

J8RsEPS1

1 relatively straightforward. In my view, a public hearing
2 clearly is nevertheless the preferred vehicle for its
3 resolution.

4 Incidentally, while I'm on this subject, I got some
5 help today from the New York Law Journal from two professors
6 who write that a hearing is -- let me tell you exactly what
7 they said. They say, in part, that this is an odd moment for
8 transparency in a criminal case. I think that is an odd
9 sentence to hear about, transparency in a criminal case.

10 They go on to say that normally, if a prosecutor seeks
11 to dismiss an indictment for such an obviously worthy reason,
12 the court would simply grant the request. As to that
13 statement, I respectfully say it is incorrect as a matter of
14 law.

15 They go on to say the judge would not schedule a
16 hearing and he definitely would not allow the victims to speak.
17 If he did hold a hearing, whatever informational interests the
18 victims may have would be served by affording them a chance to
19 attend the hearing, not by giving them a speaking role.

20 I read it. It was incredulous. I'm still
21 incredulous. I don't quite understand at all. There is a
22 suggestion in the article that the reason they are making these
23 suggestions has to do with minimization of drama in this case.
24 In the Jeffrey Epstein case, there has not been much a
25 minimization of drama, and what little drama might happen

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1 today, I don't think it would be very significant.

2 On a somewhat more serious note, don't quote me on
3 this, but it is my understanding that one of the authors of
4 that article is himself counsel in one of the Epstein-related
5 cases. I was surprised to learn that very recently. I'm
6 certain it is true. I was also surprised that that aspect was
7 not disclosed in the Law Journal.

8 But in any event, I think you know where I'm heading.
9 I respectfully disagree with the Law Journal piece. I was
10 saying that the government's motion is relatively
11 straightforward, and in my view, a public hearing is clearly,
12 nevertheless, the preferred vehicle for its resolution. I'm
13 still convinced of that.

14 A few may differ on this, but public hearings are
15 exactly what judges do. Hearings promote transparency and they
16 provide the court with insights and information which the court
17 may not otherwise be aware of.

18 The victims have been included in the proceeding today
19 both because of their relevant experiences and because they
20 should always be involved before rather than after the fact.

21 Indictment 19 CR 490 charges Jeffrey Epstein with sex
22 trafficking and with conspiracy to commit sex trafficking. The
23 U.S. Attorney, on August 19, 2019, requested that the court
24 approve the government's proposed order of *nolle prosequi*. I
25 think that's a rough justice. That means *nolle prosequi*,

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1 discontinuance by the prosecutor of all or of a part of the
2 case that he or she has commenced.

3 The government in its motion concludes that Epstein's
4 death abates these proceedings. In accordance with Federal
5 Rule of Criminal Procedure 57(b), I determined to hold a public
6 hearing and I notified the victims that they would be given the
7 opportunity to be heard before any final action on the motion.
8 That is the purpose also of today's proceeding. I would do
9 that every time.

10 Also, recognized that Epstein, Mr. Epstein died before
11 any judgment of conviction against him had been obtained, and
12 that the government's proposed order appears, in form and
13 substance, to be appropriate.

14 Federal Rule of Criminal Procedure 48(a) codifies the
15 *nolle prosequi* process. It is entitled dismissal, and it
16 states in relevant part that the government may, with leave of
17 the court, dismiss an indictment, information, or complaint,
18 and that leave of the court proviso, you should know, was added
19 as an amendment to the original draft of Rule 48, which had
20 originally provided for automatic dismissal upon the motion of
21 the government.

22 This proviso, in my judgment, is clearly directed
23 toward an independent judicial assessment of the public
24 interest in dismissing the indictment. Thus, even whereas, in
25 this case, the standard of court review is deferential, the

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1 court must still make its own independent determination. A
2 conclusory statement from the government that dismissal is
3 appropriate does not satisfy the court's obligations.

4 It is also, in my view, required that the court
5 consider the views of the victims in the case at the hearing
6 and before deciding whether to grant the motion. This is being
7 done here both as a matter of law and as a measure of respect
8 that we have for the victims' difficult decisions to come
9 forward in this matter.

10 In a case called United States v. Heaton,
11 H-e-a-t-o-n-, the government filed a Rule 48 motion for leave
12 to dismiss a charge against a defendant who allegedly committed
13 a sexual offense against a young victim. Although I should
14 point out, very importantly, that that defendant was still
15 alive, which distinguishes it from our case.

16 Nevertheless, I think it is irrelevant because in
17 evaluating the Rule 48 motion, then district Judge Paul G.
18 Cassell -- who is now a law professor at the University of Utah
19 and is regarded to be a noted expert in victims' rights --
20 concluded that under the Crime Victims' Rights Act, victims
21 have broad rights that extend to a court's decision whether to
22 grant a government motion to dismiss under Rule 48.

23 I completely share that viewpoint in these
24 circumstances, even though the facts of our case, as I said,
25 are somewhat different from those in Heaton. I believe it is

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1 the court's responsibility, and manifestly within its purview,
2 to ensure that the victims in this case are treated fairly and
3 with dignity.

4 The fundamental substantive principle which applies in
5 considering the government's motion is termed the rule of
6 abatement. This principle originated in the English common
7 law. It was adopted by most U.S. federal courts, but more
8 recently, it has faced some appropriate criticism. The rule of
9 abatement is best explained in the Second Circuit case of
10 U.S. v. Wright.

11 In that Wright case, two defendants had pled guilty to
12 embezzlement and tax evasion. Both defendants appealed, but
13 one of the defendants died while his appeal was pending in the
14 Second Circuit. The Court of Appeals rule that under the rule
15 of abatement, the judgment of conviction against the deceased
16 defendant was required to be vacated and the indictment was to
17 be dismissed. The Wright court held that when a convicted
18 defendant dies while his direct appeal as of right is pending,
19 his death abates not only the appeal, but also proceedings had
20 during the course of the prosecution.

21 The Second Circuit incidentally has also held that
22 when a criminal conviction abates upon the death of a
23 defendant, any restitution ordered as a result of that
24 conviction must also abate, and it is also ruled the same with
25 respect to associated forfeiture orders.

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1 This latter application of the rule of abatement
2 regarding forfeiture has not been universally accepted among
3 federal courts, but it certainly is the law in this circuit.
4 Some of you may be interested to know that some United States
5 courts, state courts, have criticized the rule of abatement,
6 particularly in the face of growing recognition of victims'
7 rights in the criminal justice system, including the Crime
8 Victims' Rights Act.

9 It has been written and contended in the Brooklyn Law
10 Review -- I can give you the cite later -- that when courts
11 abate criminal convictions, they reimpose a burden on victims
12 that legislatures intended to alleviate through these victim
13 rights statutes. The state Supreme Court has even concluded
14 that the expansion and codification of victims' rights provides
15 the changed conditions needed for overruling the rule of
16 abatement. It has also been stated that Alaska's statute and
17 its constitution now require the criminal justice system to
18 accommodate the rights of crime victims. Further, that the
19 abatement of criminal convictions has important implications
20 for these rights.

21 But coming back to our case, which is what you are
22 concerned about and I am as well, it is appropriate to conclude
23 that if the rule of abatement applies to a convicted defendant
24 as in the Wright case, it should also apply *a fortiori* in the
25 Epstein case, which was still in the pretrial phase when

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1 Mr. Epstein died, when there had been no conviction.

2 So that's just some background I wanted to share with
3 you. At this point in time, I would like to turn to the
4 government prosecutors to hear from them in support of their
5 Rule 48 application to dismiss the Epstein indictment.

6 MS. COMEY: Thank you, your Honor.

7 Would you like me to address the court from the
8 podium?

9 THE COURT: If you wouldn't mind.

10 MS. COMEY: Thank you, your Honor.

11 I believe your Honor has accurately summarized the
12 state of the law, as set forth in our papers, in light of the
13 clear Second Circuit law, that upon the death of a defendant
14 before a final entry of a judgment of conviction, all
15 proceedings must be abated.

16 In light of that clear law, the government is legally
17 obligated to seek dismissal of the pending indictment against
18 Jeffrey Epstein, and we respectfully submit, likewise, that the
19 entry of the proposed order is similarly required by law.

20 A few notes to make about that, though, your Honor.

21 To be very clear, dismissal of this indictment as to Jeffrey
22 Epstein in no way prohibits or inhibits the government's
23 ongoing investigation into other potential coconspirators, nor
24 does it prevent the bringing of a new case in the future or the
25 prosecution of new defendants.

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1 It also does nothing to prevent the government from
2 continuing to explore the possibility of seeking civil
3 forfeiture of any assets that were used to facilitate the
4 crimes charged in this indictment. Indeed, as has been stated
5 publicly, investigations into those matters have been ongoing,
6 remain ongoing, and will continue following dismissal of the
7 indictment here.

8 I would also like to note that, as the government has
9 previously mentioned, this dismissal in no way lessens the
10 government's resolve to stand up for the victims in this case,
11 both those who have come forward and those who have yet to do
12 so. We agree with your Honor's sentiment that those victims
13 should be respected, and we appreciate your Honor's recognition
14 of that.

15 One housekeeping matter that I did want to reference
16 for your Honor. The protective order in this case requires
17 destruction or return of any and all discovery material upon
18 conclusion of the case. We have been in communication with
19 defense counsel, who have confirmed that they have returned all
20 physical copies that they have of discovery that the government
21 has produced to date, and they are in the process of deleting
22 any copies that they may have made. So the parties are in
23 compliance with the protective order.

24 Finally, I just wanted to say a word about the victims
25 in this case, and particularly those who are here in court

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1 today. I'll note that in light of the court's order indicating
2 that the victims and their counsel would be permitted to be
3 heard in court here today, the government has endeavored to
4 provide notice to all known victims of today's proceeding. We
5 did so either directly where a victim was not represented by
6 counsel or through counsel where a victim is represented by an
7 attorney.

8 The government does not know exactly how many victims
9 or their attorneys are here today and we do not know how many
10 of them or their counsel would like to speak. To the extent
11 any individuals do wish to speak, we do not know the substance
12 of what they would like to say. We have left that entirely up
13 to the individual decisions of the victims and their attorneys.

14 I will note, though, that throughout this case, the
15 government has endeavored and done our utmost to fulfill our
16 obligations under the Crimes Victims' Rights Act. We have done
17 so by trying to keep as many victims as we are aware of up to
18 date about the ongoing case and about any developments in the
19 case.

20 We will continue to provide services and offer
21 services to any of the victims in this case, even after the
22 indictment is dismissed. Both the U.S. Attorney's office and
23 the FBI have been in touch with all known victims or have
24 attempted to be in touch with all known victims, either again
25 directly where victims are not represented by counsel or

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1 through counsel where they have attorneys. We have expressed
2 to them that services are available for those who wish to take
3 advantage of them.

4 Unless the court has any questions for me, the
5 government will otherwise rest on its papers.

6 THE COURT: I just have one question.

7 The protective order, is that self-executing or do I
8 need to do something?

9 MS. COMEY: It is self-executing, your Honor.

10 THE COURT: Thanks very much, Ms. Comey.

11 MS. COMEY: Thank you, your Honor.

12 THE COURT: Yes.

13 I'll turn to counsel for the defense at this time.

14 Mr. Weingarten, I'm happy to hear from you.

15 MR. WEINGARTEN: Thank you.

16 Your Honor, I think it is an understatement of the
17 year to say the world looks and feels differently today than it
18 did the last time I was before you. For us, the elephant in
19 the room is what happened to our client. I would like to tell
20 you how we see the world and where we are on that subject.

21 We start with the Attorney General's statements,
22 public statements, that there were very serious improprieties
23 in the jail. We obviously read the press. We see that the
24 warden has been taken out. We see that the guards on duty at
25 the time have been put on leave. We understand guards are

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1 refusing to cooperate with the investigation. We have heard
2 allegations that people at the time who had responsibility for
3 protecting our client falsified information. We understand
4 that there were orders out there that Jeffrey Epstein was never
5 to be left alone and that the orders were ignored by many of
6 the employees of the prison.

7 In a word, yikes. In addition, obviously we followed
8 the medical examiner's report, or we haven't followed the
9 report, we haven't seen it, but heard conclusions, initially
10 not enough evidence to come to a conclusion, wanted to see
11 more. We assumed she was talking about the videotapes, but
12 then came to the conclusion that it was suicide.

13 We report to the court that --

14 THE COURT: Suicide by hanging --

15 MR. WEINGARTEN: Yes.

16 THE COURT: -- was her conclusion?

17 MR. WEINGARTEN: Yes.

18 And we report to the court that we had a doctor there
19 at the time, and we also have been in receipt of a tremendous
20 amount of medical and scientific evidence volunteered to us
21 opining that the injuries suffered, as reported, were far more
22 consistent with assault than with suicide, and we are happy to
23 supply the court with all the information that we have.

24 Now, in addition, as the court noted, we were underway
25 with our pretrial motions, and as the court obviously

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1 understands, the NPA and the role of the NPA was going to be
2 critically important. And I would simply like to report that
3 we went pretty far along.

4 We interviewed all of the relevant lawyers on the
5 defense side who participated in the NPA, and we were satisfied
6 that we had a very strong argument that every one of those
7 lawyers believed with an objective basis that the deal was
8 global. That is, at the time --

9 THE COURT: I'm sorry, that?

10 MR. WEINGARTEN: The deal of the NPA was global. That
11 is, more specifically, at the time, the Florida prosecutors and
12 agents knew of conduct in New York, and that no competent
13 defense counsel negotiating in good faith with the prosecutors
14 would have ever agreed to a deal back then that allowed New
15 York prosecutors to indict for precisely the same conduct in
16 the future, which, of course, is what happened.

17 In addition, we have come up with very powerful
18 evidence, we believe, that Florida prosecutors, who
19 participated in the deal, steered the victims and the alleged
20 victims to New York on more than one occasion because they did
21 not want to suffer the sleights of attacks against them. So we
22 have advanced the ball on this very subject and we are prepared
23 to completely report to the court as to where we are and what
24 we've done.

25 Another point. We obviously had contact with our

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1 client at or around the time of his death, and obviously the
2 attorney-client privilege survives death and we are not going
3 to forfeit the privilege, but we will report to the court, with
4 as much specificity as the court may want, that at or around
5 the time of his death, we did not see a despairing, despondent
6 suicidal person. Details to follow, if the court wishes.

7 The 800-pound gorilla, for us, of course, are the
8 video surveillance tapes. Obviously we assume there is a tape
9 that leads directly to the door where Jeffrey Epstein was
10 housed. If that tape reports for 12 hours before his death
11 that no one went in and out of that room, then the suggestion
12 that there was something other than a suicide seems
13 preposterous.

14 But there is no such evidence that has surfaced to
15 date. Just the opposite. We have heard, and we actually read
16 in the press, that the tapes were either corrupted or not
17 functioning. Talk about a yikes. If, in fact, the system was
18 broken for six months before Jeffrey Epstein was housed, I
19 mean, that would be stunning incompetence. If it was allowed
20 to continue to be inoperative when Jeffrey Epstein was housed,
21 it would be incompetence times ten. But what if the tapes only
22 broke down or were inoperative or were corrupted on the day he
23 was killed or the day he died? Then we're in a completely
24 different situation.

25 So where does this lead? I think where it leads,

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1 Judge, is there are incredibly important questions that remain
2 open. The public interest in this matter is obvious from this
3 courtroom. There are conspiracy theories galore. We are all
4 for finding the truth. We believe this court has an
5 indispensable role to play.

6 Whether or not this indictment is dismissed, I think
7 this court has the inherent authority to find out what happened
8 on its watch. Obviously, when the court detained Jeffrey
9 Epstein, the court did not anticipate that weeks later he would
10 be dead in his cell. I think given the inherent authority of
11 the court, the court should make inquiry.

12 This could come in many forms. Obviously the court
13 made inquiry as to what happened in the first incident. When
14 there was an allegation of an attempted suicide, the court made
15 inquiry. The court obviously was interested.

16 I recall your language. You talked about that being
17 one of the several open questions indicating an interest on the
18 court for the others as well. Obviously, the ultimate question
19 is what happened to the client.

20 THE COURT: You're talking about the July 23, 2019
21 incident?

22 MR. WEINGARTEN: Yes.

23 The court obviously could hold hearings. The court
24 could assign a lawyer to help the court. I think this is an
25 area where there is intense public interest. We have complete

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1 confidence in the prosecutors in the Southern District and the
2 FBI to do a competent investigation. But these are allegations
3 against serious components of the United States Department of
4 Justice. Sometimes the appearance of justice is just as
5 important as justice itself.

6 I think the court supervising, or at least keeping an
7 interest in this proceeding, is incredibly important for the
8 public to have confidence in the ultimate findings, and
9 certainly for us to have confidence in the ultimate findings.

10 One more issue, Judge. The conditions of the jail, in
11 a word, they were dreadful. Not just for Jeffrey Epstein, but
12 for many of the prisoners over there. This is a prison within
13 the shadows of this courthouse. The situation is rife with
14 vermin. The abuse and the conditions in that prison, in a
15 word, are a disgrace and everybody knows it.

16 A person with authority told us, someone with
17 knowledge, that the prisoners in Guantanamo -- and he spoke
18 with personal knowledge -- are treated better than the
19 prisoners right across the way. The feds certainly know how to
20 run a disciplined, clean prison. I've been in 20 of them.
21 They know how to do it just fine. And the question is, why in
22 the world does it not happen down the road? I think that is a
23 perfectly legitimate subject for the court to make inquiry.

24 In a word, we want the court to help us find out what
25 happened. The court has a role to play. It is the institution

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1 that most people have confidence in in these very troubled
2 times.

3 So whether or not you dismiss the indictment, to us,
4 is beside the point. We want you to stay on the case, we want
5 you to conduct an investigation, and we want to know what
6 happened here.

7 Thank you, your Honor.

8 THE COURT: Just so it is clear, so your view on the
9 motion directly on its merits of the *nolle prosequi* order and
10 application by the U.S. Attorney, do you have a view on that?

11 MR. WEINGARTEN: I think if the court felt that the
12 case had to stay alive for the court to continue, we would
13 oppose it. I think --

14 THE COURT: I'm sorry, if what?

15 MR. WEINGARTEN: If the issue, if you took the
16 position for you to conduct the investigation or lead the
17 investigation or participate in the investigation, then we
18 want, the role we want you to play, if the indictment has to be
19 alive, we would oppose the motion.

20 I don't think you need to do that. I think you can
21 dismiss the indictment.

22 THE COURT: So you're suggesting that you support the
23 government's motion, just viewed in the context of --

24 MR. WEINGARTEN: Yes, of course.

25 THE COURT: Great.

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1 MR. WEINBERG: Judge, if I can just supplement?

2 THE COURT: Absolutely.

3 MR. WEINBERG: Thank you, sir.

4 Thank you, as an out-of-town lawyer for the privilege
5 to appear in front of you, your Honor.

6 THE COURT: It's my pleasure.

7 MR. WEINBERG: First, as to the conditions, we think
8 your Honor trusted the government, the Bureau of Prisons, to
9 keep our client safe and keep him in civilized conditions. The
10 government will again ask, as to other defendants, that they be
11 detained at the MCC, some subset of them will end up in the SHU
12 unit.

13 It is a horrific. I've called it medieval. There's
14 vermin on the floor. There is wet from the plumbing. There is
15 no sunlight. There is limited exercise. It is simply
16 conditions that no pretrial detainee -- and I would go farther
17 as a criminal defense lawyer -- no United States defendant
18 should be subjected to.

19 Certain judges have taken views of the conditions. We
20 would urge your Honor, the government talks about and we talk
21 about transparency, to see what kind of conditions there exist
22 within 50 or 100 yards of one of the great United States
23 district courts.

24 Second, in terms, we have a profound problem with the
25 conclusions of the medical examiner. There are for three

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1 reasons, your Honor.

2 One is the timing of Mr. Epstein's demise. It was on
3 August 10. On August 12, a bail pending appeal motion was
4 being filed in the Second Circuit. On August 12 or 13, the
5 United States Attorneys were going to respond to our request
6 for the preservation and production of documents that would
7 have facilitated and furthered our efforts to demonstrate
8 communications between the Southern District of Florida, the
9 Northern District of Georgia, which was standing in the shoes
10 of the Southern District of Florida main justice and the
11 Southern District.

12 In other words, we were beginning the process
13 discharging our responsibilities. There had been no new
14 evidence that Mr. Epstein had committed any offense against a
15 minor after 2005. The subject matter of the New York
16 prosecution was squarely within the heartland of the Florida
17 NPA. We had a significant motion to dismiss. This was not a
18 futile, you know, defeatist attitude.

19 Third, we had all the discovery motions that your
20 Honor had scheduled. So the timing for a pretrial detainee to
21 commit suicide on August 10, when his bail pending appeal
22 motion is being filed on August 12, strikes us as implausible.

23 Second, we had an independent doctor who was present
24 at the autopsy which occurred on August 11. On August 11, the
25 city medical examiner's findings were inconclusive. We are

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1 told by a very experienced forensic pathologist that the broken
2 bones in Mr. Epstein's neck, in his larynx, are more consistent
3 with external pressure, with strangulation, with homicide, if
4 you will, than with suicide. It doesn't exclude suicide, but
5 the pure medical forensic evidence creates profound issues
6 about what happened to him.

7 Also the time of death. Our medical examiner's
8 opinion is it occurred at least 45 minutes and probably hours
9 before 6:30 a.m. on August 10, when he was first found, if you
10 will, according to the reports. Yet he was moved, something
11 that is not ordinary in these circumstances.

12 I would also --

13 THE COURT: Excuse me. He was moved?

14 MR. WEINBERG: Instead of having the cell in the
15 condition it was found, if he had been dead for 45 minutes or
16 two hours or four hours, there were efforts to move him and,
17 therefore, make it more difficult to reconstruct whether or not
18 he died of suicide or some other cause.

19 I spoke to Stacey Richmond, who is a responsible
20 member of this court who represents the family of Mr. Epstein.
21 She spoke to the medical examiner on the Friday after
22 Mr. Epstein's death and asked why, if the conclusion was made
23 late in the afternoon on Friday that week. She specifically
24 asked about what extrinsic nonmedical evidence caused the
25 medical examiner to go from uncertain to suicide, and she was

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1 told that the medical examiner had seen nine minutes of one
2 video which was on a stairwell between floors at the MCC. She
3 was told that the principal video that would have showed the
4 whole hall was corrupted. It was in DC with the FBI to see if
5 they can reconstruct it.

6 And I asked the same questions that my co-counsel did,
7 you know, was the dysfunction of the critical pivotal video, in
8 the most secure prison east of Florence, out in Colorado known
9 to the MCC before August 10, or was this corruption occurring
10 on August 10, which would again cause us to be skeptical of the
11 servitude of the medical examiner's conclusions that this was
12 suicide rather than some other cause.

13 So with my co-counsel, we ask your Honor, it is not a
14 question of trust or not trust. They ask you to detain people
15 and you trust the Bureau of Prisons. And it is within your
16 inherit authority, your Honor, to find out what happened to our
17 client.

18 We are angry about the conditions he was held in. And
19 we're also angry, quite frankly, your Honor, that the only
20 source of information that we get as to what happened to him is
21 through the media rather than through the United States
22 Attorney's office. We've made requests informal. We have
23 made Touhy requests. We've been told there is a pending
24 investigation.

25 But we trust your Honor and the judiciary, and with

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1 all due respect, we believe there is an inherent and central
2 role, a pivotal role in your Honor to find out what happened to
3 a defendant in a case before the court, whether or not the
4 court grants the *nolle pros* today or whether it holds it
5 pending an investigation into Mr. Epstein's death.

6 We're not here without significant doubts regarding
7 the conclusion of suicide. We are not here to say what
8 happened. We don't know what happened. But we deeply want to
9 know what happened to our client.

10 Thank you, sir.

11 THE COURT: And you, as Mr. Weingarten, have the same
12 view of the *nolle prosequi* motion?

13 MR. WEINBERG: Yes, your Honor.

14 THE COURT: OK.

15 MS. COMEY: Your Honor, may I respond to some of those
16 points?

17 THE COURT: Sure.

18 MS. COMEY: Thank you, your Honor.

19 Just briefly. With the exception of the noting that
20 the defense does not have an objection to the government's
21 motion, virtually everything else that defense counsel just
22 argued, respectfully is completely irrelevant to the purposes
23 of today's proceeding and to the motion that is pending before
24 your Honor.

25 As an initial matter, the question --

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1 THE COURT: Well, it may be. Well, I don't know. You
2 say irrelevant.

3 It is a public hearing, and I think it is fair game
4 for defense counsel to raise its concerns.

5 MS. COMEY: Certainly, your Honor. But it is
6 irrelevant to whether or not the motion should be granted.

7 THE COURT: Right. I get that.

8 MS. COMEY: I would also note that the question of
9 Mr. Epstein's death is the subject of an ongoing and active
10 investigation, as has been publicly noted, by a separate team
11 of Assistant United States Attorneys from the Southern District
12 of New York, separate from the team who is handling this
13 prosecution, as well as a separate team of FBI agents.

14 There is an ongoing and active grand jury
15 investigation into the circumstances surrounding Mr. Epstein's
16 death. It is the function of a grand jury and of the Federal
17 Bureau of Investigation to investigate crimes in the federal
18 court system. It is not the purview, respectfully, of the
19 court to conduct an investigation into uncharged matters.

20 So respectfully, we disagree with defense counsel's
21 suggestion that the court has some authority to conduct an
22 independent investigation. To the extent any other defendants
23 who are detained in the MCC have concerns about the conditions
24 or believe that the conditions are relevant to a future or
25 current bail determination, it is for those defendants and

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1 their counsel to raise those arguments and for the judges
2 hearing those arguments to evaluate those claims. It is not
3 relevant to today's proceedings.

4 Thank you, your Honor.

5 THE COURT: In those other cases, Ms. Comey, judges do
6 have authority to investigate, but don't here?

7 MS. COMEY: Not to investigate, your Honor, but to
8 hear arguments about the conditions of confinement in the MCC
9 as they may relate to any bail determination. I believe that
10 was the argument that was made.

