release Night 10:00 Smoke Below 10:45 Fozzie 11:30 Abdu Ali 12:15 Weekends 1:00 Jason Willett w/ visuals by TJ Domingue **SATURDAY 8-31** Charles St. Lot 3:00 Unspecified Services 3:45 Outer Spaces 4:30 Chester Endersby Gwazda 5:15 The Lollipopps 6:15 Lonnie Walker 7:00 Raindeer 8:00 Wing Dam 8:45 Moss of Aura 9:45 Celebration w/ visuals by Greg St. Pierre The Metro Gallery 7:45 Tunnelbike 8:45 Headwounds 9:45 Radical Discharge 10:45 Monster Museum 11:45 Lisa Doll & the Rock n Roll Romance 12:45 Thee Lexington Arrow s North Ave. Lot 4:30 Matt Beale & the Shakes 5:30 Royal Wigs 6:30 Among Wolves 7:30 Small Sur 8:30 Great American Canyon Band The Windup Space 5:30 Saleem & the Music Lovers 6:15 Rapdragons 7:15 Wendel Patrick 8:15 Cubbiebear 9:00 Baltimore Boom Bap Society 10:30 Perrin & Tonic 11:15 J.Ek 12:00 Murder Mark 1:00 Get Em Marris w/ Master of Ceremonies Shodekeh visuals by TJ Domingue Liam Flynn's Ale House 8:15 Doomhilda 8:45 Bully Union 9:30 The Three Wives of Theseus 10:00 Josh Bornfield 11:00 Classical Revolution & Shodekeh 12:15 Bow Legged Gorilla The Crow n 5:00 Vlonde 5:45 BCBG 6:30 Drew Swinburne 7:15 Opale 8:00 Ensemble Economique 8:45 Am Dang 9:45 Fell Band 10:45 Real2Real 11:30 Gh*st 12:00 Chiffon* 1:00 DJ Lexx w/ visuals by TJ Domingue *visuals by Greg St. Pierre

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MOBTOWN BEAT

TAKING THE WEIGHT

Judge's Son Pleads Guilty to Heroin Trafficking

By Van Smith | Posted 12/4/2008

U.S. District Court magistrate judge Deborah A. Robinson normally presides over matters in her Washington, D.C., courtroom. But on Dec. 3 she sat in the gallery of a federal courtroom in Baltimore to witness her 21-year-old son, Philip Winkfield, admit to being an armed heroin dealer.

Winkfield was a Morgan State University student last April, living in Dutch Village in Northeast Baltimore, when a raid team served a warrant at his apartment and found him with five loaded guns (including an assault rifle), a bullet-proof vest, a digital scale, a drug ledger, cutting agent, and a bunch of heroin, cocaine, and pot.

Despite the broad array of evidence, on Wednesday Winkfield copped only to dealing heroin and to the fact "that one or more of the firearms was used in furtherance of the crime," according to the plea agreement. "This is not a cooperation agreement," said U.S. District Court judge J. Frederick Motz after accepting Winkfield's plea deal, which had been hammered out by prosecutor George Jarrod Hazel and Winkfield's attorneys, Gregg Bernstein and Robert Mance.

Philip Winkfield

"Is this Mr. Winkfield's family?" Motz asked near the end of the hearing, referring to Judge Robinson and Winkfield's father, U.S. Department of Veterans Affairs attorney John C. Winkfield. They nodded, and Motz proceeded to tell the defendant that "this has got to be a bad day for you and a bad day for them," but "your life isn't over, make this the beginning."

The case against Winkfield began with state charges filed last spring, but was bumped up to the federal level in early November. Winkfield, who has been held without bail since his arrest last spring, will remain detained until his sentencing hearing, scheduled for Jan. 23, 2009. He faces a mandatory minimum of five years in prison, up to a maximum of 40 years.

Exhibit "D"

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Mobtown Beat archives

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A Pattern of Failure (3/2/2010)

A new state bill seeks to make child neglect a felony

Skilling to Supremes: Define "Honest Services" (3/1/2010)

Skilling to Supremes: Define "Honest Services"

No Way, Lynae (12/10/2009)

Prison Guard's Attempt to Plead Guilty in Cell-Phone Case Denied

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
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Exhibit "E"

Proceedings electronically recorded and transcribed.

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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,

Criminal No. 88-00145 (DAR)

v.

ELIZABETH DUKE,

Defendant.

:
:
:
:
:
:

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.

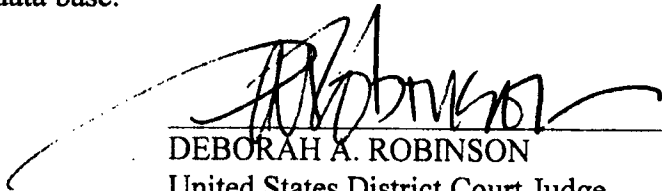

DEBORAH A. ROBINSON
United States District Court Judge

Exhibit "F"

The Judicial Council

FOR THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of

Judicial Council Complaint No. DC-13-90035
DC-13-90036

A Charge of Judicial
Misconduct or Disability

Before: GARLAND, Chief Judge of the Circuit

ORDER

Upon consideration of the complaint herein, filed against a magistrate judge and a judge of the United States District Court for the District of Columbia, it is

ORDERED that the complaint be dismissed for the reasons stated in the attached Memorandum. *See* 28 U.S.C. § 352(b)(1)(A)(ii) and (iii); JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS 11(c)(1)(B) and (D).

The Clerk is directed to send copies of this Order and accompanying Memorandum to the complainant, the subject judges, and the Judicial Conference Committee on Judicial Conduct and Disability. *See* 28 U.S.C. § 352(b); JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS 11(g)(2).



Merrick B. Garland, Chief Judge
District of Columbia Circuit

Date: _____

1-15-2014

Exhibit "G"

MEMORANDUM

The complainant alleges that a magistrate judge and judge of the United States District Court for the District of Columbia engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts. For the following reasons, the allegations do not warrant action against the subject judges.

The complainant alleges that the magistrate judge “(i) falsified the record, (ii) exceeded [the judge’s] jurisdiction and (iii) impersonated an Article III judge in dismissing the Indictment.” These allegations arise out of the magistrate judge’s 2009 dismissal, at the request of the United States Attorney, of a dormant criminal indictment that had remained outstanding since 1988 and in which the complainant played no role whatsoever. The complainant also objects to the magistrate’s denial of the complainant’s motion to intervene in those proceedings. Because those allegations are “directly related to the merits of a decision or procedural ruling,” the complaint against the magistrate judge “must be dismissed.” JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS 11(c)(1)(B); *See* 28 U.S.C. § 352(b)(1)(A)(ii).

The complainant also asserts that the subject district court judge was “repeatedly made aware of this malfeasance of [the magistrate judge], failed to take any action and sought to obfuscate and cover-up further inquiry into” the allegations against the magistrate judge. The district judge sent the complainant a detailed letter that reasonably explained the judge’s finding that there was no malfeasance on the part of the magistrate

judge and hence no warrant for further action. Because the allegations “lack[] sufficient evidence to raise an inference that misconduct has occurred” on the part of either the magistrate or the district judge, the complaint against the district judge must also be dismissed. *Id.* 11(c)(1)(D).¹

¹ Pursuant to 28 U.S.C. § 352(c) and JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL -DISABILITY PROCEEDINGS 18(a), the complainant may file a petition for review by the Judicial Council for the District of Columbia Circuit. Any petition must be filed in the Office of the Clerk of the Court of Appeals within 35 days of the date of the Clerk's letter transmitting the dismissal Order and this Memorandum. *Id.* R. 18(b).