

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

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

Plaintiff,

v.

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

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

Defendants.

**AMENDED MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT DAVE
ARONBERG'S AMENDED MOTION FOR ATTORNEYS' FEES**

Defendant, DAVE ARONBERG, as State Attorney of Palm Beach County, Florida, (the "State Attorney"), by and through counsel below, hereby submits the following Amended Memorandum of Law in Support of his Amended Motion for Attorneys' Fees, as follows:

TIMELINE & BACKGROUND

1. On November 14, 2019, Plaintiff filed a Complaint against the State Attorney and Clerk seeking to create a private right of action under Fla. Stat. § 905.27, in the interest of "furthering justice", to compel disclosure of the testimony, minutes, and other evidence presented in 2006 to the Palm Beach County grand jury, as to Jeffrey Epstein, (the "Requested Materials"). [Def.Ex.A-1].

2. On November 26, 2019, the State Attorney and his office received an engagement letter and attorney-client contract from the undersigned, which was later executed. [Def.Ex.A-2].

Party JOINT

ID# J29 EV# J29
DATE ADMITTED: 9/6/2022

Case No. 2019-CA-014681
JOSEPH ABRUZZO CLERK
CIRCUIT COURT

Joint Exhibit

J29

3. On December 6, 2019, the State Attorney filed his Motion to Dismiss, which put Plaintiff on notice that "*Defendant Aronberg is not in custody or control of the [Requested Materials] and is therefore not a proper party to this action.*" [Def.Ex.A-3].

4. On January 17, 2020, Plaintiff filed its First Amended Complaint, which in addition to its original claim under § 905.27 Fla. Stat., ("Count II"), added a claim for Declaratory Relief, ("Count I"), that sought an order declaring that the State Attorney and the Clerk disclose and release the Requested Materials. [Def.Ex.A-4].

5. On January 24, 2020, the State Attorney filed an Answer to Count I of the First Amended Complaint and a Motion to Dismiss Count II, which again notified Plaintiff that:

Defendant Aronberg and the Office of the State Attorney for the Fifteenth Judicial Circuit are not in custody or control of the records sought herein, and therefore Defendant Aronberg is not a proper party to this action. In fact, Defendant, Sharon R. Bock, as Clerk and Comptroller of Palm Beach County, Florida, admits that it is the custodian in possession of the documents that are the subject of this action.

[Def.Ex.A-5, p. 12].

6. On June 3, 2020, Chief Judge Marx held a hearing on the State Attorney's and Clerk's Motions to Dismiss Count II. [Def.Ex.A-6].

7. On June 8, 2020, the Court entered its Order Granting Defendants' Motions to Dismiss Count II of Plaintiff's First Amended Complaint with Prejudice, leaving only Plaintiff's Count I seeking declaratory relief. [Def.Ex.A-7].

8. Immediately thereafter, Plaintiff was served with a demand, pursuant to § 57.105 Fla. Stat., to voluntarily dismiss/withdraw the First Amended Complaint and the claims against the State Attorney, along with a Motion for Attorneys' Fees ("§ 57.105 Demand"). [Def.Ex.A-8].

9. In serving his § 57.105 Demand, the State Attorney properly put Plaintiff on notice that he would seek sanctions by filing the § 57.105 Motion for Attorneys' Fees if Plaintiff failed to dismiss the remainder of the First Amended Complaint within 21 days.

10. On June 23, 2020, Plaintiff's counsel sent a response to the § 57.105 Demand refusing to withdraw the remainder of the First Amended Complaint. [Def.Ex.A-9].

11. After receiving Plaintiff's response and waiting the requisite "21 days after service of the motion," the State Attorney's § 57.105 Motion for Attorneys' Fees was filed with the Court on July 1, 2020, ("First Motion for Attorneys' Fees"). [Def.Ex.A-10].

12. On August 18, 2020, the State Attorney filed his Motion for Summary Judgment, [Def.Ex.A-11], which includes an Affidavit made by the State Attorney. [Def.Ex.A-12].

13. On October 21, 2020, Plaintiff filed its Notice of Dropping the State Attorney, pursuant to Rule 1.250(b), Fla.R.Civ.P. [Def.Ex.A-13].

14. On November 9, 2020, the State Attorney filed his Amended Motion for Attorneys' Fees, ("Amended Motion"), pursuant to § 57.105, Fla. Stat., seeking attorneys' fees in the amount of \$19,975.00, plus a multiplier of 2. [Def.Ex.A-14].

