

## Federal jury convicts Lepp on drug charges

Contributed by Elizabeth Larson  
 Saturday, 06 September 2008  
 Last Updated Tuesday, 19 May 2009

UPPER LAKE &ndash; An Upper Lake man is facing the possibility of lengthy prison time and millions of dollars in fines after a jury convicted him Tuesday of federal drug charges.

Charles &ldquo;Eddy&rdquo; Lepp, 56, and co-defendant Daniel Barnes were found guilty of cultivating approximately 24,784 marijuana plants and conspiracy to possess the drug with the intent to distribute following a one-week jury trial in U.S. District Court Judge Marilyn Hall Patel's San Francisco courtroom.

The jury deliberated for approximately three hours before arriving at the verdict Tuesday, according to a statement from the US Attorney's Office.

Lepp is scheduled to be sentenced by Judge Patel on Dec. 1, the US Attorney's Office reported. The mandatory minimum sentence for each count is 10 years in prison and a maximum fine of \$4 million. The maximum penalty for each count is life imprisonment.

Lepp, who remains free on his own recognizance, was on his way to the Hempstalk Festival in Portland, Ore., and could not be reached for comment Friday. His Bay Area attorneys, Michael Hinckley and Lidia Stiglich, did not return calls from Lake County News seeking comment on the case.

Chris Thompson, Lepp's book editor, said Friday that Lepp and his attorneys plan to appeal the verdict. &ldquo;They feel they have 80 appealable issues.&rdquo;

In August of 2004, local, state and federal law enforcement officials conducted a raid at a 20-acre property adjacent to Highway 20 and near Lepp's Upper Lake home, as Lake County News has reported. The Lake County Sheriff's Office had received reports on the marijuana grow, which was visible from the highway.

More than 32,500 plants were seized &ndash; with a reported value of more than \$80 million &ndash; along with a loaded Beretta .32 semiautomatic pistol and materials for packaging, processing and weighing marijuana and hash. Lepp himself told the Lakeport City Council last year that it was the largest marijuana bust in the DEA's history.

A federal grand jury indicted Lepp on drug charges on Sept. 28, 2004, the US Attorney's Office reported.

On Jan. 19, 2005, a Sonoma County Sheriff's detective, working as an undercover agent for the US Drug Enforcement Administration, allegedly approached Lepp and negotiated to buy a pound of processed cannabis, according to court records.

The agent, who was wearing a wire, reportedly caught on tape the transaction, in which Lepp agreed to sell him the marijuana for \$2,500. About 20 minutes later Barnes was alleged to have arrived with the drugs, which he delivered to the agent, court records stated.

The charge relating to the undercover sale was severed from this past week's trial, the US Attorney's Office said.

In February 2005, DEA agents once again raided Lepp's property, seizing 6,300 marijuana plants from an indoor cultivation operation, along with materials suspected of being hash and other items alleged to have indicated his cultivation operation and sale of marijuana plant clones.

In case documents, Lepp stated his rights to manufacture, use and possess marijuana for religious purposes was protected by the Religious Freedom Restoration Act because it was part of his ministry, Eddy's Medicinal Gardens and Multi-Denominational Ministry of Cannabis and Rastafari.

He had sought to have evidence taken in the raids suppressed because the warrants omitted information about his religious activities, an action which the court denied.

Lepp took the stand during the trial, and &ldquo;strongly inferred&rdquo; in his testimony that he did not sell marijuana, the US Attorney's Office reported.

As a result, the jury was allowed to hear testimony regarding the allegation that Lepp had sold marijuana to the undercover agent.

Thompson, who attended the trial, said that the marijuana plants seized during the raid belonged mostly to religious patients, not Lepp. &ldquo;The jury was not allowed to know anything about the medical patients,&rdquo; said Thompson.

He added, &ldquo;He (Lepp) felt he was doing what was right under the letter of the law at the time.&rdquo;

At the same time as Lepp's verdict came in, Thompson pointed to another federal court case which ruled the federal government violated the US Constitution in seizing medical marijuana from the Wo/Men's Alliance for Medical Marijuana in Santa Cruz. Thompson said the two very different decisions regarding marijuana show the subject is still &ldquo;up in the air.&rdquo;

Thompson said the government has released liens on Lepp's home but has maintained liens against the other property on Highway 20 where marijuana was being grown.

Lepp is a well-known and outspoken advocate in the international marijuana legalization movement. He has been a proponent of the use of marijuana for many years, saying it helped him deal with post traumatic stress disorder as a result of his service in Vietnam, and that it offered his late wife, Linda Senti, a way of dealing with the pain of cancer that she fought for several years.

He's appeared before the Board of Supervisors to ask for support of medical marijuana guidelines, and last year went to the Lakeport City Council to challenge a ban on growing medical marijuana within the city limits.

At the same time, he has been in conflict with law enforcement about marijuana for years.

His ministry had been raided by the US Drug Enforcement Administration in 2002, according to court documents, and 266 marijuana plants were seized. According to Lepp's MySpace page, while all the marijuana was seized there were no

arrests or charges pressed against him.

He also states on his MySpace page that he was the first person arrested, tried and acquitted under California's Compassionate Use Act, Proposition 215, passed by voters in 1996. His acquittal came in 1998.

In 2002 and again in 2005 Lepp, his wife and Smiley James Harris sued the US Attorney General, the DEA, the Lake County Board of Supervisors, the Lake County Sheriff's Office and Sheriff Rod Mitchell for civil rights violations. The cases were later dismissed.

Assistant United States Attorney Dave Hall prosecuted Lepp's case. The prosecution, the US Attorney's Office reported, was the result of the investigation by the Drug Enforcement Administration, the Lake County Sheriff's Office and the Sonoma County Sheriff's Office.

E-mail Elizabeth Larson at [el Larson@lakeconews.com](mailto:el Larson@lakeconews.com).

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