

Ray Epps to be charged for J6 activities?

 cnav.news/2023/07/13/news/ray-epps-charged-january-6/

By Terry A. Hurlbut

July 13, 2023



Ray Epps, the long-suspected January 6 *agent provocateur*, has filed a defamation lawsuit against Fox News and Tucker Carlson. But his complaint suggests that federal authorities are about to charge him for his role in that affair. If so, he will have waited the longest to have any charges against him for this two-and-a-half-year-old event.

Where Ray Epps stands

Ray Epps – actually James Ray Epps, Sr. – sued Fox News Network in Delaware July 10 (Case N23C-07-063 DJB). The 53-page [complaint](#) alleges defamation *per se* and placing Epps before the public in a false light.

Paragraph 94 says that, in May 2023, the Justice Department has informed Ray Epps that they plan to charge him. The paragraph also blames “relentless attacks by Fox and [Tucker] Carlson and the resulting political pressure” for the alleged charges. (See also this [piece](#) in *The Daily Wire* discussing this feature of the complaint.)

A RECAP Archive search of Court Listener reveals no criminal action against Ray Epps, nor indeed any action other than his own filing against Fox News.

Fox News has moved, in the U.S. District Court for the Delaware District, to *remove* the case to that court. Court Listener has opened a [docket page](#) (*Epps v. Fox News Network*, case no. 1:23-cv-00761-UNA, with no judge currently assigned). This lists the State court complaint as Exhibit A for their [Notice of Removal](#).

Among other things, Fox asserts that, at time of filing, it has received no summons or other process service. They also assert that they anticipate Ray Epps “praying” for more than \$75,000 in damages. That amount is a threshold amount for removing a case to federal court. Fox also seeks removal because, though Fox News is a Delaware corporation, Ray Epps is a citizen of Utah. Different State citizenship is another ground for removing a case to federal court.

How the complaint reads

In fact the complaint reads like a political screed, not a typical complaint. It does not lead, as complaints generally do, with statements of citizenship, residency, or any of the usual prologues that establish *personal jurisdiction* over plaintiff and defendant.

The complaint alleges that Fox News Network, looking to fix blame for the January 6 Event, settled on Ray Epps. But it *also* asserts facts not in evidence about exactly what happened at the Capitol that day. Chief among them: that a “mob” “violently broke into the Capitol and interfered with the peaceful transition of power.” It also asserted that Fox “broadcast, amplified and endorsed false claims about a rigged election.”

Oddly, in a defamation action on behalf of Ray Epps, the complaint singles out Dominion Voting Services and Smartmatic (Dominion’s wholly-owned subsidiary) as the chief targets of Fox’ wrath. It also alleges that “independent audits and hand recounts” took place without saying where or by what standards of investigation.

The complaint lays great emphasis on Tucker Carlson and other Fox personalities repeatedly citing lack of charges against Epps. Then, after alleging that Ray Epps does face charges, the complaint cites those as proof of falsehood against Fox. (Truth is a complete defense against allegations of libel or slander in the United States.)

In short, it reads like a careless *in pro se* complaint. Yet it bears the signature of two members of the Delaware Bar: Brian and Michael Farnan, of Farnan LLP, Wilmington, Delaware.

Recent events relating to Ray Epps

Ray Epps has been in the news this week, mainly because the House Judiciary Committee [closely questioned](#) FBI Director Christopher Wray about him, among other subjects.



Watch Video At: <https://youtu.be/tXXtgBCEZbl>

Specifically, Rep. Troy Nehls (R-Texas) flatly accused Wray of “protecting this guy,” again according to *The Daily Wire*.

Rep. Nehls asks FBI Director Wray if he will arrest Ray Epps, and says:

"If you don't arrest Mr. Epps, there's a reason behind it. I believe you know what it is, and it appears to me you are protecting this guy. I strongly recommend you get your house back in order." pic.twitter.com/NSPDLIKYKW

— The Post Millennial (@TPostMillennial) [July 12, 2023](#)

Wray, shooting back, refused to discuss “individual people who are or are not going to be prosecuted.”

A year ago, *The Daily Wire* accused *The New York Times* of printing a puff piece about Epps, and said that piece simply raised more questions.

In October 2021, Rep. Thomas Massie (R-Ky.) played a video clip of Epps haranguing people to go “Into the Capitol! Into the Capitol!” before Attorney General Merrick Garland. Who did not give Rep. Massie a satisfactory answer as to whether federal assets were present.

I just played this video for AG Merrick Garland. He refused to comment on how many agents or assets of the federal government were present in the crowd on Jan 5th and 6th and how many entered the Capitol. pic.twitter.com/lvd9n4mMHK

— Thomas Massie (@RepThomasMassie) [October 21, 2021](#)

I questioned Attorney General Garland about whether there were Federal Agents present on 1/6 and whether they agitated to go into the Capitol. Attorney General Garland refused to answer. pic.twitter.com/RHq3Yd2pbu

— Thomas Massie (@RepThomasMassie) [October 21, 2021](#)

CNAV has covered Ray Epps many times, with material [sourced](#) from Revolver News. That includes the [now-you-see-him-now-you-don't sequence](#) involving the FBI's Wanted page on the January 6 Event. Consider also these tweets:

Disagreement between trump supporters in #dc pic.twitter.com/TFYNSNtFJg

— Miss N0b0dy (@MissN0b0dy1) [January 6, 2021](#)

IMPORTANT: this is exact moment the siege of the Capitol building began as the two men in front ripped down a preliminary barrier & rushed officers who were behind a 2nd barrier

They then encouraged others to follow their lead. Officers appeared to be taken completely off guard pic.twitter.com/LE0a01PXBj

— E (@ElijahSchaffer) [January 6, 2021](#)

CNAV's last [update](#) on Ray Epps appeared in April, with a Twitter thread from “Dom Lucre, Breaker of Narratives.” Lucre also referenced the *New York Times* puff piece, and to the image of Epps as a die-hard Republican and Trump supporter. He also mentioned a worse allegation: that he may, or may not, have a penchant for underage girls.

Analysis

As we have indicated, the complaint Ray Epps filed against Fox News looks sloppy and amateurish. It is not up to the usual standards of legal complaints that attorneys routinely prepare.

No one knows yet whether Ray Epps is really facing federal charges or not. *If* any federal prosecutor (which the complaint does not name) “informed” Epps of pending charges, they have not appeared on any court docket at time of writing.

What Epps hopes to gain by this action, is impossible to determined. Thus far Fox has not answered the complaint other than to move to remove it to federal court. The defense should be easy – but the defense might embarrass Fox further with its former base. Fox “called” Arizona for Joe Biden in 2020, and was *never* sympathetic to the argument that systematic fraud swayed the Election of 2020. But new management at Fox clearly wants to take Fox in a new direction. That’s why they took Tucker Carlson off their prime-time schedule.

In fact Carlson recently told influencer Russell Brand that the then-Chief of Capitol Police told him that federal agents had liberally salted the crowd on January 6.

Tim Pool on Jan 6 following claims by Tucker Carlson that the riots were "filled" with feds:

"By the time we're at the general election next year, it will be common knowledge that it was largely a federal operation, and [Democrats] will be saying it was a good thing."
pic.twitter.com/8jk71KgDTp

— The Post Millennial (@TPostMillennial) July 8, 2023

Tellingly, FBI Director Wray, before the House Judiciary Committee, said he was *not sure* whether agents were present that day.