I. LEGAL STANDARD

As follows, Florida Statutes § 57.105(1) authorizes awards of attorneys' fees as sanctions:

(1) Upon the court's initiative or motion of any party, *the court shall award a reasonable attorney's fee*, including prejudgment interest, to be paid to the prevailing party in equal amounts by the losing party and the losing party's attorney *on any claim or defense at any time during a civil proceeding or action in which the court finds that the losing party or the losing party's attorney knew or should have known that a claim or defense when initially presented to the court or at any time before trial*:

- (a) Was not supported by the material facts necessary to establish the claim or defense; or
- (b) Would not be supported by the application of then-existing law to those material facts.

“Section 57.105 does not require a finding of frivolousness to justify sanctions, but only a finding that the claim lacked a basis in fact or law” and “does not require a party to show complete absence of a justiciable issue of fact or law.” *Martin County Conservation Alliance v. Martin County*, 73 So. 3d 856, 865 (Fla. 1st DCA 2011) (finding that “Courts are not at liberty to disregard the legislative mandate that courts shall impose sanctions in cases without foundation in material fact or law. The word “shall” in § 57.105, Fla. Stat., evidences the legislative intent to impose a mandatory penalty to discourage baseless claims, by placing a price tag on losing parties who engage in these activities. Section 57.105 expressly states courts “shall” assess attorney’s fees for bringing, or failing to dismiss, baseless claims or defenses.”).

In determining an award of sanctions under § 57.105, the trial court’s findings “must be based on substantial competent evidence” and the trial court “must make an inquiry into what the losing party knew or should have known during the fact-establishment process, both before and after the suit was filed.” *See Trust Mortg., LLC c. Ferlanti*, 193 So. 3d 997 (Fla. 4th DCA 2016).

II. THE STATE ATTORNEY’S AMENDED MOTION IS NEITHER IN VIOLATION OF THE 21-DAY SAFE HARBOR PROVISION IN FLA. STAT. § 57.105(4), NOR WAS THE AMENDED MOTION MOOT UPON FILING.

“Section 57.105(4), Florida Statutes creates an opportunity to avoid the sanction of attorney’s fees by creating a safe period for withdrawal or amendment of meritless allegations and claims.” *Davis v. Bailynson*, 268 So. 3d 762, 769 (Fla. 4th DCA 2019). Specifically, the relevant portion of the Statute states:

A motion by a party seeking sanctions under this section must be served but may not be filed with or presented to the court unless, within 21 days after service of the motion, the challenged paper, claim, defense, contention, allegation, or denial is not withdrawn or appropriately corrected.

Fla. Stat. § 57.105(4). Likewise, “[t]he primary purpose of the safe harbor provision of § 57.105(4), Fla. Stat., is to provide the recipient of a motion for an award of costs and attorney’s

fees with notice and the opportunity to withdraw or abandon a frivolous claim before sanctions are sought.” *MC Liberty Express, Inc. v. All Points Servs.*, 252 So. 3d 397, 404 (Fla. 3d DCA 2018).

Here, Plaintiff contends that the State Attorney “did not serve his Amended Motion at any time before filing it, and thus failed to comply with the 21-day notice provision....” [See, Plaintiff’s Memorandum of Law in Response to Amended Motion for Attorneys’ Fees, p.6.]. Plaintiff claims that for this reason the Amended Motion should be denied and cites in support, *Lago v. Kame By Design, LLC*, 120 So. 3d 73, 75 (Fla. 4th DCA 2013) (holding that “if a party files a subsequent or amended motion for sanctions under section 57.105 and raises an argument that was not raised in the original motion for section 57.105 sanctions, the subsequent motion must independently comply with the twenty-one-day ‘safe harbor’ provision of Section 57.105(4).”).

The instant case is distinguishable from *Lago*¹. In *Lago*, because the case was still active when the plaintiff’s amended motion for attorneys’ fees was filed and was not served on the defendant in compliance with the 21-day safe harbor provision before it was filed with the court, pursuant to § 57.105, the defendant was entitled to notice and an opportunity to change its position and withdraw its offending motion before being subject to sanctions.