11 The bigger picture here, your Honor, is that the focus
12 of today's proceeding, as we understand it, is to allow the
13 victims who have gathered here today to be heard and to comment
14 upon the case and to comment upon the motion that is pending,
15 and to bring this case to a close.

16 THE COURT: Got it.

17 MR. WEINGARTEN: May I?

18 THE COURT: Sure.

19 MR. WEINGARTEN: We obviously saw this as, perhaps,
20 the last opportunity to be before you, and we wanted to take
21 advantage of the opportunity to say our peace and thank you for
22 allowing us.

23 There is precedent here. Ted Stevens, the Senator
24 from Alaska case in Washington, DC, Judge Emmet Sullivan
25 ordered an independent investigation by a private lawyer when

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1 he was deeply troubled by the alleged Brady violations. I
2 represented the prosecutors in that case, so I'm very, very
3 familiar with it.

4 It is analogous. It is a situation where there was
5 tremendous controversy over what happened in the case and
6 whether or not the prosecutors went off the reservation. Judge
7 Sullivan -- and there were three or four independent -- not
8 independent, DOJ inquiries into the very same matter. But
9 Judge Sullivan wanted his own opportunity to make a judgment
10 with his own independent investigation.

11 THE COURT: OK.

12 MR. WEINBERG: If I could just add one precedent, your
13 Honor.

14 The Chief judge in the District of Massachusetts or
15 the Chief Judge at the time, Judge Wolf, in a case called
16 U.S. v. Fleming, when the conditions at Walpole, which is a
17 state prison where federal prisoners were being held -- we
18 don't have a federal MCC in Boston -- went to the prison,
19 stayed in the prison to determine whether or not the complaints
20 about the conditions were authentic.

21 I think your Honor has the inherent authority to go to
22 the ninth floor and see how the MCC houses pretrial detainees.

23 Thank you.

24 THE COURT: Are you saying that whether or not the
25 motion is granted that is pending before us?

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1 MR. WEINBERG: Yes, your Honor.

2 I think, like when appeals are taken, bail issues
3 remain before the district court. Jurisdiction is not
4 completely divested. Your Honor issued a pretrial detention
5 order and your Honor has the power, the inherent authority,
6 they are not going to refuse to allow you to go look at the
7 ninth floor. They are going to count on you to make decisions
8 in the future.

9 I just trust that the executive branch is not going to
10 prevent the judicial branch from looking into the death of
11 Jeffrey Epstein or the conditions in the SHU unit at the MCC,
12 sir.

13 THE COURT: Great. Thank you.

14 MS. COMEY: May I, your Honor?

15 Just very briefly, your Honor. I would note that upon
16 the dismissal of the indictment, which I believe the parties
17 agree is appropriate in this case, there would be no case.
18 There would be no jurisdiction for the court to conduct any
19 sort of inquiry, even if the court had such authority.

20 THE COURT: Right.

21 OK. I think we've heard enough.

22 It is at this point in the hearing that I would like
23 to call upon victims' counsel, plural, for any remarks they may
24 have and they may wish to make. Also, to introduce their
25 clients, those of them who wish to be heard.

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1 It would be helpful if, in doing that, if counsel --
2 Mr. Edwards and I see and I see Mr. Boise as well -- I know
3 they are counsel to several, at least several of the victims.
4 It would be helpful if whoever is speaking, both Mr. Edwards
5 and Mr. Boise, would indicate to the court whether or not they
6 have discussed the pending motion with their clients, that is
7 to say and the rule of abatement, etc., etc. with them prior to
8 today's hearing.

9 Are we going to hear from Mr. Edwards first, is that
10 right?

11 MR. EDWARDS: Thank you, your Honor.

12 THE COURT: You bet.

13 It would be helpful, Mr. Edwards, if you would state
14 and spell your name for the court reporter.

15 If you are going to introduce someone else, which I
16 trust that you are, if you could state and spell their name as
17 well.

18 MR. EDWARDS: Yes, your Honor.

19 May it please the court. Brad Edwards, B-r-a-d
20 E-d-w-a-r-d-s, with the law firm of Edwards Pottinger.

21 I have in the courtroom today 15 victims that I
22 represent and have represented over the years. There are at
23 least 20 more who didn't make this hearing today for a
24 multitude of reasons, some out of fear of public exposure,
25 others because the way in which this case ended will never

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1 bring full justice, and they decided it was best for them not
2 to talk today.

3 Some of my clients are going to address the court that
4 are here today. Others are not. Some are going to use their
5 names, and have in the past, and others wish to remain
6 anonymous. And I have instructed each of them to inform the
7 court reporter that they will be proceeding as Jane Doe so that
8 the court reporter can take them down.

9 THE COURT: For those who wish to remain anonymous?

10 MR. EDWARDS: Exactly, your Honor.

11 THE COURT: And that is satisfactory, as far as I am
12 concerned.

13 MR. EDWARDS: Before we do that, I would like to
14 address a couple of the things that have occurred this morning.

15 First of all, whether relevant or not, I personally,
16 and on behalf of my clients, do appreciate the presentation
17 that Mr. Weingarten made and Mr. Marty Weinberg made.

18 I have tremendous respect for Mr. Weinberg. I've
19 worked with him through this and related cases for years, and I
20 understand the reason why they made the presentation that they
21 made.

22 There is two things of interest to our clients in that
23 respect. One is, because of the tragic ending, that none of my
24 clients wanted, nor did I, nor did anyone else, if there is
25 some civil rights violation and there is some civil remedy for

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1 Mr. Epstein that goes to the estate, certainly the victims are
2 interested in that as they might help to repair the damage
3 done.

4 Second, Mr. Epstein's untimely death, the timing is
5 curious to us. But more so, it makes it absolutely impossible
6 for the victims to ever get the day in court that they wanted
7 in court and to get full justice. That now can never happen.
8 I know that Mr. Epstein's attorneys say he wanted it, and they
9 know, we did too. And there are a lot of people here today
10 that are very sad by the way that this ended for both
11 Mr. Epstein and the fact that full justice was robbed from
12 them, once again.

13 The second issue I wanted to address was the Law
14 Review or the Law Journal article that your Honor referenced,
15 which is troubling because the opinion seems to say that
16 transparency is not appropriate in the criminal system and is
17 not appropriate at this point in time.

18 That's tough to swallow, especially in this case,
19 given the long history of this case. Personally, it is tough
20 to swallow, and on behalf of my clients, I can say that is very
21 concerning. Transparency is the only way that the justice
22 system works. We know this because there was a similar
23 investigation of Mr. Epstein many years ago, from 2005 to 2008.

24 My personal involvement in this case was because a
25 young female came into my office named Courtney Wild, and she

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1 came to me not asking to file a lawsuit against Jeffrey
2 Epstein, but simply asking for the government to talk to her.
3 She was cooperating in an FBI investigation and wanted the
4 government to speak with her, and I thought that was going to
5 be an easy task.

6 It was only a few months later that we learned that
7 this investigation that was represented to my client in written
8 form, that it would be a long investigation, and to be patient.
9 Basically, to hang tight. It was resolved by way of a secret
10 deal that never allowed any of the more than 30 victims who had
11 been identified of Mr. Epstein's abuse in Florida to ever
12 participate in a single hearing. There was a hearing. They
13 were never notified.

14 I then went on to represent many of them in civil
15 cases and also in extensive pro bono work. And I can tell your
16 Honor that while Jeffrey Epstein's abuse of them hurt them and
17 harmed them for many years, the feelings they had was
18 aggravated exponentially by the facts that they had no rights
19 in the criminal justice system, by the fact that they were
20 treated as if they didn't matter. They were not allowed their
21 rights under the Crime Victims' Rights Act to meaningfully
22 confer with prosecutors, to be treated with fairness, to be
23 treated with dignity. That is what this is supposed to be
24 about, and to have notice of hearings.

25 So I do want to thank your Honor, and especially the

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prosecutors who have worked this investigation and this case, which is very different in experience for all of my clients and the other Epstein victims in this case, because they were allowed to be a part of the process. While some of them elected not to be here today, that opportunity should always be allowed for them.

In 2008, we filed that case under the Crime Victims' Rights Act because our clients' rights were violated, and as your Honor knows, a federal judge has ruled in our clients' favor that their rights were violated. So this hearing today means a lot to them. The fact that they may never get their chance to speak in court, they may never get complete closure, and all of us have to wonder, if their rights had been afforded them the first time, would any of us be here right now. Or wouldn't it more likely be the case that everyone, including Jeffrey Epstein, would have turned out better for it?

Today, I have not only represented, but met and become very close with many of these victims. Many of these survivors. They are very strong people. They are people who have persevered through a lot of adversity. It's been a roller coaster of emotions that has led us to where we are today. And while they have all been cast over the years because of the secrecy of the first investigation, in the shadow as victims, you can't put them all in one bucket and say one size fits all. They are each individual people who were harmed differently and

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1 distinctly through not only the abuse, but the system.

2 And on behalf of all of them, I would like to thank
3 your Honor for the fairness with which they've been treated,
4 and the United States Attorney's office for the way in which
5 you have handled this investigation, and especially how you
6 have treated the victims in this case.

7 Like I said, I have many who want to speak. Some that
8 can't. This is a very difficult day for them. But we
9 appreciate the opportunity and the invitation.

10 The first client that I have that is going to address
11 your Honor is the one who walked into my office in 2008 asking
12 just to be heard, Courtney Wild.

13 THE COURT: Hold on one second. Did you all want to
14 be seated?

15 You don't need to be standing. Whatever is more
16 comfortable until you're ready to give some comments. It's up
17 to you.

18 Ms. Wild, if you could spell your name for the court
19 reporters, please.

20 MS. WILD: Courtney, C-o-u-r-t-n-e-y, last name Wild,
21 W-i-l-d.

22 (Continued on next page)

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1 MS. WILD: My name is Courtney Wild, and I'm a victim
2 of Jeffrey Epstein. Jeffrey Epstein sexually abused me for
3 years, robbing me of my innocence and mental health. Jeffrey
4 Epstein has done nothing but manipulate our justice system,
5 where he has never been held accountable for his actions, even
6 to this day.

7 Jeffrey Epstein robbed myself and all the other
8 victims of our day in court to confront him one by one, and for
9 that he is a coward.

10 I want to thank the U.S. Attorney's for seeking
11 justice that has been long over due, and most importantly,
12 given us, the victims, our day in court to speak our peace and
13 find some sort of closure. I feel very angry and sad that
14 justice has never been served in this case. Thank you.

15 THE COURT: Thanks very much.

16 MR. EDWARDS: I believe my next client who is going to
17 speak is probably going to speak as Jane Doe.

18 JANE DOE NO. 1: Yes, Jane Doe.

19 THE COURT: We'll say Jane Doe No. 1, just for the
20 record.

21 JANE DOE NO. 1: Okay. Thank you for allowing us to
22 speak today. I've shifted what I want to say in hearing
23 what's already been said, and just about the question of
24 Jeffrey's death. I don't know what the relevance is to this
25 hearing, but I do know that it is profoundly relevant to my

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1 life, as a victim. I don't like that word, but I still feel
2 like I am learning the ways that he's impacted me as a complex
3 situation, but he was also a major part of my life. As
4 destructive as that relationship was and as much of a villain
5 as we have created him to be -- based on facts we've created
6 him to be a villain -- he's a complex villain and actually all
7 of that is irrelevant. Anybody deserves -- an investigation is
8 the right thing to do. Like, we do need to know how he died.

9 It felt like a whole new trauma all over again, and I
10 don't know why, you know, because I -- I'm trying to defend
11 myself against him at this point in my life, but it still does
12 not feel good. It didn't feel good to wake up that morning and
13 find out that he had allegedly committed suicide. Okay. But I
14 also wanted to say to the press, I'm reading -- I read my story
15 in the paper. I read so many other girls' stories that are so
16 similar to my own, and everything that's been focused on is not
17 the most important part of it.

18 There was -- the problem with focusing on these, the
19 facts of the situation, that were out of the ordinary and like
20 because he was such a grand person, and it was just a unique
21 situation. I know that that's the more interesting side of the
22 story, but I don't want to be used as entertainment. And the
23 problem, the fundamental problem of the whole situation is the
24 element of exploitation and coercion, and these are things that
25 so many girls can relate to.

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J8RPEPS2

1 And even though this Jeffrey Epstein brought it to a
2 grand scale, on some level, a lot of girls could relate to the
3 trauma that we are talking about, and even though this whole
4 situation sucks, I would like to think that it may be possibly
5 a catalyst for change because, obviously, as we're seeing with
6 the "Me Too" movement, change needs to happen and it's -- what
7 I'm seeing in the papers is not a common story, but it's so
8 much more common than you realize. That's all. Thank you.

9 THE COURT: Thank you very much.

10 MR. EDWARDS: I believe that the next client is going
11 to also be a Jane Doe; so I think for the purposes of the
12 record it will be Jane Doe 2.

13 THE COURT: Yes.

14 JANE DOE NO. 2: Good morning, your Honor.

15 THE COURT: Good morning. How are you?

16 JANE DOE NO. 2: Doing okay. I hadn't prepared any
17 words to speak today, but there is something that was on my
18 mind this morning when I got here. It's been on my mind in
19 reading through the press and through the people that I've
20 spoken to about it, friends, family. It's something that's
21 bothered me because I think it has a lot of blame in it, as
22 well, a little bit of what my friend, who was up here, was
23 speaking about.

24 I think that a lot of people asked why we spent so
25 much time, why we stayed. It's an experience that's really

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1 hard to explain to people who haven't gone through it. I think
2 there's a writer, Thomas Nagel, who wrote an essay called "What
3 is it like to be a bat?" And I think that he touches on it
4 pretty strongly and if you haven't experienced something, it's
5 very hard to fully understand why someone makes the decisions
6 they do and what the circumstances were.

7 I don't want to speak for all of the victims. I think
8 each of us has a different story and different circumstances
9 for why we stayed in it, but for me, I think he was really
10 strategic in how he approached each of us. Things happened
11 slowly over time. We didn't -- it almost was like, putting it
12 like that analogy of a frog being in a pan of water and slowly
13 turning the flame up. You didn't realize it was happening, and
14 it just -- I don't think anyone can fully understand the
15 experience, but I just -- the blame feels very strong.

16 There's a lot of support as well, but I just want
17 people to try and understand that we aren't bad people. We
18 weren't trying to -- it wasn't a situation where we were trying
19 to extort money from someone. A lot of us were in very
20 vulnerable situations and in extreme poverty, circumstances
21 where we didn't have anyone on our side, to speak on our
22 behalf, and that's really scary.

23 You start to blame yourself because, at first, you
24 don't tell anyone what's happening, and it becomes your deep,
25 dark secret that you tried to keep from everyone. And I didn't

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1 even know I was a victim until I spoke with my lawyers. I had
2 no idea. I had so much self-hatred and doubt and just guilt
3 for everything. I still do. I still don't feel like I deserve
4 to say I'm a victim, and I think that's a big problem with our
5 society right now, that people are still blaming victims, and I
6 think that does need to change.

7 I hope that today people understand that each of us
8 has a story, has a past, has a family and just give us a chance
9 to -- you know, that's basically all I just wanted to say.

10 THE COURT: Thank you so much.

11 JANE DOE NO. 2: Thank you so much.

12 THE COURT: Okay.

13 MR. EDWARDS: Okay. I think that the next person who
14 is going to speak is also going to be speaking as Jane Doe; so
15 for the purpose of the record, Jane Doe No. 3.

16 JANE DOE NO. 3: Thank you for allowing us to speak
17 today. I came to New York City 15 years ago to pursue modeling
18 from a small town. I signed on with an agency and was excited
19 to pursue my passion and my dream. Several months later, I met
20 a female who told me about Mr. Epstein. She portrayed him as
21 an amazing man who genuinely cared for people and that he was
22 going to be able to help me in a modeling career.

23 I was excited to meet him, after hearing her talk
24 about him. He sounded like an amazing person. An introduction
25 was made at his New York home, and it is there that I was

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1 sexually assaulted. I left his home, after he threw me,
2 basically put money on the table, and I was ashamed. I was
3 embarrassed. This was not the way I was brought up, and I
4 couldn't believe this had happened to me.

5 I left and my world kind of spiraled after that. I
6 stopped going on modeling castings. I gained weight. I became
7 depressed. I stopped going out with my friends, and only five
8 months after I had been in New York City to pursue my dream, I
9 left. I left the modeling industry, and I left New York City,
10 and I totally switched my career paths.

11 I buried this deep within me, and all of the new
12 occurrences that have come up in the media is what brought it
13 back up for me. And I feel sickened and saddened that it took
14 so many years, and God knows how many victims, for this to
15 finally come out, but I'm thankful it did. And I'm just angry
16 that he's not alive anymore to have to pay the price for his
17 actions. So I thank you for your time.

18 THE COURT: You're very welcome.

19 MR. EDWARDS: Your Honor, Jane Doe No. 4, I believe,
20 is going to speak now.

21 JANE DOE NO. 4: Good morning, your Honor.

22 THE COURT: Good morning.

23 JANE DOE NO. 4: I just have something very short to
24 say. I met Jeffrey Epstein at a very vulnerable place in my
25 life, and whatever the outcome is with everything, I just

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1 wanted to express that we, the victims, we will always carry
2 irreparable damage and pain throughout our lives after this.
3 It's something that's never going to go away.

4 You know, whoever we marry in our life, whatever
5 future we have in our life, it's always going to be something
6 that's always there for us. And I'm very nervous right now.
7 And Jeffrey Epstein, he took away the chance I had at having
8 the future I had envisioned for myself as a young girl, and I
9 think many of us here today will never fully heal from that
10 pain and the heartache that we'll continue carrying with us.

11 So I just wanted to say that. It's something that
12 it's irreparable. I can't even really use a better word to
13 describe that. So thank you for hearing us today.

14 THE COURT: You're very welcome.

15 MR. EDWARDS: Your Honor, Jane Doe No. 5 would like to
16 speak.

17 JANE DOE NO. 5: This is a letter that I wrote; so
18 it's going to be: Dear Jeffrey, I think you are a mentally
19 disturbed human being. You used your power to make me believe
20 at a young age that I could have my dreams of being a model.
21 You paid for your freedom. You violated my rights. You should
22 have to pay for them, just as anyone else. You got a plea deal
23 that no one else would have been able to get. You used your
24 money to get out of paying the price for your actions.

25 Also, as a victim, I never got to see what the

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1 agreement was or why the special treatment got approved. I
2 think you should have been in jail for several years in
3 population and live like everyone else that is mentally
4 disturbed like you. You paid for yourself to get special
5 treatment while you were in jail. I don't even think you spent
6 a day in a jail as a normal human being.

7 You had investigators come to my house and also went
8 to my friend's house to question them. I will never be able to
9 over -- I will never be able to get over the overwhelming
10 emotions and embarrassment I experienced from that trauma. I
11 needed therapy several times a week and had high stress and
12 anxiety levels.

13 You paid your way to make the public think that the
14 girls had nothing in life going on for them. You wanted to try
15 and blame that we were lower class and that was the problem
16 with the girls. I was from a middle class family and did well
17 in school. I lived the American girl dream -- or the American
18 girl life. I went on family vacations around the world, grew
19 up in a good city, and my parents are still married to this
20 day. Basically, everything you said that we didn't have in our
21 life, I did.

22 It all came down to I was told I was making \$200 in an
23 hour. Being young, that was a lot of money, and I didn't know
24 any better. Sadly, you were the one with an illness that you
25 should have to go and see a doctor and also have a mentor group

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1 for the sickness you have. I will continue with writing my
2 book about that secret life, with all the newspaper articles of
3 the case, my high school agenda book of official dates. I'm
4 basing that proof that I deposited cash after leaving
5 Jeffrey's. I still have all of the information, articles that
6 I collected over the years.

7 You mentally and physically traumatized me. I went to
8 therapy, and it was the best thing I did for myself. If anyone
9 only learns one thing from this case, I hope is that money
10 should not let you buy your way free. A crime is a crime and a
11 victim is a victim. Thank you.

12 THE COURT: Thank you. Thank you very much.

13 MR. EDWARDS: Your Honor, my next client is Chauntae
14 Davies, C-h-a-u-n-t-a-e, Davies, D-a-v-i-e-s.

15 MS. DAVIES: I met Jeffrey Epstein through my first
16 massage teacher, a man who took me in as his apprentice to
17 teach me a practice I wanted to learn while in desperate search
18 to find a cure for a debilitating neurological disorder that I
19 have, which manifests into violent vomiting attacks, largely
20 triggered by stress. It's called Cyclic Vomiting Syndrome.

21 I was recruited by Ghislaine Maxwell. Upon my first
22 meeting of her, I wouldn't know I had been recruited until many
23 years later, when I would read it in a headline. Ghislaine and
24 Jeffrey took me in. They sent me to school. They gave me a
25 job. They flew me around the world, introduced me to a world I

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1 had only dreamt of and made me feel as though I had become a
2 part of their family, another thing I was desperately searching
3 for.

4 But on my third or fourth time meeting them, they
5 brought me to Jeffrey's island for the first time, and on the
6 first night there, Sarah Kellen came tapping on my door late at
7 night to inform me Jeffrey was ready for another massage. My
8 instincts told me this didn't feel right, but I got up and
9 followed her to a villa I hadn't yet seen. Jeffrey and
10 Ghislaine's villa.

11 I began my massage, trying not to let him smell my
12 fear and obvious discomfort, but before I knew what was
13 happening, he grabbed onto my wrist and tugged me towards the
14 bed. I tried to pull away, but he was unbuttoning my shorts
15 and pulling my body onto his already naked body faster than I
16 could think. I was searching for words but all I could say was
17 meek, "No, please stop," but that just seemed to excite him
18 more.

19 He continued to rape me, and when he was finished, he
20 hopped off and went to the shower. I pulled my shorts up, and
21 I ran as fast as I could back to my own villa, my feet bloodied
22 from the rocks. I cried myself to sleep that night.

23 I spent two weeks vomiting, almost to death, in a
24 Los Angeles hospital after that first encounter. Jeffrey's
25 abuse would continue for the next three years, and I allowed it

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1 to continue because I had been taken advantage of my entire
2 life and had been conditioned to just accept it.

3 It took me a long time to come forward, too long
4 maybe, and all it took to bring -- and all that it took to
5 bring this man to justice has been robbed by his death. Every
6 day, every week I've spent in the hospital since, I've suffered
7 and he has won. Every job offer that's been offered to me and
8 then retracted because of my connection to this case, I have
9 suffered and he has won. Every public humiliation I have
10 endured, I have suffered and he has won. Every relationship
11 that I've had to end because of the abuse that I have endured
12 by the hands of this man, I have suffered and he has won.

13 Every woman sitting in this room today, and all of the
14 women who have yet come forward and who have not yet to come
15 forward and whose lives have been affected by Jeffrey Epstein's
16 sick abuse of young girls, we have all suffered, and he is
17 still winning in death.

18 I refuse to let this man win in death. I couldn't
19 fight back when Jeffrey Epstein sexually abused me because I
20 hadn't yet found my voice. Well, I have found my voice now,
21 and while Jeffrey may no longer be here to hear it, I will not
22 stop fighting, and I will not be silenced anymore. I needed
23 him to hear the pain he's caused, what I've gone through
24 because of him. I wrote a 350-page book of all the pain that I
25 have endured at the hands of this man that I really needed him

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1 to hear. His death has robbed me of that justice.

2 Please don't rob us of justice again. Thank you.

3 THE COURT: Thank you.

4 MR. EDWARDS: Your Honor, I think I have one more
5 client that is going to speak today, Anouska De Georgiou.

6 THE COURT: Would you spell that?

7 MS. DE GEORGIOU: Good morning, your Honor.

8 THE COURT: Good morning.

9 MS. DE GEORGIOU: My name is spelled A-n-o-u-s-k-a,
10 D-e, space, G-e-o-r-g-i-o-u.

11 Thank you, your Honor, for giving us the opportunity
12 to be heard this morning.

13 THE COURT: Sure.

14 MS. DE GEORGIOU: When I was introduced to Jeffrey
15 Epstein, I was young and full of hope and the foolishness of a
16 teenager. I was idealistic, and I saw the good in people.
17 Jeffrey Epstein manipulated me, coerced me and sexually abused
18 me.

19 Something I think is very important to communicate is
20 that loss of innocence, trust and joy is not recoverable. The
21 abuse, spanning several years, was devaluing beyond measure and
22 affected my ability to form and maintain healthy relationships,
23 both in my work and my personal life. He could not begin to
24 fathom what he took from us, and I say "us" because I am every
25 girl he did this to, and they're all me. And today we stand

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1 together, those that are present and those that aren't.

2 I was a victim, and it has taken me many, many years
3 to stand here and say, yes, it was me. I was a victim, but I
4 will not remain a victim and be silent for one more day.

5 Although I think it's tragic when anybody dies before their
6 time, I'm extremely relieved that Jeffrey Epstein will not be
7 in a position to hurt anymore children or anymore women, and
8 I'm glad to be part of a group of women who are now bonded
9 forever in the trauma that we endured at the hands of this man.

10 Thank you.

11 THE COURT: Thank you.

12 MR. EDWARDS: Your Honor, we had one client who was
13 not able to be here but sent a message through a letter. Her
14 name is Michelle Licata, M-i-c-h-e-l-l-e; last name,
15 L-i-c-a-t-a. And Brittany Henderson, of my office, is going to
16 read her letter as instructed.

17 THE COURT: Sure.

18 MS. HENDERSON: Thank you, your Honor.

19 THE COURT: Yup.

20 MS. HENDERSON: What happened to me occurred many
21 years ago when I was in high school, but it still effects my
22 life. I was told then that Jeffrey Epstein was going to be
23 held accountable, but he was not. In fact, the government
24 worked out a secret deal and didn't tell me about it. The case
25 ended without me knowing what was going on, without him being

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1 held responsible, without any explanation and without a chance
2 for my voice to be heard. I was treated like I did not matter.

3 Many years later, he was arrested again. These
4 investigators and attorneys representing the United States have
5 been completely different. I am still mad, concerned and
6 confused about how he committed suicide and escaped
7 responsibility again, but I know it is not the fault of the
8 judge or the government attorneys.

