

IN THE CIRCUIT COURT OF THE FIFTEENTH
JUDICIAL CIRCUIT IN AND FOR PALM BEACH
COUNTY, FLORIDA

CA FLORIDA HOLDINGS, LLC,
Publisher of *THE PALM BEACH POST*,

CASE NO.: 50-2019-CA-014681-AG

Plaintiff,

v.

DAVE ARONBERG, as State Attorney of Palm
Beach County, Florida; SHARON R. BOCK, as Clerk
and Comptroller of Palm Beach County, Florida,

Defendants.

ORDER ON THE GRAND JURY TESTIMONY REGARDING JEFFERY EPSTEIN

The Court was tasked with determining whether the release of the Grand Jury records would further justice. For different reasons, the Court reaches the same conclusion as the two predecessor judges who also denied the request. The release of the records will not further justice as our law currently prescribes.

This is despite many attempts over several months to force itself to reach an opposite conclusion; however, after weighing all of the factors In re Petition of Craig, 131 F.3d 99, it is clear there is no nexus between those findings and furthering justice. This Court cannot weigh those factors in a way that "will further justice."

These factors are:

- (i) *the identity of the party seeking disclosure;*

In this case, that is the private entity that owns the Palm Beach Post – a large news media corporation. This factum cannot be construed in any meaningful way to help further justice. The press has a noble obligation to inform the public, but that is not synonymous with furthering justice. The press has no greater access to grand jury proceedings than the public.

- (ii) *whether the defendant to the Grand Jury proceeding or the government opposes the disclosure;*

There is no one that opposes the disclosure of those records. It is understandable that no one opposes the release of the records as they pertain to the horrific atrocity that is pedophilia. However, this

factum cannot be construed to further justice. It only indicates an eagerness for the release of the records, which is insufficient under our current law.

(iii) *why disclosure is being sought in the particular case;*

This is sought to “further justice” but how this furthers justice is thread-bare, disjointed and poorly articulated. The argument presented is premised on the first amendment (freedom of the press) and an exception offurthering justice.

The Courts are not seeking to limit the freedom of the press, but the press is not entitled to any greater access than the public merely because they are the press. The Court does not find it would further justice merely because the media seeks release, as opposed to any interested party. The release would potentially promote the advancement of other noble interests such as creating more transparency, but that is not the legal standards of our current law.

(iv) *what specific information is being sought for disclosure;*

The Petitioner seeks the release of Grand Jury testimony. This is sensitive information that is generally kept secret and closed to the public. The Court weighs this factor against the release of the materials.

(v) *how long ago the Grand Jury proceedings took place;*

The proceedings are remote in time. This factum cannot be construed in any meaningful way to help further justice. If anything after reviewing the material the overwhelming majority of the substance has been previously reported by the media or made the subject of documentaries.

(vi) *the current status of the principals of the Grand Jury proceedings and that of their families;*

This is unknown to the Court as the Petitioners are not the principals. Perhaps if a child victim who testified had joined the petition, the Court’s analysis could be different as to portions of the proceedings. This factor is weighed against releasing the records.

(vii) *the extent to which the desired material—either permissibly or impermissibly—has been previously made public;*

The Grand Jury testimony material has never been made public. A large amount of substance of the material or what occurred inside the Grand Jury room has been previously reported –even by the Post – without attribution.

The testimony was previously released to a law enforcement agency to assist in a law enforcement investigation – the results of which are unknown to the Court. The release to law enforcement to

conduct an investigation would clearly be to further justice, but that does not carry over to the instant request.

- (viii) *whether witnesses to the Grand Jury proceedings who might be affected by disclosure are still alive; and*

The Court has no knowledge of the current status of the witnesses and cannot use this factor in any meaningful way to determine the release would further justice under our current law. On the contrary, there is the express manifestation of reluctance to testify to avoid embarrassment by a minor victim. Release in this circumstance would not further justice under our current law, and as it is the last known intent of witnesses, the Court strongly weighs this factor against the release of the materials.

- (ix) *the additional need for maintaining secrecy in the particular case in question.*

Grand Jury proceedings are generally always kept secret and are closed to the public. This is generally to protect jurors, witnesses, those accused, and the integrity of the case. Secrecy allows people to serve as jurors and witnesses to testify without fear of outside influence or retaliation. In some cases, it also ensures the protection of an innocent suspect's reputation. Secrecy also makes it less likely that a defendant will abscond after learning they are being investigated. Any concern for the reputation of Epstein is not a valid consideration in this case, but the purpose of Grand Jury secrecy remains important.