Here, despite Plaintiff’s decision to drop the State Attorney as a party, the Florida Rules of Civil Procedure and the courts of Florida are clear: Because Rule 1.250 specifies that a party is dropped “in the manner provided for voluntary dismissal in Rule 1.420(a)(1),” dropping a party therefore “operates as an adjudication on the merits.” See, *Siboni v. Allen*, 52 So. 3d 779, 781 (Fla. 5th DCA 2010); Rule 1.420(a)(1) Fla. R. Civ. P. Notably, Plaintiff admits that “the entire

¹ Notably, the court in *Lago v. Kame By Design, LLC*, 120 So. 3d 73, 75 (Fla. 4th DCA 2013), despite finding that the plaintiff’s amended motion for attorneys’ fees was improper, the trial court was instructed to rule as to the plaintiff’s original motion for attorneys’ fees as it was properly served and filed pursuant to § 57.105, Fla. Stat.

action, which necessarily included Count I [of the First Amended Complaint], was dismissed as to [the State Attorney] on October 21, 2020. [See, Plaintiff's Memorandum of Law in Response to Amended Motion for Attorneys' Fees, p.7.] Nonetheless, as a result of dropping the State Attorney from the case, Plaintiff not only effectively made an admission that its allegations against the State Attorney have no basis in fact or law, but also concluded the case as to the State Attorney and thereby became the losing party in this action.

Consequently, unlike the fact scenario and timeline in *Lago*, because Plaintiff concluded the instant litigation by dropping the State Attorney from the action before the filing of the Amended Motion, it was impossible to give Plaintiff an opportunity to respond and withdraw its Count I of the First Amended Complaint since Plaintiff had already done so, thus there can be no violation of the 21-day safe harbor provision set forth in Fla. Stat. § 57.105(4). Based on the foregoing, the State Attorney's Amended Motion does not violate the 21-day safe harbor provision because Plaintiff dropped him from the action prior to the filing of the Amended Motion, and therefore Plaintiff was not prejudiced by the filing of the Amended Motion. Accordingly, as further set forth below, Plaintiff has exposed itself to § 57.105 attorneys' fees as sanctions for failing to drop the State Attorney as a party within the 21-day safe harbor period.

Additionally, there is nothing improper about the First Motion for Attorneys' Fees or the Amended Motion and no argument or authority has been offered by Plaintiff that would make the Amended Motion moot. In fact, amended motions for attorneys' fees are filed consistently as a matter of course to include the entirety of fees in a lawsuit. Here, the State Attorney's total legal fees were able to be calculated and submitted at the time of filing the Amended Motion.

Finally, despite Plaintiff's assertion that “[a] motion for sanctions must be supported by the record evidence at the time it is filed” [and] “[b]ecause the First Motion was not so supported,

it fails under the [S]tatute”, Plaintiff has failed to provide any supporting authority and there is no statutory requirement or language in § 57.105 that supporting record evidence must exist to properly serve a § 57.105 demand and motion for attorneys’ fees. [See, Plaintiff’s Memorandum of Law in Response to Amended Motion for Attorneys’ Fees, p.8.]. “The central purpose of § 57.105, Fla. Stat., is, and always has been, to deter meritless filings and thus streamline the administration and procedure of the courts.” *Davis v. Bailynson*, 268 So. 3d 762, 769 (Fla. 4th DCA 2019). In this vein, a § 57.105 demand and accompanying motion for attorneys’ fees can be filed at any time after a lawsuit is initiated, even directly in response to the filing of a complaint, regardless of whether any record evidence exists in support of the § 57.105 demand.

Consequently, the foregoing indicates that the State Attorney’s First Motion for Attorney’s Fees, as served and filed, is sufficient under § 57.105 to seek sanctions from Plaintiff for its failure to drop the State Attorney from the instant lawsuit within the 21-day safe harbor provision after being notified why its First Amended Complaint had no basis in fact or law. Furthermore, as set forth at length above, the State Attorney had no obligation to serve his Amended Motion prior to filing it with the Court as Plaintiff had already dropped him from the case when it was filed.

III. THE COMPETENT SUBSTANTIAL EVIDENCE ON THE RECORD SHOWS THAT THERE IS NO ARGUABLE BASIS IN LAW OR FACT FOR THE ISSUES RAISED IN PLAINTIFF’S COUNT I, WHICH NOT ONLY LACK A GOOD FAITH ARGUMENT FOR THE INTERPRETATION OF EXISTING LAW OR ESTABLISHMENT OF A NEW LAW WITH A REASONABLE EXPECTATION OF SUCCESS, BUT ALSO ARE NEITHER NOVEL OR COMPLEX.

Here, Plaintiff relies on § 57.105(3)(a), which sets forth a scenario where sanctions are improper under the Statute:

- 3) Notwithstanding subsections (1) and (2), monetary sanctions may not be awarded:
 - (a) Under paragraph (1)(b) if the court determines that the claim or defense was initially presented to the court as a good faith argument for the extension, modification, or reversal of existing law or the establishment of

new law, as it applied to the material facts, with a reasonable expectation of success.