9 I was allowed to be a part of the process this time.
10 My attorney was able to tell me what was going on at every
11 stage because they kept him informed. Thank you for inviting
12 me. It means more to me than you can ever know. I was not
13 able to be here this time, but I know that I was allowed to be
14 and I had the chance to attend this hearing, which is helping
15 me in my healing process. The fact that I mattered this time
16 and the other victims mattered is what counts. For that, I am
17 grateful.

18 THE COURT: Thank you.

19 MR. EDWARDS: Your Honor, finally, in 2008 when I
20 filed the case under the Crime Victims Rights Act, it wasn't me
21 alone. I did it with Paul Cassell and Jay Howell.

22 Paul Cassell is here today, and I think your Honor
23 even cited to a piece of -- an opinion of his from when he was
24 on the bench, and he has some remarks to make.

25 Once again, your Honor, I really do believe that this

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1 is a model for how victims should be treated in a criminal
2 process, and we really do appreciate it. Thank you.

3 THE COURT: Thank you.

4 MR. CASSELL: I'll be very brief because I know there
5 are others that want to speak here. I'm Paul Cassell,
6 C-a-s-s-e-l-l, previously served as a federal judge at the
7 District of Utah, currently a law professor, where I teach
8 crime victims rights at the University of Utah, College of Law.

9 I just wanted to take one minute to address some
10 suggestion that there would be no need for a hearing this
11 morning. I think, having heard already from these powerful
12 victims and recognizing how important giving those statements
13 will be in the trajectory of their lives, makes clear that your
14 Honor has followed exactly the right path. Legally, there is
15 one precedent, which is *U.S. v. Heaton*, a case that you cited
16 that I wrote about a decade ago, and as explained in that
17 opinion, victims have important interests in the criminal
18 justice system that can only be recognized if they're given
19 their day in court.

20 With all due respect to other law professors that have
21 recently written an article, I think transparency is one of the
22 overriding objectives in our criminal justice system, and the
23 one substantive action that I would urge your Honor to take
24 today is to publish your remarks as a published opinion. The
25 Heaton case is, to my knowledge, the only reported decision on

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1 this particular issue, even though it's more than a decade old
2 and, yet, we can see today that these problems recur in many
3 other cases. Your remarks today, I think, should be published
4 so that they can serve as a guide for other judges around the
5 country.

6 I would encourage you to add into your remarks a
7 reference to the Crime Victims Rights Act. The Crime Victims
8 Right Act promises victims the right to be treated with
9 fairness, dignity and respect, and the process that we see
10 unfolding this morning is a clear example of how victims can be
11 treated with fairness, dignity and respect.

12 So I know that your Honor is wondering what is the
13 appropriate action here. Unfortunately, it seems like there
14 are no other legal options, but there was a legal option for
15 you to decide to exercise, which was to allow these victims to
16 come forward. And if there's been one positive thing that has
17 come out of the tragedies, the abuse, the other events of this
18 case, it's been your decision to allow these victims to be
19 heard this morning, and I encourage you to publish your
20 decision and to encourage other judges to follow what is
21 clearly a model for crime victims rights and is clearly an
22 example that should be followed in other cases down the road.

23 THE COURT: Thank you very much. I appreciate your
24 being here. I had no idea that you would be here when I wrote
25 the remarks, but it was clear from the literature that you are

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1 the leading expert formerly of the District Court of Utah, I
2 believe, and it's a pleasure to have you here today.

3 MR. CASSELL: Thank you, your Honor.

4 THE COURT: Thanks.

5 Mr. Boies?

6 MR. BOIES: Thank you, your Honor. David Boies of
7 Boies Schiller Flexner. We have with us today five of the
8 victims that we represent. There are a number of additional
9 victims who either were unable to attend or are still unwilling
10 to come forward publicly. This has been an enormously
11 traumatic aspect of their lives, something that, as you've
12 already heard and will hear more today, is something that they
13 can never entirely escape from.

14 I want to, as prior counsel have, commend both the
15 Court and counsel for the Department of Justice for the
16 consideration and respect and attention that they have paid to
17 the victims. We believe that that is not only right, as a
18 matter of human dignity, but we think that is exactly what the
19 law requires and intends.

20 I will be more blunt than the Court has been, or
21 Professor Cassell has been about Professor Green's article.
22 That is an article that cites no authority, and I believe there
23 is no authority for his proposition. I entirely respect his
24 right to advocate on behalf of his client Alan Dershowitz, who
25 has retained him in connection with litigation that we've

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1 brought against Mr. Dershowitz, but I would have expected that
2 the Law Journal or Professor Green himself would have disclosed
3 that connection, which I think is a conflict.

4 But regardless of the appropriateness of his
5 disclosure, or lack of disclosure, I think that his article
6 opposing allowing the victims to have a voice in this
7 proceeding is inconsistent not only with the policy that
8 underlies the Crime Victim Rights Act and the very statute that
9 Mr. Epstein is being prosecuted under, but it ignores the
10 actual language of those statutes, and many other statutes, in
11 which Congress has made clear that the purpose of the criminal
12 law is no longer simply to punish the individual defendant, but
13 it is to find some way of trying to mitigate the damage that
14 has been done to the victims through restitution and economic
15 mitigation, but also through the ability to confront and to
16 have the court system and the justice system and the
17 prosecutors treat these victims as they are victims, as they
18 are human beings, and they are entitled to the respect that our
19 society needs to give every human being. So I think that this
20 is not only commendable, but I think it is what the law
21 requires.

22 In response to the question the Court asked, I have
23 discussed this hearing with my clients. I have told them that,
24 under the applicable law, the government has no alternative but
25 to move to dismiss this case, and I believe under the

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1 applicable law in this circuit, the Court has no alternative
2 but to grant that motion.

3 I think the current law is outdated, as the Court
4 suggested in some of its remarks. I think there will come a
5 time when either an Appellate court or the Congress will make
6 clear that, just as it's possible to continue civil cases
7 against someone after they have deceased, it is possible, at
8 least for purposes of things like restitution, to continue
9 criminal cases, but we are not there now. And, fortunately, in
10 this case, there are other ways and perhaps even more efficient
11 ways to vindicate the interests of the victims here.

12 We greatly appreciate the remarks of the
13 representative of the Department of Justice today, and we, too,
14 on behalf of the victims, are not going to stop when we walk
15 out of this courtroom. We are going to continue to seek
16 vindication against Mr. Epstein's estate and, in some senses,
17 perhaps even more important, against the people who worked with
18 him and enabled him.

19 As you have already heard, and will hear more,
20 Mr. Epstein did not act alone. He could not have done what he
21 did, on the scope and the scale of what he did, for as many
22 years as he did it without the activities and support and the
23 co-conspirator activity of a number of other key individuals,
24 and those individuals also need to bear their share of
25 responsibility, and those people need to have a reckoning as

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1 well.

2 My partner Sig McCawley, who's been working with me
3 for more than five years on this case, is going to, with the
4 Court's permission, introduce five of our clients who will
5 speak briefly to your Court. Thank you very much.

6 THE COURT: Thank you very much, Mr. Boies. Pleasure
7 to have you here.

8
9 MS. McCAWLEY: Thank you, your Honor, the first victim
10 that would like to speak today is Theresa J. Helm.

11 THE COURT: Can we have the spelling of your name?

12 MS. McCAWLEY: Sure. Sigrid, S-i-g-r-i-d, and the
13 last name is M-c-C-a-w-l-e-y, and I'm a partner at Boies
14 Schiller Flexner.

15 THE COURT: Thank you.

16 MS. HELM: Good morning.

17 THE COURT: Good morning.

18 MS. HELM: Thank you, prosecutors and Judge, and the
19 Court. My name is Theresa Helm. I note today I do feel
20 respected and listened to; so I appreciate that, and I have to
21 say that I commend the boldness of the New York prosecutors for
22 pursuing a man that has, you know -- and others, that have
23 clearly taken a lot from a lot of people.

24 17 years ago I knew him only as "Jeffrey." I was
25 recruited and brought from California to New York, and that

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experience for the last 17 years has been a dark corner in my story, in my life, in my life story and that has been definitely made worse by my own self-shame and that -- and anger for normalizing all of the red flags. I feel like we are conditioned to do that, and that's something that needs to change.

So I'm here today, you know, I'm coming forward because it is time to bring light to that darkness, and it's time to replace that darkness with light. And I am a survivor of this, and I do aim to progress further from being a survivor, you know. I feel I've worked hard, quite hard, to get to where I'm at now, and I'm definitely at a place in my life where I will no longer cover up. I'll no longer cover up what needs to be brought to light.

Jeffrey is no longer here, and the women that helped him are, Ghislaine Maxwell. My experience is with Ghislaine Maxwell and Sarah Kellen, and they definitely need to be held accountable for helping him, helping themselves, helping one another carry on this huge, almost like a system. So they need to be held accountable, all of them, and I would like to see that, certainly on behalf of myself and for everyone here.

Thank you.

THE COURT: Thanks so much.

MS. McCAWLEY: Our next client, who is going to speak this morning, is Virginia Roberts Giuffre.

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1 MS. GIUFFRE: Good morning, your Honor.

2 THE COURT: Good morning. How are you?

3 MS. GIUFFRE: Okay. Thank you. My name is Virginia
4 Roberts Giuffre, that's V-i-r-g-i-n-i-a, Roberts,
5 R-o-b-e-r-t-s, Giuffre, G-i-u, double F, for Fred, -r-e.

6 I am a victim of Jeffrey Epstein and Ghislaine Maxwell
7 in the dark and cruel and criminal acts they committed against
8 me and hundreds of other girls and young women for years and
9 years and years, unstopped.

10 Thank you for allowing me to address the Court and
11 speak the truth. I commend the prosecutors from the Southern
12 District of New York for the ongoing investigation and its
13 pursuit of justice for us victims. It has given me hope, and I
14 will not let go of that hope.

15 When I was recruited by Ghislaine Maxwell at
16 Mar-a-Lago, just before I was 17, I thought I was given a big
17 break, and I'd be able to reset my life and become an actual
18 real massage therapist. My hopes were quickly dashed, and my
19 dreams were stolen. Jeffrey Epstein is no longer alive, but
20 this is not about how he died. This is about how he lived.

21 He will not have his day in court, but the reckoning
22 of accountability has begun, supported by the voices of these
23 brave and beautiful women in this courtroom today. The
24 reckoning must not end. It must continue. He did not act
25 alone and we, the victims, know that. We trust the government

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1 is listening and that the others will be brought to justice.

2 Thank you, your Honor.

3 THE COURT: Thank you very much.

4 MS. McCAWLEY: The next client of ours that will be
5 speaking this morning is Sarah Ransome.

6 MS. RANSOME: Thank you, your Honor. My name is Sarah
7 Ransome, R-a-n-s-o-m-e. I'm a victim of Jeffrey Epstein and
8 Ghislaine Maxwell's international sex trafficking ring.

9 I would like to thank the Court for the dignity and
10 the respect you are showing me here today, as well as the other
11 victims. I would also like to acknowledge and extend my
12 gratitude to the prosecutors from the Southern District of
13 New York for pursuing justice on behalf of the victims.
14 Please, please finish what you have started. I struggled to
15 find the words to adequately say how important your work is to
16 us.

17 For a very long time Jeffrey Epstein gamed the system
18 at every level, and when he realized he couldn't do that any
19 longer, he showed the world what a depraved and cowardly human
20 being he is by taking his own life. But we, the victims, are
21 still here, prepared to tell the truth, and we all know he did
22 not act alone. We are survivors, and the pursuit of justice
23 should not abate. Thank you, your Honor.

24 THE COURT: You're very welcome.

25 MS. McCAWLEY: Our next client who is going to be

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1 speaking this morning is Annie Farmer.

2 MS. FARMER: Good morning, your Honor.

3 THE COURT: Good morning.

4 MS. FARMER: Annie, A-n-n-i-e, Farmer, F-a-r-m-e-r.

5 I had the opportunity to speak at Jeffrey Epstein's
6 bail hearing, and I really appreciate that you heard me and
7 listened to me that day. I am so sorry that others will not
8 have the opportunity to stand before him the way that I did.
9 But I'm here today to speak on behalf of my sister, Maria
10 Farmer, who could not be here.

11 Jeffrey Epstein, Ghislaine Maxwell not only assaulted
12 her, but as we're hearing from so many of these brave women
13 here today, they stole her dreams and her livelihood. She
14 risked her safety in 1996, so many years ago, to report them,
15 to no avail, and it is heartbreaking to her and to me that all
16 this destruction has been wrought since that time.

17 We were deeply disappointed and disturbed by Epstein's
18 death and the fact that that was allowed to happen while he was
19 in the government's custody, and I'm encouraged to hear that
20 there will be a full investigation as to how that was allowed
21 to happen.

22 But it is extremely important, as others are saying,
23 that he did not act alone and that the other people that were a
24 part of what he did are held accountable and that that
25 investigation continues.

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I believe that we have a real problem in this country with perpetrators of sexual abuse and sexual assault being held accountable. There are so many roadblocks to victims being heard, to cases being investigated thoroughly, and then to those cases being prosecuted. And so I think this is a really important signal to send a message to victims out there that people will take you seriously, people will follow through, and that even those in power, as we have unfortunately seen, that has not been often are able to escape that, that even those in power will be held accountable. Thank you.

THE COURT: Thanks so much.

MS. McCAWLEY: Our next client, who's going to address the Court is Marijke Chartouni. She says it much more beautifully than I do; so I'll let her say it.

MS. CHARTOUNI: My first name is spelled, M-a-r-i-j-k-e; last name is C-h-a-r-t-o-u-n-i.

My name is Marijke Chartouni, and I am a victim of Jeffrey Epstein and the sophisticated sex trafficking operation he ran, where he allegedly was to be a financier.

I was 20 and previously modeled and was living in the West Village. I met a young woman named Rena through a mutual friend. We were friends for a few months. She was an amazing artist and liked to party. One day she called me and asked if I was interested in meeting a friend of hers. She told me he wanted to meet me and really liked blonds, and I thought he was

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1 our age and liked to do the same things we did at that age; so
2 I agreed.

3 On a sunny, crisp day, we took the train together to
4 the Upper East Side. She then began to talk a little bit about
5 him on our way to his house. I was at his house. I was
6 sexually assaulted by both Rena and Jeffrey Epstein in his
7 mansion. It left me feeling both disgusted and betrayed.

8 As we walked home to the subway afterwards, she
9 continued to tell me about the man who had just abused me with
10 her participation. She seemed exhilarated from the horrific
11 experience. I was shocked and in a daze. This is a few things
12 that she had told me. She told me he went to Cooper Union. He
13 was a mathematical genius. That he had favorite girls that he
14 would take to Chanel for 15-minute, all-you-can-buy shopping
15 trips. She told me his right-hand person had connection to the
16 arts and the fashion world, and she could help me.

17 This is not my complete story. I'll stop here. I'm
18 in a good, stable place in my life, and I had decided to come
19 forward to be a voice to the victims who may not be able to
20 tell their story, or at least not yet. I feel like I am a
21 survivor.

22 Thank you, Judge Berman, for inviting victims to speak
23 today before you. We hope the government is listening very
24 closely to the words we are saying.

25 THE COURT: Thank you very much.

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1 MR. BOIES: Your Honor, just very briefly.

2 THE COURT: Sure.

3 MR. BOIES: I would like to express to the Court how
4 proud I am of all of these women who have come forward. It's
5 taken an enormous amount of strength and courage for them to do
6 so. Thank you.

7 THE COURT: Thanks, Mr. Boies. Hold on one second.

8 (Pause)

9 MS. LERNER: Thank you, your Honor. My name is
10 Kimberly Lerner, of Lerner and Lerner, and your Honor, with
11 your permission, I would like my client, Jennifer Aroz, to
12 stand next to me.

13 THE COURT: Sure.

14 MS. LERNER: Would that be okay?

15 THE COURT: Absolutely.

16 MS. LERNER: Your Honor, I would like to begin by
17 saying that I am in awe of all of these beautiful women. I
18 just want to let you know, on behalf of Jennifer and myself, we
19 admire you, we respect you, and we applaud you, and you are
20 brave survivors. And Jennifer's heart is with all of you, and
21 we thank you so much for coming forward.

22 Jennifer, when she went public, she thought she was
23 one of the only ones, and to see all of these faces is, I know,
24 amazing for her.

25 Jeffrey Epstein was a predator, a pedophile and a sick

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1 individual. However, he was also a thief. He stole Jennifer's
2 childhood dreams, her innocence and her self-confidence. She
3 was 14 years old. What he could not buy, he forcibly took.
4 Why? Because he surrounded himself with a network of powerful
5 people who not only looked the other way, but also actively
6 facilitated and participated in his sexual abuse of children.

7 Jeffrey Epstein thought he was above the law, and
8 essentially he was until now. The system let Jennifer and the
9 other victims down, but it does not have to end here. We ask
10 the U.S. Attorney's Office and the FBI to bring all of
11 Epstein's enablers and co-conspirators to justice.

12 It has taken Jennifer 18 years to find her voice, and
13 again, Jeffrey Epstein has tried to silence her. While she
14 will never have her chance to face him in court, he no longer
15 has any power over her. Today, this brave survivor will be
16 heard.

17 MS. AROZ: Thank you for allowing me to be able to
18 have my chance in court today, to be able to tell you what this
19 horrific man did to my life. You can't even imagine how much
20 it affected my childhood, all the way through my adult life.
21 He robbed me of my dreams. He robbed me of my chance to pursue
22 a career I always adored. He stole my chance at really feeling
23 love because I was so scared to trust anyone for so many years
24 that I had such severe anxiety. I didn't want to leave my
25 house let alone my bed.

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1 The fact that he felt entitled to take away my
2 innocence, the fact that he felt that he could do whatever he
3 wanted, regardless of the laws, hurts me so very much. It took
4 me years to tell anyone what Epstein did to me because I was so
5 ashamed and embarrassed at what people would say or think of me
6 until I found out there were other victims, girls just like me.
7 I knew I could no longer keep my silence no matter how ruthless
8 and powerful Epstein was, and still is even after his death.

9 The fact I will never have a chance to face my
10 predator in court eats away at my soul. Even in death, Epstein
11 is trying to hurt me. I had hoped to at last get an apology,
12 but this evil man had no remorse or caring for what he did to
13 anyone. I felt let down by the people who were supposed to
14 watch him in prison. They let this man kill himself and kill
15 the chance of justice for so many others in the process, taking
16 away our ability to speak.

17 Out of all the damages and side effects that Epstein
18 caused by his heartless and selfish acts, it's very hard to put
19 my feelings and emotions into words, trying to let his
20 horrendous actions go and attempting to forgive him, has been
21 so difficult for me. Yet, as hard as it's been to come so
22 publicly forward, I refuse to let Epstein take me as a victim
23 anymore.

24 I am a survivor. The many that stand before me here
25 today that have shared the horrific experiences with this

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J8RPEPS2

1 deplorable human being, because even though this weak, evil
2 coward tried to steal all of our childhoods, tried to steal all
3 of our innocence and tried to steal all of our means of
4 justice, he will never steal our inner strength, and he will
5 never, ever, ever steal our voice. Thank you so much.

6 THE COURT: You're welcome.

7 MS. GIBBS: Good morning, your Honor. Teri Gibbs,
8 T-e-r-i, G-i-b-b-s. For the record, I am a California
9 attorney. I'm not admitted to the New York State bar. I am
10 here to make a statement on behalf of New York attorney, Lisa
11 Bloom. I work for her firm, The Bloom Firm.

12 Lisa Bloom represents four of Jeffrey Epstein's
13 victims, Jane Doe 6, for the record, Jane Doe 7 and Jane Doe 8.
14 I am so proud of all of you victims who are here today and are
15 able to voice yourselves today. I will not and cannot comment
16 on the criminal case, or Ms. Bloom's communications with her
17 clients.

18 Ms. Bloom would like to share three of her client's
19 statements for the record. Here are the statements. Statement
20 of Jane Doe 6.

21 To the Honorable Richard M. Berman. Jeffrey Epstein
22 stole my innocence. He gave me a life sentence of guilt and
23 shame. I do not consider myself a victim. I see myself a
24 survivor. The abuse that I endured cannot continue. Let's
25 stop this before it happens to other young women. Jane Doe.

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1 Statement of Jane Doe 7. To the Honorable Richard M.
2 Berman. I used to be relatively carefree, inquisitive, hopeful
3 and excited about life, but my life changed because of Jeffrey
4 Epstein. My perspective on life became very dark when I was
5 unknowingly recruited by one of his agents. Jeffrey Epstein
6 ruined me. His recruiter ruined me. The far-reaching
7 consequences of that day ruined my family's lives.

8 I've chosen to remain anonymous in order to protect my
9 family from unwanted media attention.

10 I was just trying to figure out my path in life when I
11 encountered Jeffrey Epstein in his New York City mansion. I
12 cannot even begin to summarize the many detriments this
13 experience of sexual assault has had on my life. Immediately
14 following the incident, I was unable to function and be around
15 other people. My parents had to rescue me and bring me home,
16 where I became a recluse for years.

17 I was changed forever and buried my assault deep down,
18 where the darkness couldn't hurt me anymore, but of course, it
19 has always been here, lingering and affecting me unconsciously.
20 At the time, I was mired in shame, guilt and humiliation. I
21 had somehow tricked myself into thinking that I had allowed the
22 assault to happen, that I did it to myself, that I don't
23 deserve to be alive or to be loved. I believed that I was a
24 disgusting, shameful person who does not deserve to ever be
25 happy. These are the thoughts I've lived with on a daily

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J8RPEPS2

1 basis.

2 Furthermore, because I couldn't tell anyone, out of
3 fear of judgment, blame or retaliation, keeping this secret
4 completely hindered my ability to uncover why these issues
5 existed for me, which could have led to a path of healing over
6 the years.

7 It is time for those of power to do the right thing.
8 It is time for compassion toward our fellow human beings to
9 reign over money, power and greed. We need to protect our most
10 vulnerable to allow them a chance at a normal life, and nothing
11 should come in the way of that. I believe that for future
12 generations, including my own children, this case will set a
13 precedent that victims must no longer suffer in silence on our
14 own or be shamed for coming forward to seek protection.

15 This case should demonstrate to those who want to harm
16 others that there will be a reckoning, and they will pay dearly
17 for the harm they inflict on innocent people. Judge Berman, I
18 thank you for from the bottom of my heart for this forum and
19 opportunity.

20 To all of those survivors who came before me, I
21 commend your bravery. There is no way I could have done this
22 without you.

23 Thank you to the public following this story, for your
24 outrage and desire for answers, which will hopefully move this
25 case forward so that victims can stop having to relive their

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1 experiences every day and move on to begin to heal.

2 God bless the victims, their families, the
3 investigators and public servants working so diligently to find
4 those answers and to right all these wrongs. Jane Doe 7.

5 (Continued on next page)

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J8RsEPS3

1 THE COURT: Thanks very much.

2 MS. GIBBS: One more. Statement of Jane Doe 8.

3 In the past few weeks, I have had to reflect on my
4 interaction with Jeffrey Epstein and realized that, though I
5 have yet to put it all behind me, I am still a victim. I say
6 this because I have to come to terms with it in an effort to
7 truly get past the abuse I suffered at the hands of Epstein.

8 Pursuing criminal penalties against him and having an
9 opportunity to address the egregious crimes he committed
10 against me and other young woman would have helped my recovery
11 process. This all came to an abrupt halt when he took his own
12 life. This point of disclosure is lost.

13 I cannot say that I am pleased he committed suicide,
14 but I am at peace knowing he will not be able to hurt anyone
15 else. However, a sad truth remains. I, along with other
16 people, will never have an answer as to why. I will never have
17 an apology for the wrongdoing. And most importantly, Epstein
18 will not be justly sentenced for his crimes. Now I sit in my
19 home questioning the well-being of those girls like myself. In
20 choosing death, Epstein denied everyone justice.

21 Any efforts made to protect Epstein's name and legacy
22 send a message to the victims that he wins and that he is
23 untouchable. I understand his case may be dismissed or closed,
24 but this makes me feel as though I, and anyone else who fell
25 pry to his hands, simply do not matter.

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I ask that you very seriously consider the final decision, because it will undoubtedly affect all other facets of this case, including any future charges brought against the recruiters or third parties to his crimes. I do not want the narrative to be, Those poor girls. I want to send a message to anyone who would consider engaging in similar acts to think twice beforehand. I want some sort of closure for those of us who relive those horrible moments where we were assaulted, abused, and taken advantage of by Epstein.

You have the opportunity to help us seek that closure. I appreciate your time and consideration and ask for your continued support in dealing with this case to illustrate that we, Epstein's victims, do matter.

Sincerely, Jane Doe 8.

On behalf of Lisa Bloom and The Bloom Firm, thank you, your Honor.

THE COURT: Thank you, Ms. Gibbs.

Did we have any other victim's counsel or victims?

Ms. Allred.

MS. ALLRED: Good morning, your Honor.

THE COURT: Good morning. How are you?

MS. ALLRED: Fine. Thank you.

Allred, Maroko & Goldberg by Gloria Allred,

G-l-o-r-i-a A-l-l-r-e-d.

Your Honor, thank you so much for this opportunity to

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1 afford the victims their voice, because many of them have never
2 spoken before. They never spoke in Florida. They never spoke
3 anywhere. They never told their mother. They never told their
4 father. They never told their family members. This is an
5 opportunity for them to be heard. We thank you for that.

6 Your Honor, for 43 years my firm has been the leading
7 women's rights private law firm in the United States. We have
8 helped thousands of victims. And I, as an officer of the
9 court, and as a believer in the system, have tried to encourage
10 the victims to have confidence in the system that should
11 provide them access to justice that should help them to assert
12 and vindicate their rights in a court of law. It has been
13 increasingly difficult in this case for me to say to my clients
14 that they should have confidence in the system of justice given
15 what has occurred in this case, People v. Jeffrey Epstein.

16 Having said that, I am encouraged by the fact that
17 this court, essentially, in an unprecedeted situation where
18 the defendant is deceased, is still affording these victims an
19 opportunity to be heard. So we thank you for that. It is some
20 encouragement.