The Court weighs this factor against the release of the materials, under our current law. Additionally the child victim witnesses have not expressed their desire to be named. This strongly indicates a desire to maintain secrecy. The Court weighs this factor strongly against disclosure and finds it will not further justice.

Concluding its analysis, the Court determines there is no nexus between the release of the records and furtherance of justice. It is a position so untenable it would require a change in the statute to justify release of the materials.

The Court is aware that the release of the records would accomplish many other positive objectives such as advancing the public's interest in its criminal justice system and advancing a private corporate interest that promotes a healthy and robust news media. Those positive outcomes do not further justice.

Judicial restraint, that is avoid judicial overreach, has been important since foundation of our nation. Furthermore, the separation of powers is fundamental to our system of government. As has been said "We are judges, not kings." Therefore, judges cannot not exercise our will over our judgement – no matter how much we may wish to do so. The Courts cannot usurp the roles of the legislator or governor and render moot pending or passed legislation because it would be easier or more popular to do so – no matter how much easier it may seem to do so. In our Republic, popular sentiment is the concern of the

political branches of government, not the courts. Under our current law, the legislature has allowed the release to “further justice”—not to advance a public interest.

For those reasons the request is **DENIED** under our current law.

However, today the Governor of Florida signed CS/HB117 amending Florida Statute 905.27 effective July 1, 2024. **This amendment significantly modifies the definition of “furthering justice” to expressly include furthering a public interest** when the disclosure is requested pursuant to paragraph 905.27(2)(c).

905.27(2)(c) now reads as follows:

When a court orders the disclosure of such testimony pursuant to subsection (1) in response to a request by the media or an interested person, regardless of whether that purpose is for use in a criminal or civil case, it may be disclosed so long as the subject of the grand jury inquiry is deceased, the grand jury inquiry related to criminal or sexual activity between the subject of the grand jury investigation and a person who was a minor at the time of the alleged criminal or sexual activity, the testimony was previously disclosed by a court order, and the state attorney is provided notice of the request. This paragraph does not limit the court’s ability to limit the disclosure of testimony, including, but not limited to, redaction.

ADDITIONAL FINDINGS BY THE COURT

The Court finds that the request involves a matter of public interest. The criminal prosecutions of the most infamous pedophile in American history began in Palm Beach County – with much controversy. For almost 20 years, the story of how Jeffrey Epstein victimized some of Palm Beach County’s most vulnerable has been the subject of much outrage and has at times diminished the public perception of the criminal justice system. On or after July 1, 2024, the Court will entertain a motion for reconsideration as to how to weigh this as a factor.

Adding to the public interest, Epstein is indeed infamous and is widely reported to have cavorted with politicians, billionaires, and even British Royalty. It is understandable that given those reports the public has a great curiosity about what was widely reported by news agency as “special treatment” regarding his prosecution. This matter is clearly the subject of public interest. On or after July 1, 2024, the Court will entertain a motion for reconsideration as to how to weigh this as a factor.

The Court finds that this request is made by the media, specifically the Palm Beach Post. The Palm Beach Post is a newspaper of record in our county, and has a long and rich history documenting our local community. Many local resident still rely on the Post to obtain information on national, state and local events. On or after July 1, 2024, the Court will entertain a motion for reconsideration as to how to weigh this as a factor.

The Court finds Epstein is also widely reported to have been deceased since August 10, 2019, under controversial and “newsworthy” circumstances, at Metropolitan Correctional Center in the state of New York. This adds to the public interest. On or after July 1, 2024, the Court will entertain a motion for reconsideration as to how to weigh this as a factor.

Having reviewed the testimony, the Court also finds the testimony relates to sexual activity between Epstein and child victims of sex trafficking. Again, it is widely accepted that Epstein is a notorious and serial pedophile. The testimony taken by the Grand Jury concerns activity ranging from grossly unacceptable to criminal – all of it sexually deviant and disgusting. On or after July 1, 2024, the Court will entertain a motion for reconsideration as to how to weigh this as a factor.

The Court also notes the testimony was previously disclosed to law enforcement agencies. Further, the State Attorney was properly noticed and withdrew any objections to release and even did his best to disclose the information in his office's possession without delay via internet portal. On or after July 1, 2024, the Court will entertain a motion for reconsideration as to how to weigh all of this as a factor.

The law is amended effective July 1, 2024 and the parties are given leave of Court to file a motion for reconsideration filed on or after July 1, 2024.

IT IS ORDERED AND ADJUDGED, the petition to release the Grand Jury proceedings regarding Jeffery Epstein under the current law is DENIED.

DONE and ORDERED at West Palm Beach, Palm Beach County, Florida



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Luis Delgado
Circuit Judge