Notably, the § 57.105(3)(a) defense only applies to demands made under § 57.105(1)(b). Accordingly, Plaintiff's attempt to prevent an award of sanctions here only applies to whether Plaintiff or Plaintiff's attorney "knew or should have known" that the First Amended Complaint "when initially presented to the court or at any time before trial ... (b) would not be supported by the application of then-existing law to those material facts necessary to establish their claim." § 57.105(1)(b), Fla. Stat.

Regarding the disclosure of grand jury materials, Florida Statutes § 905.17(1) makes clear that there is no arguable basis in law that the State Attorney provide the Requested Materials:

The notes, records, and transcriptions are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and shall be released by the clerk only on request by a grand jury for use by the grand jury or on order of the court pursuant to s. 905.27.

Florida Statutes § 905.17(1). Based on the clear language of § 905.17(1), Fla. Stat. there can be no good faith reasonable expectation of success for the State Attorney to produce and disclose the Requested Materials as he lacks the legal authority to obtain and deliver the Requested Materials demanded by Plaintiff in Count I of the First Amended Complaint.

Even if Plaintiff is shielded from § 57.105(1)(b) sanctions based on the § 57.105(3)(a) defense, Plaintiff is nonetheless subject to sanctions under § 57.105(1)(a), because Plaintiff or Plaintiff's attorneys "knew or should have known" that Count I "when initially presented to the court or at any time before trial ... (a) was not supported by the material facts necessary to establish the claim." Fla. Stat. § 57.105(1)(a). Specifically, based on Plaintiff's own research, statutory constructive notice, the State Attorney's affidavit, all of the pleadings and correspondence in this matter as well as through the State Attorney's office press release and social media accounts, and

Chief Judge Marx's statements during the June 3, 2020 hearing, Plaintiff and Plaintiff's attorneys knew or should have known that Count I of the Amended Complaint was not supported by the material facts necessary to establish the claim." See, Fla. Stat. § 57.105(1)(a).

The material facts showing that Plaintiff has no reasonable expectation of success and is unable to establish its claim for declaratory relief have been open, obvious, and apparent to everyone involved in this matter from the start. The State Attorney's position has been consistent: neither he nor his office has possession, custody, or control of the Requested Materials and therefore the declaratory relief sought by Plaintiff seeks materials that are impossible for him or his office to produce and he is not a proper party to this action. [See, Def.Ex.A-12 ¶¶ 3-4]. Again, these material facts negating Plaintiff's declaratory relief claim against the State Attorney were not only set forth in the June 8, 2020, § 57.105 Demand Letter, but have been the basis for the State Attorney's defense in every pleading, filing, and/or correspondence in this matter.

Accordingly, Plaintiff knew or should have known that the First Amended Complaint was not supported by the material facts necessary to establish the claim for declaratory relief. At the very least, Plaintiff should have known that its First Amended Complaint was not supported by the material facts after Judge Marx's statements during the June 3, 2020 hearing on Defendant's Motion to Dismiss Plaintiff's Count II. During that hearing, Chief Judge Marx drew a bright line as to when Plaintiff knew or should have known that Count I of the Amended Complaint had no basis in fact or law since the relief sought thereby is impossible for the State Attorney to perform. Specifically, Chief Judge Marx made several unequivocal statements on the record putting Plaintiff on notice, if they weren't already, that the State Attorney does not have and cannot produce the Requested Materials. [Def.Ex.A-6, pgs. 3:18 – 4:1; 5:17-19; 8:4-22; 10:21 – 11:1; 11:12-15; 16:12 – 17:3; 17:6-9; 17:23 – 18:2].

Additionally, Plaintiff's argument for novelty and complexity fails as to Count I, regardless of Plaintiff's reliance on "Constitutional provisions and interpretive case law, along with Fla. Stat. § 905.27" ... "to propose a good faith interpretation of existing law in support of its declaratory relief claim in Count I." [See, Plaintiff's Memorandum of Law in Response to Amended Motion for Attorneys' Fees, p.10.]. The simple fact of the matter is that Count I is neither novel or complex because Count I merely seeks declaratory relief and the State Attorney's lack of possession, custody, or control in conjunction with § 905.17(1) creates an impossibility of performance as to Count I. Here, § 905.17(1) is abundantly clear that only the Clerk can release grand jury materials pursuant to a court order. The record is likewise clear that not only has the State Attorney never had possession, custody, or control of the Requested Materials, but he also lacks any legal authority to obtain and deliver the Requested Materials.