21 Your Honor, you also asked do our clients wish to be
22 heard in reference to some of the issues that have been raised
23 this morning, including what should happen into this case.
24 Your Honor, there has been a suggestion that the court should
25 investigate the circumstances of the death of Mr. Epstein. I'm

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1 not going to repeat the arguments made by counsel, but I would
2 say that if there is jurisdiction, and I know that is a legal
3 issue which has been previously argued, that certainly it would
4 increase the confidence of my clients. Not just my clients,
5 but victims all over, and some are, by the way, located in
6 other parts of the world, to have the court oversee the
7 investigation.

8 We are encouraged by the sensitivity of the attorneys
9 for the United States Attorney's office for the Southern
10 District of New York and the investigation that is going on
11 with the separate team. However, and, of course, the defense
12 is also conducting its own investigation. But I do think the
13 greatest confidence would be if the court in some way would be
14 able to oversee an investigation because the court is a neutral
15 party. And although the court certainly has a stake in finding
16 out what happened to defendants who are in the custody of the
17 federal system and who should be there to face the prosecutors
18 and the charges against them, but now are not because clearly
19 the system has failed.

20 And the United States Attorney has admitted that, and
21 even before he admitted that, everybody knows the system
22 failed. Failed the victims, failed the court, failed everyone.

23 In any event, your Honor, having seen so many
24 thousands of victims of gender violence, sex harassment, sexual
25 assault, I've dealt with child sex trafficking, child

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1 molesters, I mean, this is a unique case because there are so
2 many victims and so many failures of the system. At this
3 point, what we would really ask for is not just words, but
4 words have been helpful, but deeds, and that is very important.

5 In addition, I would like to say, throughout this case
6 is the running theme of the betrayal of trust. Betrayal of
7 trust by Jeffrey Epstein. Betrayal of trust by the system.
8 And betrayal of trust to the victims who had a right to
9 justice. And the Crime Victims' Act should not just be words,
10 it should have meaning and it should be enforced.

11 In essence, we are asking, although you may need to,
12 of course, grant this motion to dismiss, I think because the
13 court has shown sensitivity to victims and victims' needs, if
14 there is a way to at least keep the record open so that victims
15 who have not been able to be physically present in the
16 courtroom today and who have not been able to submit to the
17 court any letters, victim impact, and who have not been able to
18 secure attorneys or speak to attorneys yet -- so, for example,
19 I'll still hearing from victims who I have not been able to
20 meet with yet because they just recently are now contacting
21 me -- so if they could submit, at least for the record, their
22 victim impact statements, that, I think, would be a very
23 important assistance to them. So that would be, at least they
24 would know that what they are sharing is on the record.

25 So, in summary, I would say that they are looking

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1 forward to the very serious investigation by the United States
2 Attorney of who may have conspired in this case, and that is
3 very hopeful, and we're hoping that everyone who may have a
4 role to this criminal prosecution will submit that evidence.

5 This is about power. This is about many victims
6 having lived in fear -- fear of the rich, the powerful, the
7 famous, fear that the system will not afford them justice. So
8 fear of not coming forward. And fear, of course, is a weapon
9 that the rich, powerful, famous, and sexual predators used to
10 silence the victims. But that is gone for a lot of victims
11 because they refuse to suffer in silence.

12 Finally, it does take courage to speak truth to power.
13 We thank this honorable court for giving these victims a voice.
14 We thank them, even after the death of the defendant, for
15 showing respect for the victims, allowing them dignity,
16 allowing them a voice. We do want truth, we do want justice,
17 we do want accountability, and we do want those conspirators to
18 face the justice system.

19 Your Honor, right now we have two of our clients who
20 would like to address the court.

21 THE COURT: Sure.

22 MS. ALLRED: Then I have a couple of statements on
23 victims who do not wish to address the court.

24 As they come up, we'll give them the opportunity to
25 say either their name or Jane Doe.

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1 By the way, thank you, your Honor, for allowing some
2 of these victims to be called Jane Doe. What number the court
3 affords to them, we'll accept whatever that is.

4 Thank you.

5 THE COURT: We're up to nine.

6 MS. ALLRED: Thank you.

7 MS. DAVIES: Hello. My name is Teala Davies. That is
8 T-e-a-l-a D-a-v-i-e-s.

9 I was going to start this statement by saying that I
10 was a victim of Jeffrey Epstein. But that's not the case. I'm
11 still a victim of Jeffrey Epstein. I'm still a victim because
12 the fear of not being heard stopped me from telling my story
13 for so many years. This lingering fear almost stopped me from
14 attending this monumental movement of strength and power.

15 I'm still a victim because I am fearful for my
16 daughters and everyone's daughters. I'm fearful for their
17 future in this world, where there are predators in power, a
18 world where people can avoid justice if their pockets run deep
19 enough.

20 I'm still a victim because the 17-year-old Teala was
21 manipulated into thinking she had found someone who cared,
22 someone who wanted to help. Jeffrey knew I had nowhere to go.
23 He knew I was vulnerable, and he took advantage of that poor
24 girl, who will never be the same.

25 I cannot eat at the thought that Jeffrey Epstein -- I

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1 cannot eat at the thought of Jeffrey Epstein not serving the
2 time he needed to realize the pain and suffering he caused so
3 many vulnerable young girls. He thought he was untouchable,
4 and honestly, so did I. I thought he was the most powerful
5 person I would ever meet.

6 But the end is here and here I stand becoming more
7 powerful than he will ever be. Thank you.

8 THE COURT: Thank you.

9 JANE DOE: Jane Doe.

10 Um, in 2004, when I was 15 years old, I flew on
11 Jeffrey Epstein's plane to Zorro Ranch, where I was sexual
12 molested by him for many hours. What I remember most vividly
13 was him explaining to me how beneficial the experience was for
14 me and how much he was helping me to grow. Yikes.

15 I remember feeling so small and powerless, especially
16 after he positioned me by laying me on his floor so that I was
17 confronted by all the framed photographs on his dresser of him
18 smiling with wealthy celebrities and politicians.

19 After he finished with me, he told me to describe in
20 detail how good my first sexual experience felt. That was the
21 first of many lies I was forced to carry for him, the weight of
22 which proliferated my trauma. I felt powerless not merely
23 because one man wanted to strip me of my innocence, but because
24 I was the victim of a system that just enfranchises human
25 beings, making them vulnerable to pedophilic exploitation.

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1 As unjust as what happened to me was, I believe that
2 experience to be a symptom of insidious and pathological
3 violence that extreme wealth yields, a violence which
4 ultimately stays hidden through channels of extreme power that
5 serve it.

6 I first identified with this feeling the night after I
7 was molested by Epstein, when another girl and I took out two
8 of his ATVs and raised them across the mesa. I crashed mine
9 and expressed my concern to the other girl of getting in
10 trouble, which she replied to me, Don't worry, no one gets in
11 trouble for anything here.

12 Even as a child, I understood, in a sad and precocious
13 way, what I hoped we have the ability of changing now. Even
14 though Epstein is dead, there is still justice to be brought
15 for the crimes we felt powerless against concealing for him and
16 the system that supported him for all these years.

17 Thank you.

18 THE COURT: You're very welcome.

19 MS. ALLRED: Thank you.

20 Your Honor, may it please the court. I would like to
21 read a statement for Jane Doe, my client, who is present in
22 court, but requested that I read it.

23 We only have one opportunity at childhood. One
24 opportunity to develop. One opportunity to find direction for
25 our lives. Jeffrey Epstein robbed and denied me at each

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1 opportunity he had.

2 I came from a small Texas town, not far from the New
3 Mexico border. My mother died when I was 11, after suffering
4 from cancer for many years. My father was devastated, as were
5 my siblings and I. My father was saddled with debt. My only
6 hope for college was to get a scholarship.

7 When I was 15, I was a blossoming freshman in high
8 school and was trying to carry on my mother's dream. She
9 wanted me to master the violin. After school, I would often go
10 to a mall in a nearby city. A lady approached me and saw I had
11 a violin case with me and asked if I was any good. We talked
12 about the violin, my family, and why I had clothes that looked
13 like hand-me-downs.

14 The lady told me she works for a very rich man who had
15 a home close by and that he would pay to hear me play. I was
16 told that if I could get away, she could arrange for
17 transportation to and from his place and have me back before
18 anyone knew I was gone. After some hesitation, I agreed. This
19 decision was the beginning of the end of my childhood.

20 The man who only identified himself as J or Jeff had
21 asked if I would give him a massage, and over four visits,
22 eventually progressed to forced oral copulation. The money he
23 gave me further placed my young soul into a perverse sense of
24 hell.

25 I was so utterly disgusted with myself and what he did

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1 to me that I stopped going to see him. I had documented the
2 events with a Texas rape crisis center about the man I know now
3 as Jeffrey Epstein.

4 Epstein targeted and took advantage of me, a young
5 girl, whose mother had recently died a horrific death and whose
6 family structure had deteriorated. His actions placed me, a
7 young girl, into a downward spiral to the point where I
8 purchased a gun and drove myself to an isolated place to end my
9 suffering.

10 A voice that could only have been from my mother told
11 me, quote, I am not the victim, I am the victor, and I dare not
12 pull the trigger." I returned the gun days later.

13 Epstein is a coward. He lived his life leaching off
14 the souls of inspiring, young girls due to the fact that he
15 could never know how it feels inspired to live. Like a leach,
16 once Epstein had his fill, he would unlatch and seek out
17 another victim.

18 The only sense of justice I had hoped to see was
19 Epstein being sentenced. However, Epstein died as he lived,
20 taking the easy way out without any responsibility.

21 Your Honor, the next statement is also a statement of
22 a Jane Doe. May it please the court.

23 I was a 16-year-old virgin when Jeffrey Epstein first
24 raped me. I was naive and gullible. He was a pillar of
25 finance and a giant in the world that I was an insignificant

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J8RsEPS3

1 part of. I was so impressed that this great man would even
2 talk to me and impart any of his wisdom on me. I gladly jumped
3 at the chance to meet him again, when he told me how impressed
4 he was with my personal story and maturity for my age.

5 When I was in his presence, he made an effort to call
6 celebrities and influential people on speakerphone, like
7 Academy Award-winning actresses and super models, who always
8 answered his calls. Sadly, I was impressed.

9 He was friends with former and future heads of states
10 and every other fixture in the New York social scene and
11 beyond. He knew important people in my own world that I looked
12 up to and revered, but he spoke about them like they were sweet
13 distractions far beneath his stature. He could easily reach
14 down from his position and influence the people directly
15 involved with my daily life and future prosperity. I was the
16 perfect victim.

17 My whole life was extremely turbulent. But one of my
18 mother's greatest wishes was that all her children would
19 graduate from respectable universities. He promised me that he
20 would write me a letter of recommendation for Harvard if I got
21 the grades and scores needed for admission. His word was worth
22 a lot, he assured me, as he was in the midst of funding and
23 leading Harvard's studies on the human brain, and the president
24 was his friend.

25 The fact that all of you already know these next

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1 details, which I'll share, should ignite fire instead of induce
2 the complacency they did in the past, when heard repeatedly
3 over the years, but yes, an innocent massage turned sexual
4 almost immediately.

5 "Here, come. Come help me with a kink in my shoulder
6 while we finish our discussion." A large vibrator and a couple
7 of hundred dollars, disgust and dirty secret, more praise and
8 imparted wisdom from a godlike figure, a deliberate diabolical
9 depression of grooming and submission for his pleasure and
10 release. Even if I resisted, I was no match for him. I felt
11 powerless, ashamed, and embarrassed. I wanted to vomit
12 remembering these moments.

13 What I learned in those depraved sessions, staring up
14 at the dome ceiling in his private massage room, tore a violent
15 hole through any normal sexual awakening. I'm haunted forever,
16 having learned everything there is to know about sex through a
17 vile criminal. Every time a new molestation would bring a new
18 lesson, the progressive and constant unwinding. I was nothing
19 more than a teenage prostitute. I was his slave.

20 I had never even kissed a boy before I met him, and
21 never throughout the horrific abuse did Jeffrey Epstein kiss me
22 even once. When he stole my virginity, he washed my entire
23 body compulsively in the shower and then told me, "If you're
24 not a virgin, I will kill you." And then I wasn't a virgin
25 anymore.

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1 He forcefully penetrated me. I was numb. There was
2 pain, but his use of the vibrator and his fingers in previous
3 sessions with me had left a black hole-like void between my
4 legs. I protested, but he forced my face into the bed to
5 stifle my cries. That was my first time.

6 I got a few hundred dollars, as usual, as he led me
7 out of his mansion with assurances that I was on the right path
8 guided by him. I lied to myself and tried to believe him. I
9 became a hollow shell. If I missed an appointment, he
10 threatened me and let me know who was in charge. "Do you know
11 how important my time is? I'll bury you. I owe this -- I
12 won't say the word -- F'ing town." He would hang up.

13 I would stand there frozen in the street, terrified
14 that his assistant would call to reschedule. I made sure to
15 stay in line and not disobey him. I was in complete denial.
16 Being paid after every scheduled meeting felt routine and
17 disgusting. He was the master of the universe and the world
18 bent to his will.

19 He would eventually brag to his assistants about my
20 ability to please him sexually right in front of me, leaving me
21 feeling grotesque and worthless. Everything in my outside life
22 was falling apart. I distanced myself from friends and grew
23 further away from my family. I felt less human after each
24 ordeal. My psyche broke down completely and wouldn't let me
25 continue.

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1 One day I walked out of his residence and passed a
2 girl similar to myself. When I turned around, she was entering
3 Jeffrey's residence. He no longer even tried to schedule his
4 appointments with other girls in secrecy from me. Maybe he
5 never did. I was too stupid to see.

6 My world shattered. I had been so naive. I had an
7 epiphany in a calvary of desperation. I realized I was just
8 one of many young girls he had in rotation come to perform for
9 him for money. I went into a deep depression and never lifted
10 completely. I wanted to inflict pain on myself. I was
11 humiliated, angry, and suicidal. I locked myself away from
12 everything. I cut myself off forever from the world I had
13 known.

14 I endured the daily agony of knowing my life would
15 never be the same. I could never go back to New York City and
16 the wonderful life I had taken for granted before I met this
17 demon named Jeffrey Epstein.

18 This creature had manipulated and outwitted the whole
19 system, including some of the most intelligent scientists,
20 political people, prosecutors, and power players. How easy was
21 it to manipulate a 16-year-old virgin who never had a boyfriend
22 and came from a background of hardship with no parental
23 guidance or support.

24 I went to therapy and was given antidepressants for
25 severe anxiety and depression. My only solace, years later,

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1 was my desire to succeed on my own terms. I emersed myself
2 into my studies and was accepted to every college I applied to,
3 graduating from a top university. To this day, there is still
4 an ache in my being that I did not apply to Harvard in fear of
5 his influence there.

6 They say you never forget your first. I'm in a
7 never-ending nightmare trying to do just that. I'm forever
8 suffering because everything reminds me of that horror. This
9 new wave of worldwide publicity only worsens my despair.

10 It was only many years later that I was finally
11 intimate with a man again, and those moments were marred by my
12 actions as a child with Jeffrey Epstein. Even now is
13 impossible to separate his treachery from any care of a good
14 man.

15 For one brief moment there was elation when he was
16 recently arrested. I would finally get my chance to see him
17 again face to face and show him what I had become, that I had
18 succeeded on my own, that I was worth something in spite of his
19 abuse, and that I had surmounted the monumental obstacles he
20 laid before me throughout my entire life since falling prey to
21 him.

22 I had hoped humanity would prevail, but it seems to me
23 that he outsmarted everyone so far, and his ghost is still
24 laughing at us. I appeal to all of those just and true that
25 his evil legacy and his death not stand in the way of

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1 resolution and justice for all of his underaged victims.

2 Thank you, your Honor.

3 And then just one last one, and this is much shorter.

4 Statement of Jane Doe, also my client.

5 I was a model in another country when I came to the
6 United States. I was told by a booker that I needed to meet
7 with a man named Jeffrey Epstein, who was the owner of
8 Victoria's Secret. The booker told me that Mr. Epstein could
9 help me get into Victoria Secret's world.

10 It was my childhood dream to be a Victoria's Secret
11 model. So I went one day in the afternoon and I met
12 Mr. Epstein in his office in his mansion in New York. A woman
13 introduced herself and suggested to me that I should be
14 extremely nice to Mr. Epstein, because if he liked me, he would
15 probably have photographers shooting photos of me right away.

16 He told me to go upstairs and directed me to Jeffrey
17 Epstein's office. Mr. Epstein had a white robe on and we
18 chatted very briefly. I had my portfolio of photos, but he
19 didn't even look at it. Suddenly, he took his robe off and got
20 close to me. I got up to leave, but the door was locked.

21 I didn't know what was going on. It was my first
22 official meeting to be cast in the United States. I was a
23 young girl and confused. He got very close to me, and I had a
24 skirt on. He started to touch my genitals. I refused him.
25 Then he went to the massage table and showed me the vibrator.

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1 I took it and threw it at him.

2 At that point, I ran to the door again and figured out
3 how to get out of there. A girl outside asked me where I was
4 going and she said to be careful. She said that Mr. Epstein
5 knew a lot of powerful people, including Bill Clinton, and that
6 if I didn't do what Mr. Epstein wanted, I would not be able to
7 have any job in the industry.

8 I was so scared. I couldn't wait to get out of there,
9 and I left. I took the train home. I had spent all of my
10 savings getting Victoria's Secret lingerie to prepare for what
11 I thought would be my audition. But instead, it seemed like a
12 casting call for prostitution. I felt like I was in hell.

13 Thank you, your Honor.

14 Thank you.

15 THE COURT: Thank you, Ms. Allred.

16 Was there anybody else, any victim's counsel or any of
17 the other victims who have not been heard and wish to be heard?

18 Well, OK then. All I have to say, really, is thank
19 you, all of you, for your participation in today's remarkable
20 hearing. I think everybody has benefited greatly from your
21 input, and especially from the testimony of victims here today
22 and who have had the courage to come forward.

23 We have also benefited throughout these proceedings,
24 however brief altogether, from the attorneys' legal advocacy
25 and their written and oral submissions. I'm grateful to them

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1 as well, both for the government and the defense and those
2 representing the victims.

3 Finally, we're also grateful to the press for their
4 very diligent coverage of seemingly every detail of this case.

5 That concludes our work for today and we stand
6 adjourned.

7 Thanks.

8 (Adjourned)

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Appendix 12

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The Palm Beach Post

REAL NEWS STARTS HERE

The Man Who Had Everything: Jeffrey Epstein craved big homes, elite friends and underage girls

By Andrew Marra

Posted Jul 17, 2019 at 6:02 AM

From the archives: When Palm Beach detectives started asking questions and teenage girls started talking, a wave of legal resistance followed.

Editor's Note: This article appeared in The Palm Beach Post on August 14, 2006, three weeks after Jeffrey Epstein's arrest in Palm Beach County on a charge of felony solicitation of prostitution.

WINGED GARGOYLES guarded the gate at Jeffrey Epstein's Palm Beach mansion. Inside, hidden cameras trolled two rooms, while the girls came and went.

For the police detectives who sifted through the garbage outside and kept records of visitors, it was the lair of a troubling target.

Epstein, one of the most mysterious of the country's mega-rich, was known as much for his secrecy as for his love of fine things: magnificent homes, private jets, beautiful women, friendships with the world's elite.

But at Palm Beach police headquarters, he was becoming known for something else: the regular arrival of teenage girls he hired to give him massages and, police say, perform sexual favors.

Epstein was different from most sexual abuse suspects; he was far more powerful. He counted among his friends former President Bill Clinton, Donald Trump and Prince Andrew, along with some of the most prominent legal, scientific and business minds in the country.

When detectives started asking questions and teenage girls started talking, a wave of legal resistance followed.

>> NEW: Jeffrey Epstein: Lawyer said financier had sex with woman during work-release

If Palm Beach police didn't know quite who Jeffrey Epstein was, they found out soon enough.

Epstein, now 53, was a quintessential man of mystery. He amassed his fortune and friends quietly, always in the background as he navigated New York high society.

When he first attracted notice in the early 1990s, it was on account of the woman he was dating: Ghislaine Maxwell, daughter of the late British media tycoon Robert Maxwell.

In a lengthy article, headlined "The Mystery of Ghislaine Maxwell's Secret Love," the British Mail on Sunday tabloid laid out speculative stories that the socialite's beau was a CIA spook, a math teacher, a concert pianist or a corporate headhunter.

"But what is the truth about him?" the newspaper wondered. "Like Maxwell, Epstein is both flamboyant and intensely private."

The media frenzy did not begin in full until a decade later. In September 2002, Epstein was flung into the limelight when he flew Clinton and actors Kevin Spacey and Chris Tucker to Africa on his private jet.

Suddenly everyone wanted to know who Epstein was. New York magazine and Vanity Fair published lengthy profiles. The New York Post listed him as one of the city's most eligible bachelors and began describing him in its gossip columns with adjectives such as "mysterious" and "reclusive."

Although Epstein gave no interviews, the broad strokes of his past started to come into focus.

Building a life of extravagance

He was born blue-collar in 1953, the son of a New York City parks department employee, and raised in Brooklyn's Coney Island neighborhood. He left college without a bachelor's degree but became a math teacher at the prestigious Dalton School in Manhattan.

The story goes that the father of one of Epstein's students was so impressed with the man that he put him in touch with a senior partner at Bear Stearns, the global investment bank and securities firm.

In 1976, Epstein left Dalton for a job at Bear Stearns. By the early 1980s, he had started J. Epstein and Co. That is when he began making his millions in earnest.

Little is known or said about Epstein's business except this: He manages money for the extremely wealthy. He is said to handle accounts only of \$1 billion or greater.

It has been estimated he has roughly 15 clients, but their identities are the subject of only speculation. All except for one: Leslie Wexner, founder of The Limited retail chain and a former Palm Beacher who is said to have been a mentor to Epstein.

Wexner sold Epstein one of his most lavish residences: a massive townhouse that dominates a block on Manhattan's Upper East Side. It is reported to have, among its finer features, closed-circuit television and a heated sidewalk to melt away fallen snow.

That townhouse, thought to be the largest private residence in Manhattan, is only a piece of the extravagant world Epstein built over time.

In New Mexico, he constructed a 27,000-square-foot hilltop mansion on a 10,000-acre ranch outside Santa Fe. Many believed it to be the largest home in the state.

In Palm Beach, he bought a waterfront home on El Brillo Way. And he owns a 100-acre private island in the Virgin Islands.

>> PHOTOS: The players in the Jeffrey Epstein saga

Perhaps as remarkable as his lavish homes is his extensive network of friends and associates at the highest echelons of power. This includes not only socialites but also business tycoons, media moguls, politicians, royalty and Nobel Prize-winning scientists whose research he often funds.

"Just like other people collect art, he collects scientists," said Martin Nowak, who directs the Program for Evolutionary Dynamics at Harvard University and was reportedly the recipient of a \$30 million research donation from Epstein.

Epstein is said to have befriended former Harvard President Larry Summers, prominent law Professor Alan Dershowitz, Donald Trump and New York Daily News Publisher Mort Zuckerman.

And yet he managed for decades to maintain a low profile. He avoids eating out and was rarely photographed.

"The odd thing is I never met him," said Dominick Dunne, the famous chronicler of the trials and tribulations of the very rich. "I wasn't even aware of him," except for a *Vanity Fair* article.

Epstein's friendship with Clinton has attracted the most attention.

Epstein met Clinton as early as 1995, when he paid tens of thousands of dollars to join him at an intimate fund-raising dinner in Palm Beach. But from all appearances, they did not become close friends until after Clinton left the Oval Office and moved to New York.

Epstein has donated more than \$100,000 to Democratic candidates' campaigns, including John Kerry's presidential bid, the reelection campaign of New Mexico Gov. Bill Richardson and the Senate bids of Joe Lieberman, Hillary Rodham Clinton, Christopher Dodd and Charles Schumer.

Powerful friends and enemies

A *Vanity Fair* profile found cracks in the veneer of Epstein's life story. The 2003 article said he left Bear Stearns in the wake of a federal probe and a possible Securities and Exchange Commission violation. It also pointed out that Citibank once sued him for defaulting on a \$20 million loan.

The article suggested that one of his business mentors and previous employers was Steven Hoffenberg, now serving a prison term after "bilking investors out of more than \$450 million in one of the largest Ponzi schemes in American history."

As he amassed his wealth, Epstein made enemies in disputes both large and small. He sued the man who in 1990 sold him his multimillion-dollar Palm Beach home over a dispute about less than \$16,000 in furnishings.

A former friend claimed Epstein backed out of a promise to reimburse him hundreds of thousands of dollars after their failed investment in Texas oil wells. A judge decided Epstein owed him nothing.

>> Jeffrey Epstein: Model prisoner who swept, mopped floors, official says

"It's a bad memory. I would rather not have ever met Jeffrey Epstein," said Michael Stroll, the retired former president of Williams Electronics and Sega Corp. "Suffice it to say I have nothing good to say about him."

Among the characteristics most attributed to Epstein is a penchant for women.

He has been linked to Maxwell, a fixture on the high-society party circuits in both New York and London. Previous girlfriends are said to include a former Ms. Sweden and a Romanian model.

"He's a lot of fun to be with," Donald Trump told *New York* magazine in 2002. "It is even said that he likes beautiful women as much as I do, and many of them are on the younger side. No doubt about it, Jeffrey enjoys his social life."

Investigation leads to Epstein

Although he was not a frequenter of the Palm Beach social scene, he made his presence felt. Among his charitable donations, he gave \$90,000 to the Palm Beach Police Department and \$100,000 to Ballet Florida.

In Palm Beach, he lived in luxury. Three black Mercedes sat in his garage, alongside a green Harley-Davidson. His jet waited at a hangar at Palm Beach International Airport. At home, a private chef and a small staff stood at the ready. From a window in his mansion, he could look out on the Intracoastal Waterway and the West Palm Beach skyline. He seemed to be a man who had everything.

But extraordinary wealth can fuel extraordinary desires.

>> Epstein wants to leave jail for mansion in sex-trafficking case

In March 2005, a worried mother contacted Palm Beach police. She said another parent had overheard a conversation between their children.

Now the mother was afraid her 14-year-old daughter had been molested by a man on the island.

