

No. 19-8716

IN THE

SUPREME COURT OF THE UNITED STATES

ERIC PEPKE -- PETITIONER

vs.

UNITED STATES OF AMERICA -- RESPONDENT
ON PETITION FOR A WRIT OF CERTIORARI TO

FOURTH CIRCUIT APPELLATE COURT

PETITION FOR REHEARING OF ORDER DENYING

PETITION FOR A WRIT OF CERTIORARI

AS PER R. S. CT. 44(2)

1. Ground Two of the original motion under §2255 describes physical torture as specified by this Court as per Ashcraft v. Tennessee, 322 US 143, 150 n. 6 (1944). See Appendix F p. 10 and related facts.
2. Ground Three of the original motion under §2255 describes a failure of petitioner's counsel to give adequate notice of the meaning and consequences of pleading guilty. See Appendix F p. 10, as well as related facts.
3. Ground Four of the original motion under §2255 shows evidence for false and prejudicial statements of the prosecution, and other facts show evidence of possible planting of evidence. See Appendix F p. 11 and associated facts, also see Facts 17, 19, and arguments in the Brief of Appellant.
4. Pepke's prosecutor, Carrie Dean Randa, was terminated shortly after she appeared at Pepke's sentencing. She sued for employment

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discrimination, and the case is being handled by Judge Louise Flanagan, Pepke's sentencing and §2255 judge. At some issue in the termination were Randa's emails about cases which, given the temporal proximity, almost certainly include material about Pepke's case. Judge Flanagan ordered these emails sealed during the time she was considering Pepke's §2255, leaving Pepke with only the option of discovery and an evidentiary hearing to determine whether these emails indicate misconduct in Pepke's case, which hearing and discovery she also prevented by dismissing Pepke's petition. This information was not available until well after Pepke filed his motion. See Randa v. Whitaker, 2019 US Dist. LEXIS 247 (E.D.N.C. 2019), Randa v. Barr, 2019 US Dist. LEXIS 43019 (E.D.N.C. 2019), Randa v. Barr, 2019 U.S. Dist. LEXIS 205642 (E.D.N.C. 2019), and Randa v. Barr, 2019 US Dist. LEXIS 216490 (E.D.N.C. 2019).

5. The wording of the appellate ruling in Pepke's original case strongly suggests that the panel were reacting not to the single image to which Pepke pled guilty but to other unknown images, the information about which was not presented to Pepke, and which Pepke therefor denies receiving. See Appendix F Ground Five p. 12 and associated facts, also Fact 26.

6. The prosecution never specified just how the pled image was supposed to be illegal. As a result, Pepke had to use a process of elimination to find the only possible way 18 U.S.C. §2256 could apply. See Appendix F, Fact 1 and portions of Ground One pp. 8-9 not previously addressed as grounds in Pepke's original petition for certiorari.

Respectfully submitted this 26 day of October 2020,


Eric Pepke, Petitioner pro se

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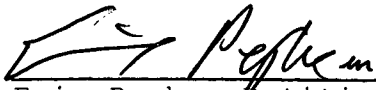
FOURTH CIRCUIT APPELLATE COURT

CERTIFICATION FOR PETITION FOR REHEARING

AS PER R. S. CT. 44(2)

Under penalty of perjury, I, Eric Pepke, certify that the attached Petition for Rehearing is presented in good faith and not for delay and is restricted to grounds not previously presented in the previously filed Petition for a Writ of Certiorari.

Respectfully submitted this date of 26 October, 2020,


Eric Pepke, Petitioner
Pro Se