Thus, there is no arguable "good faith" basis in law and/or fact as to Plaintiff's Count I. Likewise, under no set of facts does Plaintiff have a reasonable expectation of success against the State Attorney in obtaining the Requested Materials because he does not have possession, custody, or control over them. In fact, Plaintiff acknowledged, admitted, and acquiesced to the impossibility of the State Attorney providing the Requested Materials when he was dropped from the action. Consequently, sanctions against Plaintiff are appropriate under § 57.105, Fla. Stat.

CONCLUSION

Based on the foregoing, Defendant, Dave Aronberg, as State Attorney of Palm Beach County, Florida, respectfully requests the Court enter an order granting his Amended Motion for Attorneys' Fees as well as such other and further relief as the Court deems just or proper.

JACOBS SCHOLZ & WYLER, LLC

/s/ Douglas A. Wyler

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of August, 2021, a copy of the foregoing has been electronically filed with the Florida E-File Portal for e-service on all parties of record herein.

/s/ Douglas A. Wyler

Def.Ex.A-1

NOT A CERTIFIED COPY

Filing # 98869063 E-Filed 11/14/2019 11:06:37 AM

IN THE CIRCUIT COURT, 15th
JUDICIAL CIRCUIT, IN AND FOR
PALM BEACH COUNTY, FLORIDA

CASE NO.:

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

Plaintiff,

v.

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

Defendants.

SUMMONS

DEFENDANT: Dave Aronberg, as State Attorney of
 Palm Beach County, Florida
 401 N. Dixie Highway
 West Palm Beach, Florida 33401

A lawsuit has been filed against you. You have 20 calendar days after this summons is served on you to file a written response to the attached Complaint with the Clerk of this Court. A phone call will not protect you. Your written response, including the case number given above and the names of the parties, must be filed if you want the Court to hear your side of the case. If you do not file your response on time, you may lose the case, and your wages, money, and property may thereafter be taken without further warning from the Court. There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book). If you choose to file a written response yourself, at the same time you file your written response to the Court you must also mail or take a copy of your written response to the: Stephen A. Mendelsohn,
Esquire, Greenberg Traurig, P.A., 5100 Town Center Circle, Suite 400, Boca Raton,
Florida 33486, Telephone: (561) 955-7600.

FILED: PALM BEACH COUNTY, FL, SHARON R. BOCK, CLERK, 11/14/2019 11:06:37 AM

THE STATE OF FLORIDA

TO EACH SHERIFF OF THE STATE: You are commanded to serve this Summons and a copy of the Complaint in this lawsuit on the above named Defendant.

DATED on November , 2019 NOV 15 2019



Sharon R. Bock
As Clerk & Comptroller of the Court

By:

A handwritten signature in black ink, appearing to read "DOLLY GARCIA".
Deputy Clerk
DOLLY GARCIA

IMPORTANTE

Usted ha sido demandado legalmente. Tiene 20 Dias, contados a partir del recibo de esta notificación, para contestar la demanda adjunta, por escrito, y presentarla ante este tribunal. Una llamada telefónica no lo protegerá. Si usted desea que el tribunal considere su defensa, debe presentar su respuesta por escrito, incluyendo el numero del caso y los nombres de las partes interesadas. Si usted no contesta la demanda a tiempo, pudiera perder el caso y podría ser despojado de sus ingresos y propiedades, o privado de sus derechos, sin previo aviso del tribunal. Existen otros requisitos legales. Si lo desea, puede usted consultar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a una de las oficinas de asistencia legal que aparecen en la guía telefónica.

Si desea responder a la demanda por su cuenta, al mismo tiempo en que presenta su respuesta ante el tribunal, deberá usted enviar por correo o entregar una copia de su respuesta a la persona denominada abajo como "Plaintiff/Plaintiff's Attorney" (Demandante o Abogado del Demandante).

IMPORTANT

Des poursuites judiciaires ont été entreprises contre vous. Vous avez 20 jours consécutifs à partir de la date de l'assignation de cette citation pour déposer une réponse écrite à la plainte ci-jointe auprès de ce tribunal. Un simple coup de téléphone est insuffisant pour vous protéger. Vous êtes obligé de déposer votre réponse écrite, avec mention du numéro de dossier ci-dessus et du nom des parties nommées ici, si vous souhaitez que le tribunal entende votre cause. Si vous ne déposez pas votre réponse écrite dans le délai requis, vous risquez de perdre la cause ainsi que votre salaire, votre argent, et vos biens peuvent être saisis par la suite, sans aucun préavis ultérieur du tribunal. Il y a d'autres obligations juridiques et vous pouvez requérir les services immédiats d'un avocat. Si vous ne connaissez pas d'avocat, vous pourrez téléphoner à un service de référence d'avocats ou à un bureau d'assistance juridique (figurant à l'annuaire de téléphones).