The phone call triggered an extensive investigation, one that would lead detectives to Epstein but leave them frustrated.

Palm Beach police and the state attorney's office have declined to discuss the case. But a Palm Beach police report detailing the criminal probe offers a window into what detectives faced as they sought to close in on Epstein.

Detectives interviewed the girl, who told them a friend had invited her to a rich man's house to perform a massage. She said the friend told her to say she was 18 if asked. At the house, she said she was paid \$300 after stripping to her panties and massaging the man while he masturbated.

Police interview 5 alleged victims

The investigation began in full after the girl identified Epstein in a photo as the man who had paid her. Police arranged for garbage trucks to set aside Epstein's trash so police could sift through it. They set up a video camera to record the comings and goings at his home. They monitored an airport hangar for signs of his private jet's arrivals and departures.

They quickly learned that the woman who took the 14-year-old girl to Epstein's house was Haley Robson, a Palm Beach Community College student from Loxahatchee. In a sworn statement at police headquarters, Robson, then 18, admitted she had taken at least six girls to visit Epstein, all between the ages of 14 and 16. Epstein paid her for each visit, she said.

During the drive back to her house, Robson told detectives, "I'm like a Heidi Fleiss."

Police interviewed five alleged victims and 17 witnesses. Their report shows some of the girls said they had been instructed to have sex with another woman in front of Epstein, and one said she had direct intercourse with him.

In October, police searched the Palm Beach mansion. They discovered photos of naked, young-looking females, just as several of the girls had described in interviews. Hidden cameras were found in the garage area and inside a clock on Epstein's desk, alongside a girl's high school transcript.

Two of Epstein's former employees told investigators that young-looking girls showed up to perform massages two or three times a day when Epstein was in town.

They said the girls were permitted many indulgences. A chef cooked for them. Workers gave them rides and handed out hundreds of dollars at a time.

One employee told detectives he was told to send a dozen roses to one teenage girl after a high school drama performance. Others were given rental cars. One, according to police, received a \$200 Christmas bonus.

The cops moved to cement their case. But as they tried to tighten the noose, they encountered other forces at work.

In Orlando they interviewed a possible victim who told them nothing inappropriate had happened between her and Epstein. They asked her whether she had spoken to anyone else. She said yes, a private investigator had asked her the same questions.

>> Jeffrey Epstein: Acosta, Krischer trade barbs over sweetheart deal

When they subpoenaed one of Epstein's former employees, he told them the same thing. He and a private eye had met at a restaurant days earlier to go over what the man would tell investigators.

Detectives received complaints that private eyes were posing as police officers. When they told Epstein's local attorney, Guy Fronstin, he said the investigators worked for Roy Black, the high-powered Miami lawyer who has defended the likes of Rush Limbaugh and William Kennedy Smith.

While the private eyes were conducting a parallel investigation, Dershowitz, the Harvard law professor, traveled to West Palm Beach with information about the girls. From their own profiles on the popular Web site MySpace.com, he obtained copies of their discussions about their use of alcohol and marijuana.

He took his research to a meeting with prosecutors in early 2006, where he sought to cast doubt on the teens' reliability.

The private eyes had dug up enough dirt on the girls to make prosecutors skeptical. Not only did some of the girls have issues with drugs or alcohol but also some had criminal records and other troubles, Epstein's legal team claimed. And at least one of them, they said, lied when she told police she was younger than 18 when she started performing massages for Epstein.

After the meeting, prosecutors postponed their decision to take the case to a grand jury.

In the following weeks, police received complaints that two of the victims or their families had been harassed or threatened. Epstein's legal team maintains that its private investigators did nothing illegal or unethical during their research.

By then, relations between police and prosecutors were fraying. At a key meeting with prosecutors and the defense, Detective Joseph Recarey, the lead investigator, was a no-show, according to Epstein's attorney.

"The embarrassment on the prosecutor's face was evident when the police officer never showed up for the meeting," attorney Jack Goldberger said.

Later in April, Recarey walked into a prosecutor's office at the state attorney's office and learned the case was taking an unexpected turn.

The prosecutor, Lanna Belohlavek, told Recarey the state attorney's office had offered Epstein a plea deal that would not require him to serve jail time or receive a felony conviction.

Recarey told her he disapproved of the plea offer.

The deal never came to pass, however.

Future unclear after charge

On May 1, the department asked prosecutors to approve warrants to arrest Epstein on four counts of unlawful sexual activity with a minor and to charge his personal assistant, Sarah Kellen, now 27, for her alleged role in arranging the visits. Police officials also wanted to charge Robson, the self-described Heidi Fleiss, with lewd and lascivious acts.

By then, the department was frustrated with the way the state attorney's office had handled the case. On the same day the warrants were requested, Palm Beach Police Chief Michael Reiter wrote a letter to State Attorney Barry Krischer suggesting he disqualify himself from the case if he would not act.

Two weeks later, Recarey was told that prosecutors had decided once again to take the case to the grand jury.

It is not known how many of the girls testified before the grand jury. But Epstein's defense team said one girl who was subpoenaed - the one who said she had sexual intercourse with Epstein - never showed up.

The grand jury's indictment was handed down in July. It was not the one the police department had wanted.

Instead of being slapped with a charge of unlawful sexual activity with a minor, Epstein was charged with one count of felony solicitation of prostitution, which carries a maximum penalty of five years in prison. He was booked into the Palm Beach County Jail early July 23 and released hours later.

Epstein's legal team "doesn't dispute that he had girls over for massages," Goldberger said. But he said their claims that they had sexual encounters with him lack credibility.

"They are incapable of being believed," he said. "They had criminal records. They had accusations of theft made against them by their employers. There was evidence of drug use by some of them."

What remains for Epstein is yet to be seen.

The Palm Beach Police Department has asked the FBI to investigate the case. It also has returned the \$90,000 Epstein donated in 2004.

In New York, candidates for governor and state attorney general have vowed to return a total of at least \$60,000 in campaign contributions from Epstein. Meanwhile, Epstein's powerful friends have remained silent as tabloids and Internet blogs feast on the public details of the police investigation.

Goldberger maintains Epstein's innocence but says the legal team has not ruled out a future plea deal. He insists Epstein will emerge in the end with his reputation untarnished.

"He will recover from this," he said.

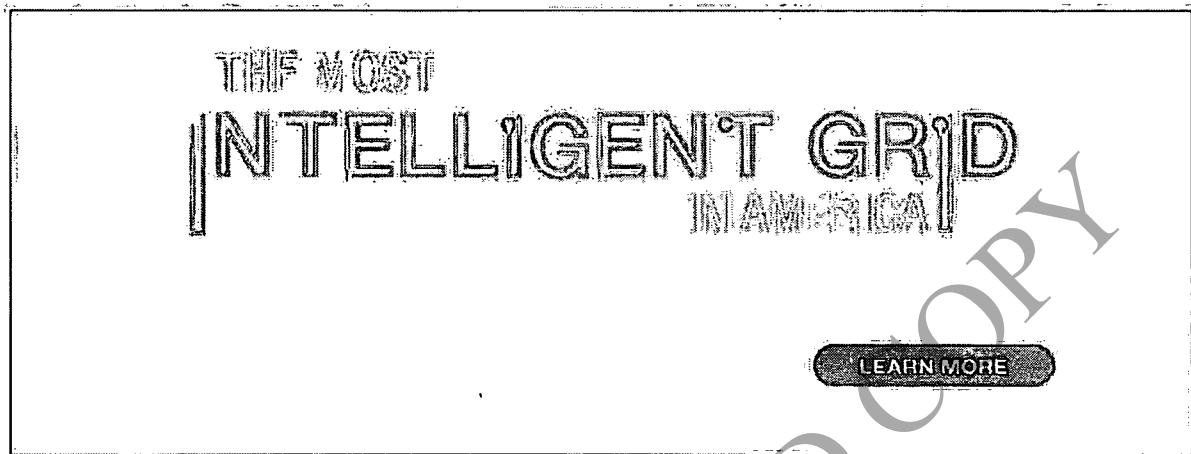
Staff writer Larry Keller and staff researchers Bridget Bulger, Angelica Cortez, Amy Hanaway and Melanie Mena contributed to this story.

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TRUMP SNAGS GOSMAN ESTATE FOR \$41 MILLION

When it came time to bid Monday for the palatial Palm Beach digs of Abe Gosman, The Donald was not about to be trumped.

"Nobody was going to outbid me," the brash developer-turned-TV-personality said from his New York office.

Trump bested two other bidders with a \$41.35 million offer for the 43,000-square-foot, seven-bedroom estate on 6 oceanfront acres along the storied "Raider's Row."

But Trump, 58, proud possessor of Mar-a-Lago, has no plans to live in the Gosman home at 513 N. County Road. He wants to - what else? - sell it and make more money.

The star of the mega-hit *The Apprentice* said he intends to redevelop the site into a "super luxury house" that would be the "finest anywhere in the United States." He might build another house before flipping the entire package.

"I've known about this house for quite some time," Trump said. "It's probably the best piece of land in Florida - and probably the country - for luxury real estate."

Although Trump said he could subdivide the property into nine lots, Palm Beach Mayor Lesly Smith said zoning regulations allow for only two houses - and maybe a third. Smith said she's not worried about Trump's plans.

"He's been a very good property owner in the town of Palm Beach," she said. "He does his projects very well. He's a perfectionist."

Monday's auction took place at U.S. Bankruptcy Court in West Palm Beach as part of Gosman's Chapter 7 bankruptcy case. Proceeds from the sale will go into escrow for eventual distribution to creditors.

The auction began at exactly noon after Judge Steven Friedman dismissed an objection from an attorney representing money manager Jeffrey Epstein. The lawyer argued unsuccessfully that Trump was not a qualified bidder because his contract stipulated that he would not close on the sale unless title insurance was in place beforehand.

With Trump listening via conference call, Epstein began the bidding at \$37.25 million - \$250,000 higher than Trump's initial offer.

Mark Pulte, son of the founder of home-building giant Pulte Homes, passed when his turn came, letting lawyers for Trump and Epstein bid against each other until the price hit \$38.85 million.

Pulte then bid \$39.1 million, briefly raising the ire of Trump, who believed that Pulte had given up his right to bid by passing the first time.

But Friedman allowed the offer to stand, and Pulte and Trump went back and forth until Pulte dropped out at \$41.1 million. Epstein, a part-time Palm Beach resident, bowed out at \$38.6 million.

Friedman closed the bidding 10 minutes after it started, leaving Trump with the right to buy the 29,000-square-foot home (a typical Palm Beach County single-family house is about 2,200 square feet). The property also has a tennis house, a pool house and 1930s-era service quarters.

The closing could take place within a week but probably won't happen until next month. Trustee Joe Luzinski and creditors said they were pleased with the outcome.

"We knew we were dealing with some substantial people . . . who were going to bid it up a bit," Luzinski said.

"The system worked," said Charles Tatelbaum, a lawyer for creditor JPMorgan Chase Bank. "In bankruptcy court, the idea is to get the most for creditors, and that's what happened."

The auction proved to be a bonanza for creditors, Luzinski said, noting that the highest offer former listing agent Sotheby's International Realty received was \$32 million. Sotheby's won't receive a commission, he said.

Pulte, 42, of Boca Raton, said he figured Trump wouldn't back down Monday.

"I got the feeling he was willing to go a lot higher, and I didn't want to chase it," Pulte said. Pulte said Gosman asked him before the auction whether he would be willing to let him stay in the mansion after the closing until he decides where he wants to move. Trump and Luzinski said they have had no such discussions with Gosman.

Gosman, 75, had the house built after paying \$12.1 million for the land in 1986.

The former health-care magnate declined interview requests before and after the auction Monday. He was at the courthouse but left before the auction took place.

The \$41.35 million price tag eclipses the \$30.35 million sale of Lowell "Bud" Paxson's Palm Beach home and guest house but falls short of the \$45 million that Virginia home builder Dwight Schar paid for Ron Perelman's 26,000-square-foot estate, Casa Apava, a designated landmark.

Schar also paid \$18.6 million for a lakefront lot across the street from the main house, for a total of \$63.6 million. Insiders say Schar spent a total of \$70 million for his new property, making it the priciest residential sale in U.S. history.

Gosman once had a fortune that Forbes' magazine estimated at \$480 million. He voluntarily filed for Chapter 11 bankruptcy protection in 2001, listing assets of \$250 million and liabilities of \$233.6 million.

When a judge ruled that Gosman had to give up all of his exempt assets to creditors if he wanted to reorganize under Chapter 11, Gosman converted the case to Chapter 7 liquidation. Last year, U.S. Bankruptcy Judge Larry Lessen ruled that Abe and Lin Gosman's marriage is invalid because Florida law does not recognize a Dominican Republic divorce that Lin Gosman tried to obtain from another man, Michael Castre.

The judge's decision was a huge victory for creditors because it prevents Abe Gosman from protecting assets by claiming joint ownership with his wife. Gosman's assets, which include an extensive collection of artwork, could total as much as \$70 million and will be sold later. Without Lessen's ruling, Luzinski would have had a much harder time selling Gosman's estate, said David Cimo, special counsel for the trustee.

"We would have been thwarted . . . or at least substantially impaired," Cimo said.

The trustee alleged during a weeklong trial in May that Gosman fraudulently gave his wife an ownership interest in his home and other belongings only to avoid losing them in bankruptcy. Gosman has denied any wrongdoing, saying he made the property transfers in 1999, well before he filed for bankruptcy.

Lessen is expected to rule in the next two months whether Gosman made improper transfers, a decision that will affect how much money will be available to creditors.

Cimo acknowledged that Monday wasn't the best of days for the Gosmans but said they were willing to move forward, in part because the upkeep of the estate now exceeds their means. "This is not a happy occasion for them, but at least we're moving to the next level," Cimo said. "That's not a house you want to live in unless you're making large amounts of money like Donald Trump."

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The Palm Beach Post

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Indictment: Billionaire Solicited 3 Times

Posted Jul 1, 2008 at 12:01 AM

Updated Oct 2, 2019 at 2:30 PM

(*EDITOR'S NOTE: This story originally published in The Palm Beach Post on July 25, 2006*)

Billionaire money manager and Palm Beach part-time resident Jeffrey Epstein solicited or procured prostitutes three or more times between Aug. 1 and Oct. 31 of last year, according to an indictment charging him with felony solicitation of prostitution.

Epstein, 53, was booked at the Palm Beach County jail at 1:45 a.m. Sunday. He was released on \$3,000 bond.

Epstein's case is unusual in that suspected prostitution johns are usually charged with a misdemeanor, and even a felony charge is typically made in a criminal information - an alternative to an indictment charging a person with the commission of a crime.

His attorney, Jack Goldberger, declined to discuss the charge.

State attorney's office spokesman Mike Edmondson also had little to say.

"Generally speaking, there is a case that has a number of different aspects to it," Edmondson said of a prostitution-related charge being submitted to a grand jury. "We first became aware of the case months ago by Palm Beach police."

Prosecutors and police worked together to bring the case to the grand jury, he said.

Palm Beach police confirmed that and said the department will release a report today regarding its investigation.

Epstein has owned a five-bedroom, 7 1/2-bath, 7,234-square-foot home with a pool and a boat dock on the Intracoastal Waterway since 1990, according to property records. A man answering the door there Monday said that Epstein wasn't home. A Cadillac Escalade registered to him was parked in the driveway, which is flanked by two massive gargoyles.

Epstein sued Property Appraiser Gary Nikolits in 2001, contending that the assessment of his home exceeded its fair market value. He dismissed his lawsuit in December 2002.

A profile of Epstein in *Vanity Fair* magazine said he owns what are believed to be the largest private homes in Manhattan - 51,000 square feet - and in New Mexico - a 7,500-acre ranch. Those are in addition to his 70-acre island in the U.S. Virgin Islands and fleet of aircraft.

Epstein's friends and admirers, according to the magazine, include prominent businessmen, academics and scientists and famed Harvard law professor Alan Dershowitz.

larry_keller@pbpost.com

The Palm Beach Post

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After long probe, billionaire faces solicitation charge

Posted Jul 27, 2006 at 12:01 AM

Updated Oct 3, 2019 at 3:11 PM

(EDITOR'S NOTE: This story originally published in The Palm Beach Post on July 26, 2006)

Palm Beach billionaire Jeffrey Epstein paid to have underage girls and young women brought to his home, where he received massages and sometimes sex, according to an investigation by the Palm Beach Police Department.

Palm Beach police spent months sifting through Epstein's trash and watching his waterfront home and Palm Beach International Airport to keep tabs on his private jet. An indictment charging Epstein, 53, was unsealed Monday, charging him with one count of felony solicitation of prostitution.

Palm Beach police thought there was probable cause to charge Epstein with unlawful sex acts with a minor and lewd and lascivious molestation.

Police Chief Michael Reiter was so angry with State Attorney Barry Krischer's handling of the case that he wrote a memo suggesting the county's top prosecutor disqualify himself.

"I must urge you to examine the unusual course that your office's handling of this matter has taken and consider if good and sufficient reason exists to require your disqualification from the prosecution of these cases," Reiter wrote in a May 1 memo to Krischer.

While not commenting specifically on the Epstein case, Mike Edmondson, spokesman for the state attorney, said his office presents cases other than murders to a grand jury when there are questions about witnesses' credibility and their ability to testify.

By the nature of their jobs, police officers look at evidence from a "one-sided perspective," Edmondson said. "A prosecutor has to look at it in a much broader fashion," weighing the veracity of witnesses and how they may fare under defense attorneys' questioning, he said.

Epstein's attorney, Jack Goldberger, said his client committed no crimes.

"The reports and statements in question refer to false accusations that were not charged because the Palm Beach County state attorney questioned the credibility of the witnesses," Goldberger said. A county grand jury "found the allegations wholly unsubstantiated and not credible," and that's why his client was not charged with sexual activity with minors, he said.

Goldberger said Epstein passed a lie detector test administered by a reputable polygraph examiner in which he said he did not know the girls were minors. Also, a search warrant served on Epstein's home found no evidence to corroborate the girls' allegations, Goldberger said.

According to police documents:

- A Palm Beach Community College student said she gave Epstein a massage in the nude, then brought him six girls, ages 14 to 16, for massage and sex-tinged sessions at his home.
- A 27-year-old woman who worked as Epstein's personal assistant also facilitated the liaisons, phoning the PBCC student to arrange for girls when Epstein was coming to town. And she escorted the girls upstairs when they arrived, putting fresh sheets on a massage table and placing massage oils nearby.
- Police took sworn statements from five alleged victims and 17 witnesses. They contend that on three occasions, Epstein had sex with the girls.

A money manager for the ultra-rich, Epstein was named one of New York's most eligible bachelors in 2003 by The New York Post. He reportedly hobnobs with the likes of former President Clinton, former Harvard University President Lawrence Summers and Donald Trump, and has lavish homes in Manhattan, New Mexico and the Virgin Islands.

He has contributed tens of thousands of dollars to Democratic Party candidates and organizations, including Sen. John Kerry's presidential bid, and the Senate campaigns of Joe Lieberman, Hillary Clinton, Christopher Dodd and Charles Schumer.

Goldberger is one of five attorneys Epstein has retained since he became the subject of an investigation, Edmondson said. Among the others: Alan Dershowitz, the well-known Harvard law professor and author, who is a friend of Epstein. Dershowitz could not be reached for comment.

Police said the woman who enlisted young girls for Epstein was Haley Robson, 20, of Royal Palm Beach. Robson has worked at an Olive Garden restaurant in Wellington and said she was a journalism major at Palm Beach Community College when she was questioned by police last October. She has an unlisted phone number and could not be reached for comment.

Robson said she met Epstein when, at age 17, a friend asked her if she would like to make money giving him a massage. She said she was driven to his five-bedroom, 7 1/2-bath home on the Intracoastal Waterway; then escorted upstairs to a bedroom with a massage table and oils. Epstein and Robson were both naked during the massage, she said, but when he grabbed her buttocks, she said she didn't want to be touched.

Epstein said he'd pay her to bring him more girls - the younger the better, Robson told police. When she tried once to bring a 23-year-old woman to him, Epstein said she was too old, Robson said.

Robson, who has not been charged in the case, said she eventually brought six girls to Epstein who were paid \$200 each time, Robson said. "I'm like a Heidi Fleiss," police quoted her as saying. The girls knew what to expect when they were taken to Epstein's home, Robson said. Give a massage - maybe naked - and allow some touching.

One 14-year-old girl Robson took to meet Epstein led police to start the investigation of him in March 2005. A relative of the girl called to say she thought the child had recently engaged in sex with a Palm Beach man. The girl then got into a fight with a classmate who accused her of being a prostitute, and she couldn't explain why she had \$300 in her purse.

The girl gave police this account of her meeting with Epstein:

She accompanied Robson and a second girl to Epstein's house on a Sunday in February 2005. Once there, a woman she thought was Epstein's assistant told the girl to follow her upstairs to a room featuring a mural of a naked woman, several photographs of naked women on a shelf, a hot pink and green sofa and a massage table.

She stripped to her bra and panties and gave him a massage.

Epstein gave the 14-year-old \$300 and she and the other girls left, she said. She said Robson told her that Epstein paid her \$200 that day.

Other girls told similar stories. In most accounts, Epstein's personal assistant at the time, Sarah Kellen, now 27, escorted the girls to Epstein's bedroom.

Kellen, whose most recent known address is in North Carolina, has not been charged in the case.

Palm Beach police often conducted surveillance of Epstein's home, and at Palm Beach International Airport to see if his private jet was there, so they would know when he was in town. Police also arranged repeatedly to receive his trash

from Palm Beach sanitation workers, collecting papers with names and phone numbers, sex toys and female hygiene products.

One note stated that a female could not come over at 7 p.m. because of soccer. Another said a girl had to work Sunday - "Monday after school?" And still another note contained the work hours of a girl, saying she leaves school at 11:30 a.m. and would come over the next day at 10:30 a.m.

Only three months before the police department probe began, Epstein donated \$90,000 to the department for the purchase of a firearms simulator, said Jane Struder, town finance director. The purchase was never made. The money was returned to Epstein on Monday, she said.

Palm Beach Daily News

Police say lawyer tried to discredit teenage girls

Posted Jul 29, 2006 at 12:01 AM

Updated Oct 3, 2019 at 2:00 PM

(EDITOR'S NOTE: This story originally was published in The Palm Beach Post on July 29, 2006)

Famed Harvard law professor Alan Dershowitz met with the Palm Beach County State Attorney's Office and provided damaging information about teenage girls who say they gave his client, Palm Beach billionaire Jeffrey Epstein, sexually charged massages, according to police reports.

The reports also state that another Epstein attorney agreed to a plea bargain that would have allowed Epstein to have no criminal record. His current attorney denies this happened.

And the documents also reveal that the father of at least one girl complained that private investigators aggressively followed his car, photographed his home and chased off visitors.

Police also talked to somebody who said she was offered money if she refused to cooperate with the Palm Beach Police Department probe of Epstein.

The state attorney's office said it presented the Epstein case to a county grand jury this month rather than directly charging Epstein because of concerns about the girls' credibility. The grand jury indicted Epstein, 53, on a single count of felony solicitation of prostitution, which carries a maximum penalty of five years in prison.

Police believed there was probable cause to charge Epstein with the more serious crimes of unlawful sex acts with a minor and lewd and lascivious molestation. Police Chief Michael Reiter was so angry that he wrote State Attorney Barry Krischer a memo in May suggesting he disqualify himself from the case.

The case originally was going to be presented to the grand jury in February, but was postponed after Dershowitz produced information gleaned from the Web-site myspace.com showing some of the alleged victims commenting on alcohol and marijuana use, according to the police report prepared by Detective Joseph Recarey.

Haley Robson, a 20-year-old Royal Palm Beach woman who told police she recruited girls for Epstein, also is profiled on myspace.com. Her page includes photos of her and her friends, including one using the name "Pimpin' Made EZ." Robson, who was not charged in the case, is a potential prosecution witness.

According to Recarey, prosecutor Lanna Belohlavek offered Epstein attorneys Dershowitz and Guy Fronstin a plea deal in April. Fronstin, after speaking with Epstein, accepted the deal, in which Epstein would plead guilty to one count of aggravated assault with intent to commit a felony, be placed on five years' probation and have no criminal record. The deal also called for Epstein to submit to a psychiatric and sexual evaluation and have no unsupervised visits with minors, according to Recarey's report. The plea bargain was made in connection with only one of the five alleged victims, the report states.

Fronstin - who declined to comment on the case - was subsequently fired and veteran defense attorney Jack Goldberger was hired. He denies there was any agreement by any of Epstein's attorneys to a plea deal.

"We absolutely did not agree to a plea in this case," he said. Neither Belohlavek nor a state attorney's spokesman could be reached for comment.

The parent or parents of alleged victims who complained of being harassed by private investigators provided license tag numbers of two of the men. Police found the vehicles were registered to a private eye in West Palm Beach and another in Jupiter, according to Recarey's report.

"I have no knowledge of it," defense attorney Goldberger said.

The report also says a woman connected to the Epstein case was contacted by somebody who was still in touch with Epstein. That person told her she would be compensated if she didn't cooperate with police, Recarey's report says. Those

who did talk "will be dealt with," the woman said she was told. Phone records show the woman talked with the person who allegedly intimidated her around the time she said, Recarey reported.

Phone records also show that the person said to have made the threat then placed a call to Epstein's personal assistant, who in turn called a New York corporation affiliated with Epstein, the report states.

The issue in the Epstein case is not whether females came to his waterfront home, but whether he knew their ages.

"He's never denied girls came to the house," Goldberger said. But when Epstein was given a polygraph test, "he passed on knowledge of age," the attorney said.

After the indictment against Epstein was unsealed this week, Police Chief Reiter referred the matter to the FBI. "We've received the referral, and we're reviewing it," said FBI spokeswoman Judy Orihuela in Miami.

The chief himself has come under attack from Epstein's lawyers and friends in New York, where he has a home. The New York Post quoted Epstein's prominent New York lawyer, Gerald Lefcourt, as saying his client was indicted only "because of the craziness of the police chief."

Reiter has declined to comment on the case.

Prosecutors have not presented a sex-related case like Epstein's to a grand jury before, said Mike Edmondson, spokesman for the state attorney's office. "That's what you do with a case that falls into a gray area," he said.

