

Lepp sentenced to 10 years in federal prison for marijuana case

Contributed by Elizabeth Larson
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THIS STORY HAS BEEN UPDATED.

UPPER LAKE — A local man known for his medical marijuana activism has been sentenced to a 10-year federal prison sentence.

Charles "Eddy" Lepp, 56, was sentenced Monday morning by Judge Marilyn Hall Patel to two 10-year sentences, which will run concurrently, according to spokesman Jack Gillund of the US Attorney's Office. Patel said the sentences were the mandatory minimum required by law.

"It's tragic," said Lepp's attorney, Michael Hinckley.

Last September a federal jury convicted Lepp of conspiracy to possess with the intent to distribute and cultivation of more than 1,000 marijuana plants, as Lake County News has reported.

The jury found that Lepp had grown 24,784 marijuana plants on his 20-acre property in Upper Lake, which is adjacent to Highway 20. He was indicted in 2004 in the case, which resulted from an investigation conducted by the Drug Enforcement Administration and the sheriff's offices of Lake and Sonoma counties.

During his hour-long hearing, Lepp also was sentenced to five years of supervised release once his sentence ends.

Hinckley said that as she imposed the sentence, Patel herself stated that she believed the minimum sentence was "excessive";

"It's way, way, way too much time," Hinckley said.

Lepp was sentenced on the same day as the US Supreme Court declined to hear *San Diego County v. San Diego NORML et al.*, according to California NORML. By not hearing the case, an appeals court ruling that holds that California law trumps federal law over medical marijuana will remain in place.

Patel commented during sentencing that Lepp seemed proud of what he was doing. Hinckley said Lepp did testify in the trial about being proud of the fields where the marijuana was grown, and he encouraged people to take advantage of the opportunity to grow there.

"I've never seen a man work harder to get time in prison than Mr. Lepp," federal prosecutor David Hall is reported to have remarked during the sentencing.

Lepp must surrender himself to federal authorities on July 6.

He told Lake County News in a weekend interview, "At my time in life if all I get sentenced to is a 10-year minimum, that's a friggin' life sentence";

Lepp was the first person in California to be acquitted in a Proposition 215 prosecution in 1996, as Lake County News has reported.

On Monday, Lepp pointed to other medical marijuana growers who have gotten deals with the government for far lesser prison terms. "I got 10 years and everybody else is getting virtually nothing";

Hinckley said he's filing an appeal of both the sentence and the original conviction.

He said they had hoped to get underneath the mandatory minimum 10-year sentence through a "safety valve" provision, which has five elements that must be met.

Hinckley said the government argued that Lepp didn't meet two of the requirements. Those include being the leader or organizer of a criminal activity. "Our position was, that Eddy is the leader of the church," said Hinckley. "The 'criminal activity' that they're talking about is the growing of the marijuana in the fields";

The other requirement the government alleged Lepp didn't qualify for was that he didn't meet with the government and truthfully speak about the offense for which he's been convicted.

Hall had alleged that Lepp lied on the stand when he maintained he had not been active in running the marijuana garden, which was part of his Rastafarian religious ministry.

"He would need to admit he lied at trial," said Hinckley.

Lepp said he met with Hall several weeks ago and was told he would need to say he lied on the stand in order to qualify for the government to drop the minimum sentence. "I went ballistic," Lepp said.

He maintained that he had 200 volunteers that ran the garden. "I never had anything to do with it," he said, noting that Hall accused him of being a criminal mastermind.

Lepp had been looking at a maximum sentence of life in prison on both counts, plus a \$4 million fine.

"We asked that no fine be ordered because of his ability to pay," said Hinckley.

The fine was waived, but a forfeiture action against the fields where the marijuana was being grown is still working its way through the courts, Lepp said.

An investigation conducted by the Mendocino County Sheriff's Office last week resulted in Lepp's home being raided by officials, who detained him and four other people, while they searched the house and took hundreds of pictures. Lepp said no search warrant was issued and no one was arrested after being handcuffed and held.

Lepp alleges that the sheriff's deputies came to his home by mistake, but there were concerns that there was going to be an attempt to tie that case to his current situation.

Rachel Cohen, Lepp's personal assistant said the courtroom was filled for the hour-long sentencing, with people spilling out into the hallway.

She said people were carrying signs and picketing at the courthouse, with many people showing support for Lepp. Cohen said they also were passing out "Free Eddy Lepp" buttons.

Lepp said now that he has been sentenced, he has many friends and supporters who are working to get him a topnotch

appellate lawyer.

While he prepares to enter prison, Lepp said he's concerned about his daughter, who has had benign polyps found on her thyroid. It's especially worrying because her mother and Lepp's late wife, Linda Senti, died from thyroid cancer that began with polyps being discovered in the same area.

"I'm just scared to death, she's barely in her 30s," said Lepp.

He has remarried since Senti's death. His new wife, Linda, will remain on the Upper Lake property, where no medical marijuana garden has been grown since 2004, said Lepp.

As to his ability to use medical marijuana in prison for his own health issues, Lepp said Patel told him in court that she doesn't know if he'll be able to have access to the drug.

He said it's hard to know what will happen in the next six weeks, noting there have been rumors of pardons being possible.

Hinckley said there seems to be a move in the country toward greater acceptance of medical marijuana, something he suggests Lepp may have helped facilitate.

"As of today, it's not happening soon enough to help him," Hinckley said.

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