Si vous choisissez de déposer vous-même une réponse écrite, il vous faudra également, en même temps que cette formalité, faire parvenir ou expédier une copie de votre réponse écrite au "Plaintiff/Plaintiff's Attorney" (Plaignant ou à son avocat) nommé ci-dessous.

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

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

CASE NO.:

Plaintiff,

v.

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

Defendants.

COMPLAINT

CA Florida Holdings, LLC, publisher of *The Palm Beach Post*, for its Complaint against Dave Aronberg, the State Attorney for Palm Beach County, Florida, in his official capacity ("State Attorney"), and Sharon R. Bock, the Clerk of the Court for Palm Beach County, Florida, in her official capacity ("Court Clerk"), alleges as follows:

JURISDICTION

1. This is an action within the exclusive jurisdiction of the Circuit Court pursuant to Fla. Stat. Section 26.012(2)(a).

PARTIES

2. *The Palm Beach Post* is a daily community newspaper published by Plaintiff CA Florida Holdings, LLC, with offices located at 2751 S. Dixie Highway, West Palm Beach, Florida.

3. Defendant Dave Aronberg is the duly elected State Attorney for the Fifteenth Judicial Circuit in and for Palm Beach County, Florida, pursuant to Fla. Stat. Section 27.01 and

has authority in grand jury proceedings pursuant to Fla. Stat. section 27.03. He is sued herein in his official capacity as his office is in possession of documents that are the subject of this action.

4. Defendant Sharon R. Bock is the duly elected Clerk and Comptroller of Palm Beach County, Florida. She is sued herein in her official capacity as her office is in possession of documents that are the subject of this action.

INTRODUCTION

5. In what is now widely if belatedly recognized as a colossal miscarriage of justice – which led to the further needless victimization of countless young girls and women – a wealthy, politically connected, and powerful financier was not held accountable for, nor even forced to confront, allegations of serious sex trafficking crimes. While it is clear that Jeffrey Epstein's 2008 deal with the State of Florida was not consistent with the evidence gathered against him, what remains shrouded in mystery is how that evidence was presented – and the extent to which it was presented – to the grand jury that returned an indictment far more limited in scope than expected and deserved.

6. Through this action, *The Palm Beach Post* seeks public access to the testimony, minutes, and other evidence presented in 2006 to the Palm Beach County grand jury empaneled during the first Epstein sex abuse investigation. Typically, access to such materials is limited, for example, in order to prevent the flight of those whose indictment may be contemplated and their ability to conceal or destroy evidence; to ensure jurors' candor in deliberations; and to protect an accused who is later exonerated. However, these factors are inapplicable here. Also, Florida law expressly authorizes the disclosure of grand jury proceedings under certain circumstances, including, as here, in the furtherance of justice. Fla. Stat. § 905.27(1)(c).

7. It can no longer credibly be maintained that continued blanket secrecy over the proceedings that led to the egregiously flawed 2006 Epstein indictment is warranted under the law.

To the contrary, transparency is required to promote public understanding of the criminal justice system and public confidence in the fair administration of justice. As detailed below, Epstein was accused of sexually abusing and trafficking dozens of women and girls in south Florida (among other locations) over a period of several years while exploiting his wealth and political connections to obstruct the administration of justice at every turn. Public disclosure of the Epstein grand jury proceedings will shed light on the extent to which those in our government entrusted with the solemn responsibility of enforcing our criminal laws equally as to all citizens fulfilled their duties in this instance. Justice will be furthered where it is either (1) demonstrated that Epstein was treated like others accused of similar heinous crimes, or (2) as appears more likely to be the case, those who chose to give Epstein favorable – “unusual,” in the words of the Town of Palm Beach Police Chief – treatment, are exposed and held accountable. From what limited information is now in the public domain, the State Attorney’s referral to the grand jury – which would be out of the ordinary for this type of case – gives rise to a strong inference of favoritism and corresponding disregard for the rights of the minor victims of Epstein’s sex trafficking. Access to the grand jury materials will allow the public to determine whether the grand jury process, and the secrecy that comes with it, was used to further justice or, instead, operated to shield Epstein and his co-conspirators from the consequences of their criminal activities. Accordingly, Fla. Stat. Section 905.27 authorizes the disclosure of Epstein’s 2006 grand jury proceedings.