The state attorney's office did not recommend a particular criminal charge on which to indict Epstein, Edmondson said. The grand jury was presented with a list of charges from highest to lowest, then deliberated with the prosecutor out of the room, he said.

"People are surprised at the grand jury proceeding," West Palm Beach defense attorney Richard Tendler said. "It's a way for the prosecutor's office to not take the full responsibility for not filing the (charge), and not doing what the Palm Beach Police Department wanted. I think something fell apart with those underage witnesses."

Defense attorney Robert Gershman was a prosecutor for six years. "Those girls must have been incredible or untrustworthy, I don't know," he said.

Other attorneys said Epstein's case raises the issue of whether wealthy, connected defendants like Epstein - whose friends include former President Clinton and Donald Trump - are treated differently from others. Once he knew he was the subject of a criminal probe, Epstein hired a phalanx of powerful attorneys such as Dershowitz and Lefcourt, who is a past president of the National Association of Criminal Defense Lawyers.

Miami lawyer Roy Black - who became nationally known when he successfully defended William Kennedy Smith on a rape charge in Palm Beach - also was involved at one point.

Said defense attorney Michelle Suskauer: "I think it's unfortunate the public may get the perception that with power, you may be treated differently than the average Joe."

The Palm Beach Post

REAL NEWS STARTS HERE

Expert: Ignorance of age isn't defense in sex cases

Posted Aug 5, 2006 at 12:01 AM

Updated Oct 3, 2019 at 1:38 PM

(EDITOR'S NOTE: This story originally published in *The Palm Beach Post* on Aug. 5, 2006)

Even if Palm Beach money manager Jeffrey Epstein didn't know that girls who police say gave him sexual massages at his Intracoastal home were under the legal age, that alone wouldn't have exempted him from criminal charges of sexual activity with minors.

"Ignorance is not a valid defense," said Bob Dekle, a legal skills professor who was a Lake City prosecutor for nearly 30 years, half of that time specializing in sex crimes against children.

"There is no knowledge element as far as the age is concerned," Dekle said.

After an 11-month investigation, Palm Beach police said there was probable cause to charge Epstein, 53, with unlawful sex acts with a minor and lewd and lascivious molestation. They contend that Epstein - friend of the rich and famous and financial patron of Democratic Party organizations and candidates - committed those acts with five underage girls.

In the past week, New York Attorney General and gubernatorial candidate Eliot Spitzer has returned about \$50,000 in campaign contributions he received from Epstein, and Mark Green, a candidate to replace Spitzer in

his current job, has returned \$10,000 to him because of the Palm Beach scandal, the New York Daily News has reported.

Rather than file charges, the state attorney's office presented the case to a county grand jury. The panel indicted Epstein last week on a single, less serious charge of felony solicitation of prostitution.

The case raised eyebrows because the state attorney's office rarely, if ever, kicks such charges to a grand jury. And it increases the difficulty of prosecuting child sex abuse cases, especially when the defendant is enormously wealthy and can hire high-priced, top-tier lawyers.

At least one of Epstein's alleged victims told police he knew she was underage when the two of them got naked for massages and sexual activity. She was 16 years old at the time and said Epstein asked her questions about her high school, according to police reports.

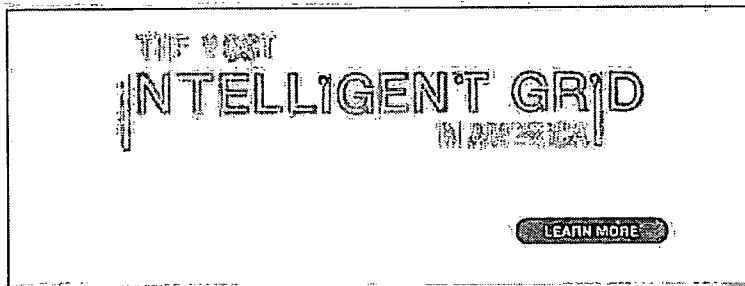
A girl who said she met Epstein when she was 15 said he told her if she told anybody what happened at his house, bad things could happen, the police reports state.

Epstein's youngest alleged victim was 14 when she says she gave him a massage that included some sexual activity. She is now 16. The girl's father says he doesn't know whether she told Epstein her age.

"My daughter has kept a lot of what happened from me because of sheer embarrassment," he said. "But she very much looked 14. Any prudent man would have had second thoughts about that."

Defense attorney Jack Goldberger maintains that not only did Epstein pass a polygraph test showing he did not know the girls were minors, but their stories weren't credible. The state attorney's office also implied that their credibility was an issue when it decided not to charge Epstein directly, but instead give the case to the grand jury.

"A prosecutor has to look at it in a much broader fashion," a state attorney's spokesman said last week.



Epstein hired Harvard law Professor Alan Dershowitz when he became aware he was under investigation, and Dershowitz gave prosecutors information that some of the alleged victims had spoke of using alcohol and marijuana on a popular Web site, according to a Palm Beach police report.

Prosecutors typically consider two things in deciding whether to charge somebody with sex-related offenses against minors - whether there is sufficient evidence and whether there is a public interest in doing so, Dekle said.

If two teens are in a sexual relationship and the boy turns 18 before the girl, he could be charged with a sex crime if the sex continues. There would be no public interest in pursuing that, Dekle said.

But where there is a large gap in ages - and especially in cases of teachers with students - there is a public interest in prosecuting, he said. Likewise if the accused has a track record of sex with minors.

Still there is a "universal constant" in prosecuting these cases, Dekle said. Men who exploit underage children for sex often carefully choose their victims in ways that will minimize the risk to them, he said.

Victims usually are from a lower social status, and they may suffer from psychological problems, Dekle said.

"Lots of child sexual abuse victims have been victimized by multiple people over a period of time. Then the act of abuse produces behavior in the victims that further damages their credibility." Examples include promiscuous behavior and drug abuse..

Some of the alleged victims in the Epstein case returned to his home multiple times for the massage sessions and the \$200 to \$300 he typically paid them per visit. "That would be a definite problem for the prosecutor," said Betty Resch, who prosecuted crimes against children in Palm Beach County for five years and now is in private practice in Lake Worth.

"The victim becomes less sympathetic" to a jury, Resch said. "But she's a victim nevertheless. She's a kid."

Most men charged with sex crimes against minors look normal, Dekle said. A jury expecting to see a monster seldom will. And the victims' ages work against them and in favor of the defendant in a trial, Dekle said.,

If a child and an adult tell different stories and both swear they're telling the truth, adult jurors are more likely to believe the adult, Dekle said.

"You have all these things working against you in a child sex abuse case. Prosecutors normally try to be very careful in filing those cases because they know what they're getting into. There is no such thing as an iron-clad child sexual abuse case."

The Palm Beach Post

REAL NEWS STARTS HERE

Epstein camp calls female accusers liars

Posted Aug 8, 2006 at 12:01 AM

Updated Oct 3, 2019 at 3:35 PM

(EDITOR'S NOTE: This story originally published in *The Palm Beach Post* on Aug. 8, 2006)

Attorneys and publicists for Palm Beach financier Jeffrey Epstein went on the offensive Monday, contending that teenage girls who have accused Epstein of sexual shenanigans at his waterfront home are liars and saying that the Palm Beach Police Department is "childish."

"There never was any sex between Jeffrey Epstein and any underage women," his lead attorney, Jack Goldberger, said from Idaho where he was vacationing with his family.

Epstein did have young women come to his house to give him massages, Goldberger said. "Mr. Epstein absolutely insisted anybody who came to his house be over the age of 18. How he verified that, I don't know. The question is, did anything illegal occur. The law was not violated here."

He had no explanation as to why Epstein would pay girls or women with no massage training - as the alleged victims said was the case - \$200 to \$300 for their visits. "The credibility of these witnesses has been seriously questioned," Goldberger said.

Epstein, 53, was indicted by a county grand jury last month on a charge of felony solicitation of prostitution. After an 11-month investigation that included sifting through Epstein's trash and surveilling his home, Palm Beach police concluded there was enough evidence to charge him with sexual activity with minors. When the grand jury indicted

Epstein on the less serious charge, Police Chief Michael Reiter referred the case to the FBI to determine whether there were federal law violations.

After a spate of stories about the case last week, New York publicist Dan Klores - whose client list has included Paris Hilton and Jennifer Lopez - said on Saturday that Epstein's camp was ready "to get their story out."

They did that Monday via Goldberger and a Los Angeles publicist for Miami criminal defense attorney Roy Black, who also has represented Epstein in the case.

"We just think there has been a distorted view of this case in the media presented by the Palm Beach police," Goldberger said.

Reiter has consistently declined to comment on the case and did not respond to a request for comment Monday.

The implication that State Attorney Barry Krischer was easy on Epstein by presenting the case to a grand jury rather than filing charges directly against him is wrong, Goldberger said.

The Palm Beach Police Department was "happy and ecstatic" that the panel was going to review the evidence. "I think what happened is they weren't happy with the result. They decided to use the press to embarrass Mr. Epstein."

But records show that Reiter wrote Krischer on May 1 - well before the case went to the grand jury - suggesting that Krischer "consider if good and sufficient reason exists to require your disqualification from the prosecution of these cases."

Rather than flat-out decline to charge Epstein, Krischer referred the case to the grand jury to "appease" the chief, Goldberger said.

A state attorney's spokesman would say only that the office refers cases to the grand jury when there are issues with the viability of the evidence or witnesses' credibility.

Both the state attorney and the grand jury concluded there was not sufficient evidence that Epstein had sex with minors, according to Goldberger. "It was just a childish performance by the Palm Beach Police Department," Goldberger said.

The defense attorney said one of the alleged victims who claimed she was a minor was in fact over the age of 18.

Another alleged victim who was subpoenaed to testify to the grand jury failed to do so. Epstein's accusers, he added, have histories of drug abuse and thefts. "These women are liars. We've established that."

But why would they all invent their stories about meeting Epstein for sexual massages?

"I don't have an answer as to what was the motivation for these women to come forward and make these allegations," Goldberger said.

The Palm Beach Post

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Delays in Epstein case unusual, lawyers say

Posted Mar 13, 2007 at 12:01 AM

Updated Oct 3, 2019 at 3:48 PM

(*EDITOR'S NOTE: This story originally published in The Palm Beach Post March 13, 2007*)

A federal probe or a plea deal could explain the wait in the Palm Beacher's solicitation case.

Nearly eight months after Palm Beach tycoon Jeffrey Epstein was charged with felony solicitation of prostitution, there has been no discernible progress in his case. No witnesses deposed. No trial date set. Nothing, save for routine court hearings reset without explanation.

"Usually that would be unusual," said criminal defense attorney Glenn Mitchell, who has no involvement in the case.

"As a general rule, it would be unusual for nothing to have happened," agreed Michael Dutko, a criminal defense attorney in Fort Lauderdale. He represents Haley Robson, 20, of Royal Palm Beach, potentially a key witness in the case.

A routine hearing for Epstein was pulled from the court docket last week and reset for May 16. The delays and inaction could be due to a potential federal probe of Epstein or because a plea deal is in the works, attorneys say.

Unusual is the word that best describes everything about the case against Epstein, 54, an enigmatic money manager in New York City who counts Bill Clinton and Donald Trump among his friends.

"Highly unusual" is how Palm Beach Police Chief Michael Reiter described State Attorney Barry Krischer's handling of the case in a bluntly critical letter to Krischer last year before Epstein was indicted.

Reiter referred the matter to the FBI to determine whether any federal laws had been violated. Epstein's allies countered by attacking the chief personally and professionally.

Reiter's department investigated Epstein for 11 months. Police sifted repeatedly through his trash and conducted surveillance on his five-bedroom, 7 1/2-bath, 7,234-square-foot home on the Intracoastal Waterway.

Police said Epstein paid women and girls as young as 14 to give him erotic massages at his home. Police thought there was probable cause to charge him with unlawful sex acts with a minor and lewd and lascivious molestation.

Epstein responded by hiring a phalanx of lawyers. One of them, Harvard law professor and author Alan Dershowitz, provided the state attorney's office with information about alcohol and marijuana use by some of the girls who said they were with Epstein.

Prosecutors then referred the case to the grand jury rather than file charges directly against Epstein.

Epstein's attorneys deny he had sex with underage girls. The lawyers say the girls' stories are not credible. But if the court file is any indicator, they've made no effort to depose the girls.

Neither prosecutors nor defense attorneys have sought to question Robson, said Dutko, her attorney. She recruited teenage girls to visit Epstein for massages and sexual activity, Palm Beach police said, and presumably would be a key witness.

Epstein's attorney Jack Goldberger did not return phone messages.

A source close to the case suggested it is languishing pending a decision by the FBI on whether to refer it to federal prosecutors.

"We still have a pending case," FBI spokeswoman Judy Orihuela said Monday.

State Attorney Krischer did not return a call for comment. His spokesman, Mike Edmondson, declined to say whether federal investigators are delaying the Epstein case. But, he added, "if another agency is looking at something, we wouldn't want to step on their toes."

Attorneys say inertia in a criminal case often points to a pending plea deal.

"It would not surprise me if something has happened that's not reflected in the court file," said Dutko, such as an agreement that will be formalized later.

Defense attorney Marc Shiner said defense attorneys sometimes put off overtly conducting discovery -- deposing witnesses, requesting documents and the like -- because doing so creates more work for harried prosecutors who may become angry and not offer a plea deal.

"Sometimes defense lawyers, knowing that, will try and do discovery without taking depositions," said Shiner, a former prosecutor for 13 years.

Instead, they may conduct a below-the-radar probe such as having a private investigator check out leads, he said.

Shiner and others say a plea deal for Epstein probably would result in pretrial intervention, in which a defendant may be ordered to undergo a psychological evaluation, counseling or other conditions in return for dropping the charge.

Edmondson, spokesman for State Attorney Krischer, said there is no plea offer and no request for the prosecution to show its cards.

"To my knowledge, it's never happened before on a filed case," he said.

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Dateline: NEW YORK

WOMAN SUES BILLIONAIRE INVESTOR, SAYS THEY HAD SEX WHEN SHE WAS 16

A billionaire investor, already facing jail in Palm Beach County on charges of soliciting underage prostitutes, is being sued by a young woman who says he had sex with her when she was 16 and had sought his help becoming a model.

The lawsuit, filed late Tuesday in Manhattan's state Supreme Court, says financier Jeffrey Epstein had the teen perform a sex act when she brought photographs of herself for him to review in his Upper East Side mansion sometime in 2000.

Epstein, 54, a money manager, told the teen he managed finances for Victoria's Secret and "could get you into the catalog" if she were "nice" to him, court papers say. The papers say being "nice" included massages and other favors.

When the girl told Epstein, "I am 16 years old and just want to model," he replied, "Don't worry, I won't tell anybody," court papers say.

Epstein, said by London's Mail on Sunday to be a close friend of England's Prince Andrew, has been indicted in Palm Beach on charges of soliciting underage prostitutes. That case is pending.

The girl visited Epstein "several times over the several months and engaged in bizarre and unnatural sex acts" while she was a minor, the lawsuit says.

Epstein "repeatedly requested that (the girl) return with her 14-, 15-, and 16-year-old girlfriends, stating, 'Come by with your friends your age next time. Don't bring Sherrie (a mutual friend in her 40s). I love girls your age.'

The young woman, now 23, kept returning to Epstein because she has "mental issues," said her lawyer, William J. Unroch. He refused to elaborate, but court papers say she was "disabled as a result of severe mental disease and defect."

Epstein's lawyer in New York, Gerald Lefcourt, said, "The girl has admitted she is insane, but she can read a newspaper and recognize the word 'rich.'"

Lefcourt also said the statute of limitations has expired for the woman's case criminally and civilly, and will almost certainly be dismissed.

He refused to comment on Epstein's Florida charges.

Meanwhile, Unroch, 57, also acknowledged that his client was living with him and was at the center of a \$10 million lawsuit he filed last year against a neighbor who said he was having sex with underage girls. That case is pending.

"What she was doing at 22 is irrelevant to what happened to her when she was 16," Unroch said Wednesday. He went on to say he hoped Epstein would agree to "do right" by his client and resolve the case out of court.

The Palm Beach Post

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Palm Beacher pleads in sex case

Posted Jul 1, 2008 at 12:01 AM

Updated Oct 3, 2019 at 1:47 PM

(EDITOR'S NOTE: This story originally published in *The Palm Beach Post* on July 1, 2008)

Jeffrey Epstein will serve 1 1/2 years on teen solicitation charges.

He lives in a Palm Beach waterfront mansion and has kept company with the likes of President Clinton, Prince

Andrew and Donald Trump, but investment banker Jeffrey Epstein will call the Palm Beach County Jail home for the next 18 months.

Epstein, 55, pleaded guilty Monday to felony solicitation of prostitution and procuring a person under the age of 18 for prostitution. After serving 18 months in jail, he will be under house arrest for a year. And he will have a lifelong obligation to register as a sex offender. He must submit to an HIV test within 48 hours, with the results being provided to his victims or their parents.

As part of the plea deal, federal investigators agreed to drop their investigation of Epstein, which they had taken to a grand jury, two law enforcement sources said.

Epstein was indicted two years ago after an 11-month investigation by Palm Beach police. They received a complaint from a relative of a 14-year-old girl who had given Epstein a naked massage at his five-bedroom, 7,234-square-foot, \$8.5 million Intracoastal home.

Police concluded that there were several other girls brought in 2004 and 2005 to an upstairs room at the home for similar massages and sexual touching.

The indictment charged Epstein only with felony solicitation of prostitution. The state attorney's office later added the charge of procuring underage girls for that purpose.

Prosecutor Lanna Belohlavek said of the plea: "I took into consideration the length the trial would have been and witnesses having to testify" about sometimes embarrassing incidents.

Epstein may have made a serious mistake soon after he was charged. He rejected an offer to plead guilty to one count of aggravated assault with intent to commit a felony, according to police documents. He would have gotten five years' probation, had no criminal record and not been a registered sex offender, the documents indicate.

Epstein arrived in court Monday with at least three attorneys. He wore a blue blazer, blue shirt, blue jeans and white and gray sneakers. After Circuit Judge Deborah Dale Pucillo accepted the plea, he was fingerprinted. Epstein then removed his blazer and was handcuffed for the trip to jail while his attorneys tried to shield him from photographers' lenses.

When he eventually is released to house arrest, Epstein will have to observe a 10 p.m. to 6 a.m. curfew, have no unsupervised contact with anyone younger than 18 and neither own nor possess pornographic or sexual materials "that are relevant to your deviant behavior," the judge said.

Epstein will be allowed to leave home for work. The New York-based money manager told the judge he has formed the not-for-profit Florida Science Foundation to finance scientific research. "I'm there every day," Epstein said.

The foundation was incorporated in November. Epstein said he already has awarded money to Harvard and MIT.

When he is released from jail, there is a chance that Epstein will be forced to move. Sex offenders are not allowed to live within 1,000 feet of a school, park or other areas where children may gather. No determination has been made as to whether Epstein's home complies, but attorneys said it likely does.

Sex offenders also typically must attend counseling sessions. Belohlavek said that was waived for Epstein because his private psychiatrist is working with him. The judge was skeptical but agreed to it.

Epstein's legal woes don't end with Monday's plea. There are four pending federal civil lawsuits and one in state court related to his behavior. At least one woman has sued him in New York, where he owns a 51,000-square-foot Manhattan mansion.

"It's validation of what we're saying in the civil cases," said Miami attorney Jeffrey Herman, who represents the alleged victims in the federal lawsuits. West Palm Beach attorney Ted Leopold represents one alleged victim in a civil suit in state court. He said he anticipates amending that lawsuit to add "a few other clients" as well.

In the criminal case, police went so far as to scour Epstein's trash and conduct surveillance at Palm Beach International Airport, where they watched for his private jet so they would know when he was in town. They concluded that Epstein paid girls \$200 to \$300 each after the massage sessions.

"I'm like a Heidi Fleiss," Haley Robson, now 22, told police about her efforts in recruiting girls for Epstein.

There was probable cause to charge Epstein with unlawful sex acts with a minor and lewd and lascivious molestation, police concluded.

The state attorney's office said questions about the girls' credibility led it to take the unprecedented step of presenting the evidence against Epstein to a grand jury, rather than directly charging him.

Palm Beach Police Chief Michael Reiter was furious with State Attorney Barry Krischer, saying in a May 2006 letter that the prosecutor should disqualify himself. "I continue to find your office's treatment of these cases highly unusual," he wrote. He then asked for and got a federal investigation.

Epstein hired a phalanx of high-priced lawyers - including Harvard law professor and author Alan Dershowitz - and public relations people who questioned Reiter's competence and the victims' truthfulness.

In addition to mansions in Palm Beach and Manhattan, Epstein owns homes in New Mexico and the Virgin Islands. He's a frequent contributor to Democratic Party candidates. He also donated \$30 million to Harvard in 2003.

Former New York Gov. Eliot Spitzer returned a \$50,000 campaign contribution from Epstein after his indictment, then resigned this year during his own sex scandal. And the same Palm Beach Police Department that vigorously investigated Epstein returned his \$90,000 donation for the purchase of a firearms simulator.

Staff writer Eliot Kleinberg and former staff researcher Michelle Quigley contributed to this story.

The Palm Beach Post

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Jeffrey Epstein: Scientist, stuntman, 'sex slave' visit jailed tycoon

By LARRY KELLER / Palm Beach Post Staff Writer

Posted Aug 13, 2008 at 12:01 AM

Updated Jul 16, 2019 at 4:54 PM

Tycoon Jeffrey Epstein mingled with an eclectic mix of people, including beautiful young women, before he got into trouble for paying teenage girls to give him sexual massages at his Palm Beach mansion.

Not much has changed, even though he now resides in a dorm at the Palm Beach County Sheriff's Office's 17-acre, 967-bed stockade near the fairgrounds.

During his first month of confinement, Epstein was visited by the female assistant who, girls told police, had escorted them to the room at his mansion where they gave him naked massages.

Also trekking to the jail was a young woman whom Epstein purportedly described as his Yugoslavian sex slave.

The wealthy financier and science wonk also has been visited by an expert on artificial intelligence, as well as a man who is a mixed martial arts aficionado and sometime movie stuntman.

The only other people to visit him at the jail, according to records, are a Singer Island man and an individual who listed Epstein's Palm Beach address as his own.

Epstein, 55, pleaded guilty on June 30 to two prostitution-related charges and was sentenced to 18 months in jail, followed by a year of house arrest. Epstein paid teenage

girls \$200 to \$300 in 2004 and 2005 for massages in his home that sometimes included sexual touching, Palm Beach police said.

His jail visitors in July included:

- Sarah Kellen, 29, who some of the teen masseuses said phoned them when Epstein was in town and escorted them upon their arrival at his Palm Beach waterfront home to an upstairs room, where she prepared the massage table and provided the oils for their encounters with him. Kellen visited Epstein three times in July, according to a jail visitor's log. Kellen lists a Manhattan home address. Reached by telephone, she declined to discuss Epstein.

- Nadia Marcinkova, 23, whose family in Yugoslavia Epstein paid money to so that he could bring her to the United States to be his "sex slave," two teenage girls told police. One girl told police that Epstein instructed Marcinkova and her to kiss and have sex while he watched and masturbated. Another said she engaged in sex with Marcinkova at Epstein's urging. Marcinkova visited Epstein in jail four times in 13 days. She lists her address as on the Upper East side of Manhattan, not far from Epstein's enormous apartment.

- Roger Schank, 62, founder of the Institute for Learning Sciences at Northwestern University and an expert on artificial intelligence, paid one visit to Epstein. Schank has written numerous books on that subject and has a doctorate degree from Yale University in linguistics. He was one of 19 people who applied to be president of Florida Atlantic University in 2003. He became "chief learning officer" at the online Trump University in 2005. Schank listed his address as being in Stuart, and records show he also owns a home in Lake Worth.

Epstein has financed a number of scientists over the years, including Nobel Prize winners. He gave \$30 million to Harvard University in 2003. In November, he formed the not-for-profit Florida Science Foundation, which he said finances scientific research.

- Igor Zinoviev, a Russian mixed martial arts fighter, who coaches a Chicago team in the International Fight League. He also has worked as a personal trainer, celebrity bodyguard and movie stuntman, according to the league's Web site. The New Jersey resident visited Epstein seven times in July.

Zinoviev, Schank and Marcinkova could not be reached for comment.

Staff researcher Niels Heimeriks contributed to this story.

Palm Beach Daily News

Billionaire sex offender leaves jail six days a week for work

Posted Jul 1, 2008 at 12:01 AM

Updated Oct 4, 2019 at 9:27 AM

Palm Beach billionaire Jeffrey Epstein, who's serving 18 months in jail for soliciting an underage girl for prostitution, is allowed to leave the Palm Beach County Stockade six days a week on a work-release program.

Teri Barbera, spokeswoman for the Palm Beach County Sheriff's Office, confirmed that Epstein, 55, has been in the work-release program since Oct. 10.

"He works six days a week: Friday through Wednesday 10 a.m. to 10 p.m.," Barbera said via e-mail. "(He) works at his local West Palm Beach office, monitored on an active GPS system (he wears an ankle bracelet). Mr. Epstein hires a permit deputy, at his expense, for his own security at his workplace during the time he is out."

Miami attorney Jeffrey Herman represents six young women who've sued Epstein, claiming he sexually abused them at his Palm Beach home when they were minors.

Herman said he received a letter about the work-release program from the U.S. Attorney's Office within the past few days. But Herman says Epstein had been out on work-release for several weeks before the notification.

"My clients expressed shock and disappointment," Herman said. "I find it incredible that he's on work-release in the community and my clients aren't notified of this and we get this letter weeks after the fact."

Jack Goldberger, Epstein's criminal attorney, said the

arrangement is not unusual.

"He goes to work every single day and goes back to jail at night, just like everybody else (in the program)," Goldberger said.

Epstein pleaded guilty June 30 to two felony counts: soliciting prostitution and procuring a person under 18 for prostitution. As part of the plea agreement, Epstein must serve one year of house arrest and register as a lifelong sex offender.

