

**THE UNITED STATES DISTRICT COURT
DISTRICT NORTH CAROLINA
ASHEVILLE DIVISION**

United States of America)	Docket # 1:08MC5 (WDNC)
Plaintiff)	
)	Docket # 8:07CR 536 WMC (DSC)
vs)	
)	
515 Concord Ave)	Motion for New Trial
Robert Clarkson)	
Defendant)	

Pursuit to Rule 59, Defendant Robert Clarkson hereby files his Motion for Rehearing of this Court's order dated February 25, 2008:

1. This court granted the government's request because *enter alia* AUSA Rose stated in her Government's Response dated February 11, 2008:

"There are additional items which the FBI wishes to return to Clarkson...This includes checks, a small amount of silver coinage, a coin collection and paper currency."

2. Almost a month has passed and the FBI has not returned these items. However, today Clarkson received a letter from the FBI supervisor offering to return some of the items promised by Ms. Rose.

3. However, the FBI now takes the position that private silver medallions are somehow contraband, even though the US Attorney's office promised the return of the silver coins. This court relied upon said promise of Ms. Rose to issue its order but now the government has backtracked.

4. Defendant requests that this court reopens this case and not to issue any final decision until the DOJ complies with its promises to the court.

5. The DOJ/FBI in this matter are engaged in a political crusade. They are convinced that Clarkson is somehow opposed to law enforcement and the US government. However, Clarkson's website, written material, speeches, etc... show that this Patriot is a very adamant advocate of the US Constitution and the government that it creates

6. The government has no information that Clarkson is anti-government except for his political position of abolishing the federal income tax and the welfare state.

7. The federal law enforcement agencies are opposed to Clarkson politically and therefore are not going to obey the laws or even the orders of this court unless they are forced to. The entire search warrant against defendant has no relationship to any criminal investigation.

8. After saying for months that the FBI was investigating Clarkson for a tax offense, the ASUA now admits that this is an investigation for mail fraud under Title 18, Sections 1341, 1343, and 371.

9. However, Clarkson's website, written material plus vast amount of books and literature seized from his house have no mention whatsoever of the "acceptance for value" program of the third patriot group in Asheville .

The FBI had three undercover agents attended the meetings of the Asheville Patriots for more than a year, but has no evidence that Clarkson participated in the program formally called “debt elimination”. Defendant claims he did not even know about this activity.

10. Defendant also requests that this court reconsider that portion of the court order that allowed the FBI to retain possession of his computer hard-drive, his law school diploma, copies of personal correspondence and his wife’s property.

11. Defendant also requests that this court reconsider Clarkson’s request for copies of the financial records and accounts of the Patriot Network. The FBI is welcome to all the originals, but copies of these records and papers are important and necessary for the political organization to operate.

12. In conclusion Defendant is well aware that this Honorable Court does not appreciate motions for rehearing-for many good reasons. However, the government has been disingenuous with the court and the Patriot Network is a political organization which has a right to promote its political beliefs in our free and open society.

Certificate of Service: I hereby certify that on this date I sent properly a copy to opposing counsel.

March 5, 2008

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