8. Even in the absence of such a statutory basis, this Court is empowered to order public disclosure pursuant to its inherent authority and supervisory powers over the grand jury. Indeed, courts throughout the country in the past several decades have ordered the disclosure of high-profile grand jury proceedings pursuant to their inherent authority where the public’s interest in those proceedings has outweighed the general need for secrecy. This is particularly so where,

as here, many of the details of Epstein's criminal misdeeds have already been made available in the public domain through extensive news reporting by, among others, *The Palm Beach Post*; by the many civil suits brought against Epstein and his co-conspirators; and by the victims themselves.

9. In recognition of the sensitivity of the materials being sought, and in the interest of protecting any victims who wish to remain anonymous, *The Palm Beach Post* has no objection to copies of the testimony, minutes, and other evidence presented in 2006 to the Palm Beach County grand jury first being submitted to this Court for *in camera* review, where they may be redacted, as appropriate, to protect those who deserve such protection.

FACTUAL BACKGROUND

10. The following facts were gathered, in large part, from documents obtained by *The Palm Beach Post* through various Florida Public Records Law requests, documents unsealed or publicly available in other related judicial proceedings, and information and documents in the public record.

A. First Epstein Sex Crimes Investigation, Indictment, and Plea Agreement: 2005-2008.

11. The investigation into Epstein's sex crimes began more than fourteen years ago, when a 14-year-old girl's stepmother reported to police in the Town of Palm Beach, Florida, that Epstein and others who worked for him arranged for her to give Epstein a "massage." Epstein required the girl to strip, exposed himself, and masturbated while touching her. The girl was paid \$300. Epstein was 52 years old at the time.

12. Following this initial report in 2005, the Town of Palm Beach Police, and later, in 2006, the FBI, investigated Epstein. Interviews under oath with five additional alleged victims and seventeen witnesses revealed that the events described by the 14-year-old girl occurred, with disturbingly similar details, with each of the other victims.

13. Both the victim/witness interviews, as well as evidence retrieved following a search of Epstein's home, showed that some of the girls involved were under the age of 18. The police search of Epstein's residence also found two hidden cameras and, throughout the house, large numbers of nude photos of girls, including victims whom the police had not interviewed in the course of their investigation.

14. In March 2006, a State grand jury was scheduled at which all of the victims were expected to testify. The proceeding was postponed, however, due to meetings between the State Attorney's office and Epstein's prominent criminal defense lawyer and personal friend, Alan Dershowitz.

15. Another grand jury was convened in April 2006, but canceled the day before it was to begin receiving evidence.

(1) Police Chief Reiter's Letter to the State Attorney,

16. On May 1, 2006, Town of Palm Beach Police Chief Michael Reiter wrote a "personal and confidential" letter to then Palm Beach County State Attorney, Barry Krischer, stating:

I must renew my prior observation to you that I continue to find your office's treatment of [the Epstein] cases highly unusual. It is regrettable that I am forced to communicate in this manner, but my most recent telephone calls to you and those of the lead detective to your assigned attorneys have been unanswered and messages remain unreturned. After giving this much thought and consideration, *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.* (Emphasis supplied)

17. Chief Reiter's letter to State Attorney Krischer enclosed the Town of Palm Beach Police Department's probable cause affidavits charging Epstein and two of his assistants with multiple counts of unlawful sex acts with a minor and one count of sexual abuse, and requested

that either an arrest warrant be issued for Epstein or the State Attorney directly initiate the charges against him, which would be public.

(2) The July 2006 State Grand Jury Presentation.

18. Instead, State Attorney Krischer elected to refer the case to a grand jury, which is mandatory for capital cases but rarely used for all other crimes. According to an official spokesperson, this was the first time that a sex crimes case was presented to a grand jury in Palm Beach County.

19. In July 2006, after State Attorney Krischer presented testimony and evidence from *one victim*, the grand jury returned an indictment on a sole count of solicitation of prostitution. There is no mention in the indictment of the victim being a minor.

20. On information and belief, a second of Epstein's victims was supposed to testify before the grand jury, but was unable to attend because of a school exam.

21. No reasonable explanation has been provided as to why the numerous other known victims were not presented as witnesses and crime victims to the grand jury convened in July 2006. Nor has any reasonable explanation been provided as to why State Attorney Krischer, who was initially eager to investigate and prosecute Epstein for his crimes, over time lost the desire to do so.