The Palm Beach Post

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Women want Epstein sex plea deal unsealed

Posted Jul 1, 2008 at 12:01 AM

Updated Oct 2, 2019 at 2:23 PM

(EDITOR'S NOTE: This story originally published in *The Palm Beach Post* June 10, 2009)

Their attorneys will ask a judge to open Jeffrey Epstein's records.

When wealthy money manager Jeffrey Epstein of Palm Beach pleaded guilty last year to procuring teens for prostitution, his case detoured around local and state rules regarding the sealing of court documents.

At a plea conference on the state charges, a judge, a defense lawyer and a prosecutor huddled at the bench and decided that a deal Epstein had struck with federal prosecutors to avoid charges should be sealed, according to a transcript of the hearing.

And so it was.

But Florida rules of judicial administration, as well as rules of the Palm Beach County court system, require public notification that a court document has been or will be sealed, meaning kept from public view. The rules also require a judge to find a significant reason to seal, such as protecting a trade secret or a compelling government interest.

Yet no notification or reason occurred in Epstein's case, according to court records.

Epstein's own attorneys, in federal filings, have referred to his confidential deferred prosecution agreement with the U.S. attorney's office, struck in September 2007, as "unprecedented" and "highly unusual." And it was "a significant inducement" for Epstein to accept the state's deal, observed the state judge who accepted his plea, County Judge Deborah Dale Pucillo.

Epstein now faces at least a dozen civil lawsuits in federal and state courts filed by young women who said they had sex with him and now are seeking damages.

Attorneys for some of those women want his agreement with federal prosecutors unsealed and will ask Circuit Judge Jeffrey Colbath to do so today.

"It is against public policy for these documents to be have been sealed and hidden from public scrutiny. As a member of the public, E.W. has a right to have these documents unsealed," wrote former Circuit Judge Bill Berger, now in private practice and representing one of the women.

The Palm Beach Post also will ask Colbath to unseal the agreement. Post attorney Deanna Shullman will argue that the public has a right to know the specifics of Epstein's deal.

According to various media accounts, Epstein moved in circles that included President Clinton, Donald Trump and Prince Andrew. "International Moneyman of Mystery," declared a 2002 New York magazine profile of Epstein.

Epstein, 56, is in the Palm Beach County Stockade, serving an 18-month sentence after pleading guilty nearly a year ago to felony solicitation of prostitution and procuring teenagers for prostitution.

He is allowed out from 7 a.m. to 11 p.m., escorted by a deputy, said Palm Beach County Sheriff's Office spokeswoman Teri Barbera.

During a Palm Beach Police Department investigation, five victims and 17 witnesses gave statements. They told of young women brought by his assistants to Epstein's mansion on El Brillo Way for massages and sexual activity, and then being paid afterward.

At Epstein's plea conference last year, his attorney, Jack Goldberger, and then-Assistant State Attorney Lanna Belohlavek approached Pucillo in a sidebar conference. Pucillo, who had left the bench nine years earlier, was filling in temporarily as a senior judge.

According to a transcript, Goldberger told Pucillo that Epstein had entered a confidential agreement with the U.S. attorney's office in which federal prosecutors brokered not pursuing charges against him if he pleaded guilty in state court. Pucillo then said she wanted a sealed copy of the agreement filed in his case, and Goldberger concurred that he wanted it sealed. Belohlavek later signed off on it.

The Florida Supreme Court has expressed "serious concern" and launched an all-out inquiry into sealing procedures across the state following media reports in 2006 of entire cases being sealed and disappearing from court records.

"The public's constitutional right of access to court records must remain inviolate, and this court is fully committed to safeguarding this right," justices wrote in their final report.

Epstein's office on Tuesday referred any questions to Goldberger, who declined to comment. Pucillo also has declined to comment.

The Palm Beach Post

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Epstein secret pact with Feds reveals “highly unusual” terms

Posted Jun 10, 2009 at 12:01 AM.

Updated Oct 4, 2019 at 9:23 AM

(EDITOR'S NOTE: This story originally published in *The Palm Beach Post* on September 19, 2009)

A secret non-prosecution agreement multimillionaire financier Jeffrey Epstein struck with federal prosecutors is being called “highly unusual” by former federal prosecutors and downright outrageous by attorneys now representing young women who serviced him.

The deal reveals that the FBI and the U.S. Attorney’s Office investigated him for several federal crimes, including engaging minors in commercial sex. The crimes are punishable by anywhere from 10 years to life in prison.

But federal prosecutors backed down and agreed to recall grand jury subpoenas if Epstein pleaded guilty to prostitution-related felonies in state court, which he ultimately did. He received an 18-month jail sentence, of which he served 13 months.

The U.S. Attorney’s Office also agreed not to charge any of Epstein’s possible co-conspirators: Sarah Kellen, Adriana Ross, Lesley Groff and Nadia Marcinkova.

The deal was negotiated in part by heavyweight New York criminal defense attorney Gerald Lefcourt.

Unsealed on Friday after attorneys for some of Epstein’s victims and The Palm Beach Post sought its release, it offers the first public look at the deal Epstein’s high-powered legal counsel brokered on his behalf.

Mark Johnson of Stuart, a former federal prosecutor, described the disparity in potential sentences as unusual, but even more so a provision on attorney payment.

The first draft of the agreement in September 2007 required that Epstein pay an attorney -- tapped by the U.S. Attorney's Office and approved by Epstein -- to represent some of the victims. That attorney is prominent Miami lawyer Bob Josefsberg.

But an addendum to the agreement signed the following month struck Epstein's duty to pay Josefsberg if he and the victims did not accept settlements -- capped at \$150,000 -- and instead pursued lawsuits.

Johnson said it appears the government was trying to balance the lesser sentence for Epstein with recovering \$150,000 for each victim. "I've never, ever seen anything like that in my life," he said. "It's highly unusual."

The deal does not say whether any victims were contacted or consulted before the deal was made.

Attorney Brad Edwards of Fort Lauderdale, who represents three of the young women, believes that none of the 30 to 40 women identified as victims in the federal investigation were told ahead of time. Edwards said his clients received letters from the U.S. Attorney's Office months after the deal was signed, assuring them Epstein would be prosecuted.

"Never consulting the victims is probably the most outrageous aspect of it," Edwards said. "It taught them that someone with money can buy his way out of anything. It's outrageous and embarrassing for United States Attorney's Office and the State Attorney's Office."

Epstein now faces many civil lawsuits filed by the women, who are represented by a variety of attorneys. In many, the allegations are the same: that Epstein had a predilection for teenage girls, identified poor, vulnerable ones and used

other young women to lure them to his Palm Beach mansion. They walked away with between \$200 and \$1,000.

Former Circuit Judge Bill Berger, also representing victims, called the agreement a "sweetheart deal."

"Why was it so important for the government to make this deal?" Berger asked rhetorically. "We have not yet had an honest explanation by any public official as to why it was made ... and why the victims were sold down the river."

Former federal prosecutor Ryon McCabe described the agreement as "very unorthodox." Such agreements, he said, are usually reserved for corporations, not individuals.

"It's very, very rare. I've never seen or heard of the procedure that was set up here," said McCabe, who has no involvement in any Epstein litigation.

"He's essentially avoiding federal prosecution because he can afford to pay that many lawyers to help those victims review their cases. ... If a person has no money, he couldn't be able to strike a deal like this and avoid federal prosecution."

The backroom deal with federal prosecutors is all the more interesting in light of the legal powerhouses who have worked for Epstein, including Harvard professor Alan Dershowitz and Bill Clinton investigator Kenneth Starr. Lefcourt is a past president of the National Association of Criminal Defense Lawyers.

Epstein's local defense attorney, Jack Goldberger, issued a statement Friday saying he had fought the release of the sealed agreement to protect the third parties named there. "Mr. Epstein has fully abided by all of its terms and conditions. He is looking forward to putting this difficult period in his life behind him. He is continuing his long-standing history of science philanthropy."

The investigation triggered tensions between police and prosecutors, with then-Palm Beach Chief Michael Reiter saying in a May 2006 letter to then-State Attorney Barry Krischer that the chief prosecutor should disqualify himself.

"I continue to find your office's treatment of these cases highly unusual," Reiter wrote. He then asked for and got the federal investigation that ended in the sealed deal.

"The Jeffrey Epstein matter was an experience of what a many-million-dollar defense can accomplish," Reiter told the Palm Beach Daily News upon his retirement.

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Source: By JANE MUSGRAVE Palm Beach Post Staff Writer

Dateline: WEST PALM BEACH

JUDGE RULES EPSTEIN ATTORNEYS CAN SUBPOENA ABORTION RECORDS

In a decision that could spark a constitutional showdown over privacy rights, a judge Tuesday gave lawyers representing multimillionaire sex offender Jeffrey Epstein the right to subpoena abortion records from women who are seeking millions in damages from the part-time Palm Beach resident.

Palm Beach County Circuit Judge Donald Hafele said the records could help Epstein rebut the women's claims that they suffered psychological ills after being paid to give him sexually-charged massages at his Palm Beach mansion when they were as young as 14. Hafele told Epstein's attorneys they couldn't go on a fishing expedition. The medical records, he said, can't be sought until the women are asked whether they have ever had an abortion, how many and where. Further, he said, the records would not be made public and might not be admissible during trial.

But, he said, since the women claim Epstein, now 57, is responsible for their emotional distress, his attorneys can explore the impact of other events. Medical records, Hafele said, are a better source of information than a person's memory.

Attorney Louis Silver, who represents the Presidential Women's Health Center, a West Palm Beach clinic where abortions are performed, warned Hafele that he was stepping on shaky constitutional grounds.

"These records are protected by our constitutional right of privacy," he said, referring to the Florida Constitution.

After the hearing, Silver said an appeal won't be necessary until Epstein attorneys seek the records.

In another ruling Wednesday, Hafele also said that videos from depositions in the state cases can't be released without a court order. The ruling came after Epstein attorney Robert Critton complained that a video of Epstein being asked whether he had an "egg-shaped" penis became a youtube.com sensation. It first appeared on The Palm Beach Post Web site. Critton blamed attorney Spencer Kuvin for releasing it. Kuvin said it was public record. The civil suits began mounting after Epstein agreed to plead guilty to two state charges: procuring a minor for prostitution and soliciting prostitution. He served 13 months of an 18-month sentence. As part of the deal brokered with federal prosecutors, he agreed not to contest the accusations in the civil lawsuits. He can argue the women don't deserve the millions they are seeking.

[~jane_musgrave@pbpost.com](mailto:jane_musgrave@pbpost.com)

The Palm Beach Post

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Epstein Journal's Findings Could Resurrect Case

By **Jane Musgrave**

Posted Sep 17, 2019 at 12:01 AM

Updated Oct 1, 2019 at 10:51 AM

(**EDITOR'S NOTE:** This story originally published in *The Palm Beach Post* on March 20, 2010)

A purloined journal that is said to contain the names of "hundreds" of victims of convicted sex offender Jeffrey Epstein could be used to reopen the investigation into the multi-millionaire's appetite for teenage girls, an attorney representing seven of the victims said Friday.

New details about the contents of the journal were released this week when Alfredo Rodriguez, who worked as a property manager for the Palm Beach resident, pleaded guilty to obstruction of justice for lying to federal agents when asked if he had any information about his former boss' criminal activity. He later tried to sell the journal he stole from Epstein for \$50,000 to an unidentified person, who alerted authorities, according to court records.

As part of the plea agreement, federal prosecutors said the journal "contains information material to the Epstein investigation, including the names of material witnesses and additional victims."

"Had the items been produced in response to the inquiries of state or federal authorities ... the materials would have been presented to the federal grand jury," federal prosecutors wrote.

Instead, prosecutors short-circuited the grand jury investigation and cut a deal with Epstein. They agreed not to pursue federal charges if he didn't contest prostitution-related felonies in state court. The money manager pleaded guilty in July 2008 to procuring a minor for prostitution and soliciting prostitution. He served 13 months of an 18-month sentence.

Attorney Adam Horowitz, who represents seven of the roughly 18 women who have filed civil suits against Epstein, said the new information could trump the so-called non-prosecution agreement.

The multifaceted agreement, he said, deals only with a specific list of victims that the U.S. Attorney's Office knew about when it penned the deal in 2007. If additional victims are listed in the journal Rodriguez stole, Horowitz said federal prosecutors could reopen the investigation.

"It opens the door for further prosecution," he said.

In addition to turning over the journal to federal agents, Rodriguez told them he knew his former boss was having sex with underage girls when he worked for him in 2004 and 2005. He had seen naked girls, who looked like minors, in the pool of Epstein's \$8.6 million mansion. He had seen pornographic images of young girls on Epstein's computer, according to court records.

Neither Epstein's criminal defense attorney, Jack Goldberger, nor attorney Robert Critton, who represents Epstein in the civil lawsuits, could be reached. Federal prosecutors have consistently declined comment.

The wording of the controversial agreement is unclear. It says federal prosecutors would provide Epstein's attorneys "with a list of individuals whom it has identified as victims." Miami attorney Robert Josefsberg was appointed to

represent any of the victims on the list who wanted to pursue Epstein in civil court. As part of the agreement, Epstein is to pay for Josefsberg to represent the women.

Some of the women, most identified as Jane Doe in lawsuits, had already hired attorneys to represent them. Some have since settled their suits with Epstein, although terms were not disclosed.

Horowitz said he has filed court papers to get the journal that Rodriguez stole. "It's another piece of evidence that shows our clients were at Epstein's mansion," he said.

Rodriguez told prosecutors he didn't turn over the journal when both FBI and Palm Beach police asked for it because he wanted money for it. He also said he was afraid Epstein would make him "disappear." The information, he told investigators, was his "insurance policy."

He faces a maximum 20 years in prison when he is sentenced on June 18.

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The Palm Beach Post

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Epstein paid three women \$5.5 million to end underage-sex lawsuits

By Jane Musgrave

Posted Oct 3, 2017 at 12:01 AM

Updated Oct 4, 2017 at 12:46 AM

Ending years of speculation about how much Palm Beach billionaire Jeffrey Epstein paid young women who claimed he used them as sex toys, court documents filed last week show he shelled out \$5.5 million to settle lawsuits with three of more than two dozen teens who sued him.

Responding to requests from Epstein's attorneys in a complex lawsuit that was spawned by the sex scandal, attorney Bradley Edwards said the politically-connected 64-year-old convicted sex offender paid more than \$1 million to each of the three women Edwards represented.

Identified in court papers only by their initials or pseudonyms because of the nature of the allegations and their youthful ages, L.M. was paid \$1 million, E.W. \$2 million and Jane Doe \$2.5 million, Edwards said of the settlements he negotiated with Epstein to end the lawsuits.

Jack Goldberger, one of Epstein's criminal defense attorneys, on Tuesday declined comment on the revelations, citing confidentiality agreements that were part of the settlements. For the same reason, he declined to say whether Epstein paid similar amounts to settle roughly two dozen lawsuits filed by other young women against Epstein, claiming he paid them for sex when some were as young as 14 years old.

Attorney Jack Scarola, who is representing Edwards, said his client was compelled to divulge the confidential settlements to answer questions posed by Epstein's attorneys. "Brilliant move on their part," he said.

Even if Epstein's attorneys hadn't opened the door, Scarola said the information would have likely come out. He says the information will help him undermine Epstein's claims that Edwards "ginned up" the allegations to help his former law partner, imprisoned and disbarred Fort Lauderdale lawyer Scott Rothstein, perpetuate a \$1.2 billion Ponzi scheme.

The revelations of the settlements came as part of an ongoing lawsuit that started as a dispute between Epstein and Rothstein, both billionaires.

A year after Epstein in 2008 pleaded guilty to solicitation of prostitution and procuring a minor for prostitution, he sued Rothstein and Edwards, claiming they trumped up the allegations of sexual molestation to perpetuate the Ponzi scheme.

Rothstein was sentenced to 50 years in prison in 2010 after admitting he had built his wildly successful law firm by forging the names of federal judges and others to persuade investors he had negotiated settlements in lawsuits against high-profile people. Investors were told they could get a cut of the cash.

One of the high-profile people Rothstein used to lure investors was Epstein, according to a lawsuit West Palm Beach attorney Robert Critton filed on Epstein's behalf. According to the lawsuit, Rothstein told investors Epstein, a money manager, had agreed to settle the lawsuits with the teens for \$200 million — a claim Critton described as "a complete fabrication."

After Epstein dropped the lawsuit in 2012, Edwards turned the tables on him. Edwards accused Epstein of filing the lawsuit maliciously to punish him for representing the young women. Although Edwards was a partner in Rothstein's now defunct firm, Scarola claims Epstein had no evidence Edwards was involved in the Ponzi scheme. Federal prosecutors successfully charged other attorneys and members of the firm, but Edwards was never implicated, Scarola said in the malicious prosecution lawsuit.

The revelations about the money Epstein paid to three of the young women came last week in documents filed for a hearing Tuesday in preparation for a December trial on the lawsuit.

Attorney Tonja Haddad Coleman, who represents Epstein, on Tuesday sought a delay of the trial, in part, because she claimed she has been unable to talk to her client since his estate on his private island in the U.S. Virgin Islands was devastated last month by Hurricane Irma. "I've had no ability to communicate with Mr. Epstein," she said.

Pointing out Epstein's enormous wealth and his private jet, Palm Beach County Circuit Judge Donald Hafele rejected her request. While saying he didn't want to appear insensitive to those victimized by the storm that hammered the Caribbean and roared through South Florida, he said Coleman offered no proof, such as an affidavit from Epstein, to shore up her claims.

Still, Hafele gave Coleman extra time to respond to various motions that he will have to decide before the case goes to trial.

Despite Scarola's insistence that Edwards had nothing to do with Rothstein's Ponzi scheme, Coleman said the evidence indicates otherwise. Why else would he try to depose Epstein's well-known friends, such as now President Donald Trump, former President Bill Clinton and illusionist David Copperfield, she asked. He used the celebrities as a draw, she said.

"The Epstein cases were used to fleece money and defraud investors," she said.

Edward's malicious prosecution case has been difficult for both sides because both Epstein and Edwards have refused to answer questions. As he did in the civil lawsuits, Epstein has invoked his Fifth Amendment right against self-incrimination when questioned by Scarola. Edwards has claimed that much of the information Epstein is seeking is protected by attorney-client privilege.

The malicious prosecution lawsuit is one of two hotly-contested lawsuits that continue to pit Edwards against Epstein. Edwards also is suing the U.S. attorney's office, claiming it violated the federal Crime Victims Rights Act when it negotiated a non-prosecution agreement with Epstein.

Only after federal prosecutors agreed to drop their investigation of Epstein, did he agree to plead guilty to two prostitution charges in Palm Beach County Circuit Court. In federal court records, prosecutors claim one of the key reasons they agreed to drop their case was Epstein's agreement to settle lawsuits filed against him by dozens of his underage victims.

Palm Beach Daily News

Judge rules feds' agreement with Jeffrey Epstein pact violated teen victims' rights

By Jane Musgrave

Posted Sep 17, 2019 at 4:02 PM

Updated Oct 8, 2019 at 12:31 PM

(EDITOR'S NOTE: This story originally published in *The Palm Beach Post* on February 22, 2019)

Federal prosecutors violated the rights of Jeffrey Epstein's teenage victims by failing to reveal they had dropped plans to prosecute the billionaire on dozens of federal charges in connection with the girls' claims that he paid them for sex at his Palm Beach mansion, U.S. District Judge Kenneth Marra ruled on Thursday.

In a blistering 33-page ruling, Marra meticulously and methodically detailed the numerous steps federal prosecutors took to hide the agreement from more than 40 young women who claim Epstein paid them for sex when they were as young as 14.

"While the government spent untold hours negotiating the terms and implications of the NPA with Epstein's attorneys, scant information was shared with the victims," Marra wrote. "Instead, the victims were told to be 'patient' while the investigation proceeded."

By then, it was too late. A deal had already been cut with then-South Florida U.S. Attorney Alex Acosta and Epstein's attorneys to shelve a 52-page federal indictment against Epstein, a former math teacher turned money manager who counts Presidents Donald Trump and Bill Clinton among his friends.

Prosecutors' failure to alert the young women about the deal violated the Crime Victims' Rights Act, Marra ruled. "At a bare minimum the (act) required the government to inform (the young women) that it intended to enter into an agreement not to prosecute Epstein," he wrote.

Still, Marra said he wasn't second-guessing prosecutors' decision not to pursue Epstein on federal charges if he pleaded guilty to minor state prostitution charges and agreed to compensate his victims for the trauma he caused.

"The court is not ruling that the decision not to prosecute was improper," Marra wrote. "The court is simply ruling that, under the facts of this case, there was a violation under the CVRA."

Further, he made no decision about what the remedy should be. He gave prosecutors and attorneys representing the young women 15 days to meet to decide how to unravel the complex legal web that has been hanging over Epstein and his young victims for more than a decade.

The chances an accord will be reached are slim, said attorney Jack Scarola, who is representing the two Jane Does who challenged the prosecutors' actions.

Further, he said, there is no road map to follow. The lawsuit attorney Bradley Edwards filed on behalf of the two unidentified young women, claiming prosecutors violated the federal act, is unique, he said.

"We are treading on virgin ground, to use what is probably an inappropriate phrase in this situation," he said.

Scarola said he and Edwards will ask that the non-prosecution agreement be thrown out. That would open the possibility that the long-shelved federal indictment could be dusted off and filed against the 66-year-old Epstein, who spends most of his time on a private island he owns in the U.S. Virgin Islands.

"I don't see the government conceding to that remedy," Scarola admitted. Further, he said, it is likely Epstein will be allowed to weigh in. Miami attorney Roy Black years ago filed papers asking to intervene on Epstein's behalf.

The U.S. Attorney's Office said it wouldn't comment on Marra's ruling. Neither Black nor New York City attorney Jay Lefkowitz, who led efforts to bury the federal indictment, responded to emails or phone calls for comment. West Palm Beach attorney Jack Goldberger, who represents Epstein, also didn't respond.

Scarola said it is likely Epstein's star-studded legal team will argue that Epstein fully complied with the terms of the agreement he made in 2007 with federal prosecutors and therefore the agreement can't be undone.

As he promised, Epstein pleaded guilty in June 2008 to state charges of soliciting a minor for prostitution and soliciting prostitution. He served 13 months of an 18-month jail term in a vacant wing of the county stockade that he was allowed to leave 12 hours a day, six days week.

Further, as agreed, he paid settlements to the young women who sued him. While the settlements were confidential, court records show he paid three women a total of \$5.5 million.

In return, federal prosecutors held up their end of the bargain. Their investigation ceased.

Having done all that prosecutors asked of him, Scarola said Epstein will make a simple argument: "You can't turn around and deprive me of the benefits I bargained for."

However, Scarola said, using Marra's ruling, he will counter that the contract Epstein signed was illegal and therefore unenforceable.

Even if Marra agrees to toss out the non-prosecution agreement, Scarola conceded that doesn't mean Epstein will face federal charges.

"The contract can be set aside and the federal government can attempt to enter into the same agreement," he said. "Except the spotlight of public attention will be on them and the 40 victims will be able to explain to the court why this sweetheart deal should not be approved."

Scarola said that prosecutors may have had good reason not to pursue Epstein. "There may be a reasonable explanation but we don't know what that reason may have been," he said.

In court papers, federal prosecutors have said that many of the young women were afraid to cross the powerful, politically connected money manager and simply refused to testify against him.

In other cases, they said, the women changed their stories. Jane Doe 2, who is trying to have the non-prosecution agreement thrown out, initially described Epstein as "an awesome man" and told prosecutors she hoped "nothing happens" to him. While she later agreed to testify against Epstein, prosecutors said they feared Epstein's attorneys would use her words to destroy her if she ever took the witness stand.

Marra, however, said the young woman's comments didn't mean she wasn't entitled to know about the prosecutors' plans to drop the charges. "There is no dispute that Epstein sexually abused Jane Doe 2 while she was a minor," he wrote. "Therefore, regardless of her comments to the prosecutor, she was a victim."

Before the case is finally resolved, Scarola predicted that "a lot of people are going to have to answer a lot of questions."

In his ruling, Marra detailed what appeared to be a cozy relationship between Acosta, his line prosecutors and Epstein's team of lawyers. His phalanx of lawyers included noted Harvard law professor Alan Dershowitz and Kenneth Starr, the former U.S. solicitor general whose investigation led to the impeachment of President Clinton.

Marra describes an October 2007 breakfast meeting between Acosta, who is now U.S. labor secretary, and Lefkowitz shortly after the non-prosecution agreement was inked.

After the meeting, Lefkowitz sent Acosta a note thanking him for "the commitment you made to me during our October 12 meeting in which you assured me that your Office would not ... contact any of the identified individuals, potential witnesses, or potential civil claimants and their respective counsel in this matter."

Marra quoted an equally pleasant note then-Palm Beach County State Attorney Barry Krischer sent to Assistant U.S. Attorney Marie Villafana, who was the lead prosecutor in Epstein's case. "Glad we could get this worked out for reasons I won't put in writing," Krischer wrote, shortly after the non-prosecution agreement was signed. "After this is resolved I would love to buy you a cup at Starbucks and have a conversation."

Many of the notes that were exchanged dealt with prosecutors' and Epstein's lawyers' shared desire to keep the deal secret from Epstein's accusers. In a September email, Villafana asked Lefkowitz for guidance about what she should reveal. "And can we have a conference call to discuss what I may disclose to the girls regarding the Agreement," she asked.

Such cooperation between prosecutors and defense attorneys is unusual, Marra said. "It was a deviation from the government's standard practice to negotiate with defense counsel about the extent of crime victim notifications," he wrote.

Further, he noted, that when Edwards and his two young clients asked for information, they were repeatedly misled. "The CRVA was designed to protect victims' right and ensure their involvement in the criminal justice process," Marra wrote. "When the government gives information to victims it cannot be misleading."

Ultimately, the terms of the non-prosecution agreement were revealed only after Edwards and attorneys for the press successfully sued to make them public.

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Edition: Final

Section: A Section

Page: 1A

Source: By Jane Musgrave, The Palm Beach Post

Epstein indicted on sex charges Part-time Palm Beacher pleads not guilty to sex trafficking, conspiracy charges in federal court in Manhattan

Dressed in a blue prison jumpsuit, billionaire Jeffrey Epstein on Monday pleaded not guilty to charges accusing him of creating a vast network of girls as young as 14 that he exploited for his sexual pleasure at his homes in Palm Beach and Manhattan.

The 66-year-old money manager's appearance in U.S. District Court in New York City capped more than a decade of recriminations by young women and their attorneys who claimed Epstein used his money and political influence to avoid federal prosecution.

Epstein's attorney Reid Weingarten dismissed the two-count indictment on sex trafficking charges as "essentially a do-over" of allegations that landed Epstein in the Palm Beach County Jail for 13 months more than a decade ago.

However, unlike in 2007 when then-South Florida U.S. Attorney Alex Acosta agreed to shelve a 53-page federal indictment after Epstein agreed to plead guilty to two state prostitution charges, prosecutors in New York indicated they aren't willing to deal. Acosta is now U.S. labor secretary.

"The alleged behavior shocks the conscience," New York City U.S. Attorney Geoffrey Berman said at a

morning news conference. "And while the charged conduct is from a number of years ago, it is still profoundly important to many of the alleged victims, now young women. They deserve their day in court."

At a detention hearing scheduled for Monday, Berman said he will ask a federal judge to keep Epstein behind bars until he is tried on charges of sex trafficking and conspiracy to commit sex trafficking. Epstein paid dozens of young women to give him nude massages that, for most, led to sex, he said.

If convicted of exploiting dozens of young women, including many Palm Beach County girls who were students at Royal Palm Beach High School, Epstein faces a maximum 45-year prison sentence.

Citing Epstein's enormous wealth, his homes in New York, Palm Beach, the U.S. Virgin Islands, New Mexico and Paris and his ownership of two jets, Berman said there are few conditions that could keep Epstein from fleeing to a foreign country to evade prosecution.

"We think he's a significant flight risk," Berman said of the man who ferried Britain's Prince Andrew, actor Kevin Spacey, famed Harvard law professor Alan Dershowitz and former President Bill Clinton on his jet, dubbed the Lolita Express.

Berman's hard-line stance was welcomed by young women who for years have been told that Epstein couldn't be touched because Acosta signed off on the nonprosecution agreement, promising not to charge Epstein in federal court.

Former Palm Beach County resident Virginia Giuffre, who has accused Epstein of turning her into his sex slave and forcing her to have sex with others, including Dershowitz and Prince Andrew, praised Berman. He showed the case is "being taken in a serious way," she told the Associated Press. Dershowitz has vehemently denied Giuffre's claims.

New York prosecutors were able to ignore the controversial nonprosecution agreement because it contained some significant fine print, said former federal Judge Paul Cassell, who for years has fought to get the agreement thrown out. It says only that no charges could be filed against Epstein in South Florida, he said.

Berman agreed. "That agreement only binds, by its terms, only binds the Southern District of Florida," he said. "The Southern District of New York is not bound by that agreement and wasn't a signatory of it."

That means the sordid allegations that have been leveled at Epstein for years are now part of a federal indictment.

Contrary to Epstein's claims, he knew the women who came to his homes in New York and Palm Beach were minors because they told him their ages, according to the indictment.

Epstein preyed on young girls because he knew they were "vulnerable to exploitation," prosecutors added.

As part of a carefully orchestrated sex ring, Epstein or his associates would call girls while he was in New York so they would be available for sex once he returned to Palm Beach, the indictment says. The employees weren't named. They were identified only as "Employee-1," "Employee-2" and "Employee-3."

To ensure he had a steady stream of young girls, Epstein would turn some victims into recruiters. He would pay them to bring new girls to his home on El Brillo Way along the Intracoastal Waterway in Palm Beach or to his palatial townhouse on New York's Upper East Side.

"This allowed Epstein to create an ever-expanding web of new victims," Berman said.

In both New York and Palm Beach, the lurid operation was similar. Unidentified employees of Epstein's would escort the teens into a room. They were told to take off all or most of their clothes before giving the naked billionaire massages, according to the indictment.

"Epstein would also typically masturbate during these encounters, ask victims to touch him while he masturbated, and touch victims' genitals with his hands or with sex toys," the indictment says.

As part of the criminal complaint, prosecutors are asking that Epstein be forced to turn over his multimillion-dollar townhouse on East 71st Street. The complaint does not seek forfeiture of Epstein's house in Palm Beach.

While heartened that Epstein now faces serious criminal charges in New York, Cassell said he would continue to push a West Palm Beach-based federal judge to throw out the nonprosecution agreement that Acosta forged with Epstein's star-studded legal team.

U.S. District Judge Kenneth Marra has already ruled that Acosta violated the federal Crime Victims' Rights Act by not telling Epstein's victims about the agreement before it was inked. Coincidentally, Cassell and Epstein attorney Roy Black had to file papers by midnight Monday, explaining what action Marra should take to redress that wrong.

Cassell insisted Epstein should face charges in federal court in West Palm Beach. "Florida victims deserve justice in Florida," said Cassell, who is working on behalf of Epstein's victims with attorneys Bradley Edwards and Jack Scarola.

Since it's likely Florida women will get to testify against Epstein in New York, Scarola said, he's not focused on whether Epstein will face charges here. Instead, he said he wants to know how and why the agreement was reached.

"There's been no explanation as to how a deal like this could have been cut and how the federal government could have been involved in a conspiracy to violate federal law," Scarola said of his interest in continuing the legal battle over the nonprosecution agreement.

When Acosta agreed to drop the federal investigation, Epstein in 2008 pleaded guilty to two prostitution charges and served 13 months of an 18-month sentence in a vacant wing of the Palm Beach County Jail - a cell he was allowed to leave 12 hours a day, six days a week. He was also forced to register as a sex offender and settle civil lawsuits more than 30 young women filed against him.

U.S. Rep. Lois Frankel, D-West Palm Beach, said she shares Scarola's interest in finding out how the agreement came to be. "I am especially more interested in why Epstein got the deal he got," Frankel said. "We need to know why he was given such an easy sentence."

While she has asked the House Oversight Committee to investigate Acosta, Frankel said she is not sure that will happen. "It just seems to me it was a travesty that this guy got off the way he did and, without pre-judging it, let's have a proper court case," Frankel said.

Former Palm Beach Police Chief Michael Reiter was inflamed in 2006 when then-State Attorney Barry Krischer refused to charge Epstein with serious crimes. Reiter took the information his officers had gathered from dozens of Epstein's victims to Acosta, believing he would prosecute Epstein. He didn't.

Reiter said he was heartened that 13 years later, Epstein will finally face justice.

"Thankfully, U. S. Attorney Berman and the other authorities in New York have the good judgment to investigate and prosecute Epstein in the way that should have occurred in Florida over a decade ago," Reiter said in a statement.

And, Scarola said, there are signals that Berman's investigation is far from over. Berman declined to answer questions about whether others, such as Epstein's high-powered friends, would be charged. He brushed off questions about the significance that the investigation was being handled by the Public Corruption Unit.

While agents on Saturday were arresting Epstein aboard his private jet at the Teterboro Airport in New Jersey after returning from Paris, other officers were searching his New York City townhouse. Agents seized nude photos of young girls who appeared to be minors, Berman said.

He said his focus was on finding more women who were exploited and abused by Epstein. Turning to a poster, detailing the charges that had been filed against Epstein, he pointed a finger at a photo of the convicted sex offender who was once described as "a man of mystery."

"If you believe you are a victim of this man, Jeffrey Epstein, we want to hear from you," Berman said. A special number, 1-800-CALLFBI, will link victims of authorities.

Bill Sweeney, assistant director of the FBI's New York office, said after years of being ignored by federal agents, the victims' voices will be heard.

"The Jeffrey Epstein matter is No. 1 on the major case list in the country," Sweeney said. Turning to address Epstein's victims directly, he said: "Your bravery may empower others to speak out against crimes against them."

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CA/Aronberg-001076

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Appendix 13

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IN THE CIRCUIT COURT
IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO.: 50-2019-CA-014681
CIRCUIT CIVIL DIVISION: "AG"

CA FLORIDA HOLDINGS LLC PUBLISHER
OF THE PALM BEACH POST,

Plaintiff/Petitioner

-v/s-

DAVE ARONBERG,
SHARON R. BOCK,

Defendant/Respondents.

HEARING BEFORE THE HONORABLE KRISTA MARX
(ZOOM CONFERENCE)

Wednesday, June 3, 2020
10:08 a.m. - 10:28 a.m.

REMOTE ZOOM CONFERENCE
Port Saint Lucie, Florida

Stenographically Reported By:
SONJA M. REED
Court Reporter



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PROCEEDINGS

☆☆☆☆☆

3 THE COURT: We are here today for a very
4 limited purpose. I'm sure the attorneys are aware of
5 that, but I just don't want there to be any
6 confusion. We are here on Defendant Dave Aronberg
7 and Defendant Sharon Bock for the Comptroller and the
8 State Attorney's motion to dismiss Count II.

9 You're all acutely aware as the lawyers that
10 this is a question of law. So we're not going to be
11 diving into facts and the Court will not be deciding
12 the merits of this motion this morning. We are
13 simply here for the sole purpose of that motion to
14 dismiss. So I just wanted to make sure that we all
15 stay on track and we're all on that same page.

16 So, Ms. Boyagian, I'll send it to you first,
17 Ma'am. I -- of course, we all know that the Law 101,
18 I must look at the four corners of the motion, which
19 alleges that the State Attorney, David Aronberg, and
20 the clerk and comptroller, Sharon Bock, actually have
21 custody and control of these grand jury proceeding.

22 Whether that is true or not is not for this
23 court to determine because I'm looking simply at the
24 four corners of the complaint. But, not for nothing,
25 I think we all know that they don't have control and



1 custody of the records. But I'm going to assume that
2 it's correct because that's what has been alleged.

3 So what I first want to hear from is the
4 attorney for Florida Holdings with regard to,
5 assuming arguendo, that Florida Statute 905.27 does
6 create a cause of action, what relief is it that
7 you're seeking from -- in Count II, specifically.
8 Not the dec action. We're not here on that today --
9 what is it you hope to get, a judgment?

10 MS. BOYAGIAN: Thank you, your Honor. Good
11 morning, and thank you for the privilege of appearing
12 before this court.

13 The relief we are seeking is disclosure of the
14 grand jury records, pursuant to the Furtherance of
15 Justice Exception to 905.27. And under the First
16 Amendment.

17 The press, as your Honor is aware, has a right
18 of access under the First Amendment as a surrogate of
19 the public --

20 THE COURT: Let me just stop you for a minute.
21 I'd like you to answer my specific question.

22 So I am not particularly convinced -- and I'd
23 like for you to address that. So we're not going to
24 dive into facts or the press's standing because
25 that's not something we're here to discuss today.



1 And I have read the voluminous paperwork --
2 I've received paperwork as -- and -- five minute ago
3 from some of the other parties. But I deeply
4 appreciate the fact that you sent this to me so much
5 in advance and I have been able to spend some time
6 with, as I said, the voluminous paperwork that was
7 provided.

8 But as you know, Ma'am, we are here for such an
9 extremely limited issue today, and that their motion
10 to dismiss where they state "you're suing the wrong
11 people"; that the court has these records.

12 And so, more importantly, I want you to address
13 whether Section 905.27 gives you a private cause of
14 action against the state attorney and the clerk.

15 Again, I'm going to assume the facts are true
16 that are asserted in the motion. Whether they are or
17 not -- because I think we can all agree we're not for
18 sure if they ever -- that the state attorney doesn't
19 have these records. So what is it you're seeking in
20 Count II -- not the dec action. I know you want the
21 records. I've got that. But in Count II,
22 specifically, what do you -- what's the relief you're
23 seeking and, more importantly, how under this statute
24 do you get to assert a private action -- a private
25 cause of action against the state attorney and the



1 clerk?

2 MS. BOYAGIAN: Your Honor, we are aware, of
3 course, that there is no expressed private right of
4 action, 905.27. But that does not end the inquiry.

5 As the Florida Supreme Court stated:

6 "Where a statute like 905.27
7 forbids an act which is to Plaintiff's
8 injury, the party injured should have
9 an action."

10 And that's the Smith Piezo case in the volume
11 of materials that we sent you.

12 There's no question here that the denial of the
13 FIRST AMENDMENT right to the press is an injury which
14 gives rise to a right of action.

15 Stated another way, looking at the analysis
16 that the Fischer Metcalf Court looked at, there are
17 three factors in determining whether there is a
18 private right of action where a statute does not
19 expressly provide for one.

20 One is whether the Plaintiff is part of the
21 class for which the statute is intended to protect;
22 second is a legislative history; and the third is the
23 underlying purposes of the statutory scheme.

24 The first factor I already addressed, that the
25 press is part of the class that the statute is



1 intended to benefit, being the surrogate of the
2 public and exercising its first amendment right.

3 The second issue of legislative history and the
4 purpose -- statutory purpose are somewhat related.
5 We were unable to find much legislative history on
6 this issue of a private right of action under the
7 statute.

8 There is nothing that says we intend to create
9 a private action, but there's certainly nothing that
10 says we do not want to create a private right of
11 action.

12 What we do have is that in 1994, the same time
13 that 905.27 was reenacted, a statute that pertains to
14 the secrecy of State Grand Jury -- statewide grand
15 juries was also enacted. That provision, which is
16 905.395, has no exceptions for -- for revealing these
17 records. By contrast, the legislature intentionally
18 enacted 905.27 with the Furtherance of Justice
19 Exception.

20 If the public through the press can't bring a
21 private right of action to enforce that exception or
22 to seek relief under that exception, that
23 intentionally placed exception of furthering justice
24 is essentially rendered hollow --

25 (Speaking simultaneously.)



1 THE COURT: Okay. Pause for a minute.

2 I don't think anybody is saying that there
3 isn't a cause of action or that the press doesn't
4 have standing. That's not what I'm asking you. I'm
5 asking you, how are the clerk and the state attorney
6 the proper defendants?

7 So, you know, nowhere have I said there isn't a
8 cause of action. Clearly there is. I'm puzzled by
9 the procedural posturing of this case naming the
10 state attorney.

11 And, you know, I'm further stymied by the fact
12 that you allege in your complaint that they have --
13 particularly David Aronberg the State Attorney --
14 that he has these records.

15 But I'm going to assume that's true. So I'm
16 not telling you, you don't have a cause of action.
17 I'm just saying, okay, let's run this all the way
18 out. Let's say you win and you get a judgment
19 against the State Attorney Dave Aronberg.

20 What's he supposed to do with it? He can't
21 release the grand jury testimony. He has no
22 authority whatsoever to do that.

23 MS. BOYAGIAN: Well, your Honor, as you stated,
24 this is a motion to dismiss stage, and we are
25 entitled to discovery on the issue of possession,



1 custody, and control. My understanding is that the
2 state attorney has asserted that he does not have
3 possession. It's not my understanding that the clerk
4 has taken that position. So the clerk may indeed be
5 the -- someone who does have possession, custody, and
6 control.

7 In any event, we would submit that the state
8 attorney, even if it does not have actual possession at
9 this time, it might be able to have the power to
10 control or direct the entity or persons who do have
11 control and possession to release those -- to effect
12 the judgment.

13 THE COURT: So let me ask you this: So the
14 clerk is the keeper of the record. But even if you
15 got a judgment against her -- let's say you asserted
16 this cause of action and let's say you win and you
17 get a judgment against the clerk. The clerk cannot
18 release grand jury testimony to you. Only the court
19 can.

20 So really -- all I'm saying to you is I do not
21 understand the way this case was filed or why these
22 are the defendants because it's impossible for them
23 to perform.

24 I mean, I'm going to assume, based on your
25 motion, again, that they do have the records. But we



1 all know -- everyone in the room knows they do not --
2 that only the court -- they're -- they're with a
3 court interpreting. And only the court can release
4 the records.

5 So if you get a judgment against either the
6 state attorney or the clerk, they cannot -- I mean, I
7 guess what you're saying to me is, well, we want to
8 do discovery and we want them to say unequivocally "I
9 have these records" or "I don't have them."

10 And -- I mean, the law is abundantly clear.
11 You cannot do it without a court determining whether,
12 in the furtherance of justice, the release is
13 appropriate.

14 MS. BOYAGIAN: And that is a determination
15 we're asking your Honor to make, and we're asking for
16 an order from your court.

17 THE COURT: When we get to the merits of the
18 case, sure it is. But, again, you're asking me to
19 make that determination and for me to make a
20 determination of whether the grand jury records
21 should be released. And the only thing we're here
22 today about is why should the clerk and the state
23 attorney have to defend a civil action when it's a
24 possibility of performance? They -- even if you were
25 to win and get a judgment against them, they cannot



1 give you what they don't have.

2 So -- I mean, it's as simply as this: Are
3 you -- you just want to engage in some discovery for
4 them to absolutely assert, particularly, the state
5 attorney, "I don't have these records"; look to the
6 rules that say the moment the grand jury's over,
7 they're sealed and they're turned over and they
8 cannot be released without court order?

9 So I'm not addressing the merits or whether you
10 have an exception or you're able to argue that
11 there's an exception in the furtherance of justice.
12 We're not getting there today. I'm simply saying why
13 should these two entities have to defend this lawsuit
14 when even down the road if they win they can't give
15 you what they don't have?

16 MS. BOYAGIAN: As your Honor stated, I'm not
17 sure that's the case with the clerk. That was not in
18 their -- that issue was not stated in their papers.

19 THE COURT: Let me ask you this, then: Do you
20 think, if you got a judgment and I or the court
21 doesn't make the determination that the grand jury
22 records should be released, that the clerk would be
23 able to perform?

24 Would they be able to say "here you go"? I
25 mean, could the clerk just make that unilateral



1 decision "I'm going to release the records, sealed
2 confidential records"?

3 Does she have any authority to do that?

4 MS. BOYAGIAN: My understanding, your Honor, is
5 that 905.27 requires a court order before the records
6 are unsealed.

7 THE COURT: Exactly. Exactly.

8 All right. Let me hear from Mr. Aronberg's
9 attorney, Mr. Wyler.

10 MR. WYLER: Thank you, your Honor. May it
11 please the Court --

12 THE COURT: Good morning, Sir.

13 MR. WYLER: Good morning.

14 Your Honor, I just wanted to let you know that
15 I spoke with counsel for the clerk, Ms. Fingerhut, a
16 couple of days before this hearing, and we decided
17 that I would just make the presentation for both of
18 of us, being that our arguments overlap except for
19 the fact of who this claim -- whether they have the
20 records or not, which, of course, we've said we don't
21 have custody of the records.

22 But, nonetheless, our arguments overlap. The
23 Plaintiff is attempting to assert a cause of action
24 under Section 905.27. That statute settled testimony
25 not to be disclosed exceptions. So it's just



1 explaining exceptions to the disclosure of the grand
2 jury testimony.

3 Our position is that it doesn't set forth a
4 cause of action and that it's impossible for us to
5 perform what they're asking.

6 I know you said you didn't really want to get
7 into the Furthering Justice Exception, but I know
8 that's what they're using as their basis to get to
9 these. But it's our position that the clear
10 unambiguous statutory language, it shows that this
11 disclosure only applies to a civil or criminal case,
12 and that within that civil or criminal --

13 (Speaking simultaneously.)

14 THE COURT: Again, sir -- I'm sorry. As I told
15 Plaintiff's counsel --

16 MR. WYLER: -- can only be used in the defense
17 for --

18 THE COURT: Okay. We're not there. We're not
19 discussing the merits of the case, and -- I'm not
20 ready to cross that bridge. I'm here for a very,
21 very limited hearing today.

22 So just as I stopped Plaintiff's counsel from
23 arguing the merits of the case and whether or not the
24 Furtherance of Justice Exception will apply in this
25 instance, we're not even there yet.



1 I'm only here for the purpose of determining
2 whether or not the clerk and state attorney should be
3 dismissed. And I am bound by the four corners of the
4 document, which assert that you do have control and
5 custody over it.

6 So if you'll fashion your argument with regard
7 to that limited purpose, I would appreciate it.

8 MR. WYLER: No problem, your Honor. I
9 apologize.

10 Within the four corners of their complaint, our
11 position is that they failed to state a cause of
12 action under 905.27. It does not provide for -- it
13 doesn't list that there's no element that they have
14 adequately pled to assert a cause of action under
15 that. There's -- and the only thing they're asking
16 for is records that we don't have.

17 There's really not much more to it, your Honor.
18 And we would ask that you would grant our motion to
19 dismiss for failure to state a cause of action.

20 THE COURT: Okay. Ms. Fingerhut, are you still
21 on the phone?

22 MS. FINGERHUT: Yes, your Honor.

23 THE COURT: Is there anything you wish to add?

24 MS. FINGERHUT: We agree with the state



1 attorney's position, and we also agree with what the
2 Court has said, that the plain language of the
3 statute, a cause of action doesn't exist. And we
4 really cannot -- we'll be defending something without
5 the four corners. We're simply involved in this
6 action because the clerk is the custodian of the
7 records.

8 THE COURT: Okay. Thank you, Ma'am.

9 Ms. Boyagian, back to you.

10 MS. BOYAGIAN: Your Honor, I'd like to note
11 that in the Butterworth case in which the Supreme
12 Court limited the application 905.27 by saying that a
13 witness can reveal her own testimony and prohibiting
14 that they violate the First Amendment --

15 THE COURT: Say that again, please.

16 MS. BOYAGIAN: In the Supreme Court case, the
17 Butterworth case, in which the Supreme Court ruled
18 that 905.27 can't restrict a Grand Jury witness from
19 revealing her own testimony, that would be a
20 violation of First Amendment, in that case, the state
21 attorney was, in fact, a party.

22 THE COURT: Well, I assume the state attorney
23 that was present -- I mean, I don't find that that's
24 close to what we're talking about here, and that's
25 whether or not -- I mean, as we know, this was in



1 2006. Certainly Dave Aronberg wasn't even the state
2 attorney then. But this is about the release of
3 records.

4 I want to give you ample opportunity -- and
5 again, I sincerely appreciate that all of the case
6 law and the way that it was presented to the Court in
7 such a timely fashion. I really do. And I did spend
8 some time with it. But I want to give you whatever
9 opportunity you want to take to convince me that it
10 is in -- as to Count 2, again. Not the dec action --
11 whether these would be the appropriate defendants.

12 And, you know, really, I want you to boil it
13 down for me as to this -- let's take it all the way
14 down the road. You win. You get a judgment against
15 the clerk and the state attorney.

16 I know there's other reasons why you might have
17 filed it this way. But I'm just simply puzzled
18 because I do hear what the clerk and the state
19 attorney are saying, and that is, performance is
20 impossible. They don't have the records and
21 cannot -- absolutely. There's not even an inch of
22 wiggle room -- that they could release the records
23 even if you got a judgment. It is solely a
24 determination for the court.

25 I, frankly, think, you know, there's ways to



1 get to your records. There's ways to get
2 confidential records. But it isn't by suing the
3 state attorney and the clerk.

4 So I just want to hear your last final argument
5 on how Count II, the appropriate defendants are the
6 clerk and the state attorney. Even assuming arguendo
7 they have the records -- we know they don't -- you
8 were to get a judgment against them, how would you
9 expect them to perform?

10 MS. BOYAGIAN: Two points, your Honor: One is
11 that, again, the clerk did not assert in her papers
12 that she does not have control. That is a position
13 that the State Attorney's Office has asserted. It is
14 our allegation, and as your Honor noted, allegations
15 must be accepted as true -- as true at this stage of
16 the proceedings.

17 Second, it is also our understanding that the
18 state attorney and the clerk intend to block access
19 to these records. So our allegation is that they do
20 have possession, custody, or control, which the clerk
21 has not denied; and second, that they are trying to
22 block access to the records --

23 THE COURT: What do you mean? What do you
24 mean? They're not trying to block it. They're
25 saying that despite the fact -- let's just talk about



1 the clerk, because we all know the state attorney
2 doesn't have it.

3 So the clerk is the custodian of records.
4 That's her main job. There's no doubt about it. We
5 all know that. But we also know, unequivocally --
6 unequivocally, only the court can make the
7 determination of whether the moving party has
8 satisfied that there is an exception that these
9 should be released.

10 So, again, I ask you -- she is, in fact, the
11 custodian of the records -- is it your opinion that
12 if you got a judgment saying clerk and comptroller
13 gets a judgment against them, that she can release
14 the records without the court -- without the court
15 weighing in, without the court making that
16 determination as required by law?

17 MS. BOYAGIAN: No, your Honor. We are asking
18 your Honor to order the clerk to do that under your
19 discretion.

20 THE COURT: All right.

21 Mr. -- Ms. Fingerhut, you wish to be heard on
22 that?

23 MS. FINGERHUT: Your Honor, our position is
24 that we're not trying to block access to the
25 records --



(Speaking simultaneously.)

2 THE COURT: Can you hear? Can the attorneys
3 hear?

4 MS. FINGERHUT: -- custodian the records and
5 that he cannot release the records without court --

6 THE COURT: Exactly.

7 Okay. All right. Anything further, Mr. Wyler?

8 MR. WYLER: No, your Honor. I concur with the
9 attorneys for the clerk's office that it's impossible
10 for us to release these records. There's no intent
11 to hide them or block anything from the Plaintiff.

12 THE COURT: Okay. Anything further,
13 Ms. Fingerhut?

14 MS. FINGERHUT: No, your Honor.

15 THE COURT: And, Ms. Boyagian, anything
16 further, Ma'am?

17 MS. BOYAGIAN: Nothing further, your Honor.

18 THE COURT: Okay. I will get an order out
19 quickly. Thank you, folks so much. And I'll see you
20 on the next round. Thanks a lot.

21 MS. BOYAGIAN: Thank you, your Honor.

22 | MR. WYLER: Thank you, your Honor.

23 (The proceedings concluded at 10:28 a.m.)



CERTIFICATE OF REPORTER

4 I, Sonja M. Reed, Court Reporter, certify that
5 I was authorized to and did stenographically report the
6 foregoing proceedings and that the transcript, pages 1
7 through 19, is a true and complete record of my
8 stenographic notes.

11 Dated this 3rd day of June, 2020.

Sonja M. Reed
Court Reporter