22. On information and belief, during the grand jury appearance of the single victim who testified, the State Attorney presented evidence that vilified the victim and attacked her credibility, including soliciting testimony regarding underage drinking and questionable personal behavior that was unrelated to the charges against Epstein. Further upon information and belief, this information was initially brought to the attention of the State Attorney's office by Epstein's defense counsel.

(3) The FBI's Investigation and Epstein's Non-Prosecution Agreement With Federal Authorities.

23. On information and belief, following the deficient July 2006 indictment, and with Chief Reiter's encouragement, the FBI began its own investigation of Epstein.

24. Records unsealed in 2015 revealed that the FBI compiled reports on "34 confirmed minors" that were victims of Epstein's sexual predations. Based on evidence gathered by the FBI, a 53-page indictment was prepared by the U.S. Attorney's Office in June 2007. However, at the request of Epstein's lawyers, the indictment was never presented to a federal grand jury.

25. Instead, then U.S. Attorney for the Southern District of Florida, Alexander Acosta, negotiated a plea deal with Epstein's team of lawyers to grant immunity to Epstein (along with four named co-conspirators and any unnamed potential co-conspirators) from all federal criminal charges.

26. Throughout the remainder of 2007 and through the first half of 2008, Epstein's lawyers and the U.S. Attorney continued negotiating the plea arrangement. Upon information and belief, Epstein's lawyers insisted that (1) the victims not be notified, (2) the deal be kept confidential and under seal, and (3) all grand jury subpoenas (including one that had already been issued for Epstein's computers) be withdrawn.

27. On June 30, 2008, Epstein pled guilty to State charges: one count of solicitation of prostitution and one count of solicitation of prostitution with a minor under the age of 18. He was sentenced to 18 months in jail, followed by a year of community control or house arrest, and was adjudicated as a convicted sex offender required to register twice a year in Florida.

28. The plea deal, called a non-prosecution agreement ("NPA"), allowed Epstein to receive immunity from federal sex-trafficking charges that could have sent him to prison for life.

On information and belief, based on public records, former State Attorney Krischer communicated with then U.S. Attorney Acosta concerning the NPA's negotiation with Epstein's lawyers.

29. Indeed, Epstein was not incarcerated in a Florida prison for the State crimes for which he was convicted. Instead, he was placed in a private wing of the Palm Beach County Stockade, where, after 3 1/2 months, he was allowed to leave the jail on "work release" for up to 12 hours a day, 6 days a week. His private driver provided his transportation to and from "work."

30. Epstein was released five months early.

31. Upon information and belief, Epstein violated the terms of his probation, but was not prosecuted.

(4) The Crime Victims' Rights Act Litigation.

32. Epstein's victims only learned after the fact about his plea in State court and filed an emergency petition to force federal prosecutors to comply with the Crime Victims' Rights Act (18 U.S.C. § 3771, "CVRA"), which mandates certain rights for crime victims, including the right to be informed about plea agreements and the right to appear at sentencing. U.S. District Judge Kenneth A. Marra recently ruled that federal prosecutors violated the CVRA by failing to notify Epstein's victims before allowing him to plead guilty to only the two State offenses.

33. The prosecution's failure to keep the victims apprised, among other things, also contravenes the Florida Constitution, Article 1, § 16(b) and Fla. Stat. § 960.001.

34. Following publicity exposing the extraordinary leniency of the plea deal, dozens of civil suits were brought against Epstein, most of which Epstein's lawyers settled out-of-court.

35. In 2010, Epstein was registered as a "level three" (*i.e.*, high risk of repeat offense) sex offender in New York, a lifelong designation. In 2011, the New York County District Attorney's office unsuccessfully sought to lower his registration to low-risk "level one."

36. Upon information and belief, during the course of the Town of Palm Beach and FBI investigations, Epstein retained private investigators to follow, harass, and photograph his victims and their families, as well as Chief Reiter and the Town of Palm Beach detective who investigated the case against Epstein.

37. Upon information and belief, Epstein's victims were threatened against cooperating with law enforcement and told that they would be compensated only if they did not cooperate with law enforcement.

B. Second Epstein Sex Crimes Investigation, Indictment, Suicide: 2019.

38. On July 6, 2019, Epstein was arrested on federal sex trafficking charges.

39. Upon information and belief, the United States government's investigation of new allegations and charges stemmed, in part, from continued press investigations into and reporting on the mishandling of the 2006 charges and the civil suits that followed.

40. In a July 8, 2019, letter to the federal district court by the U.S. Attorney for the Southern District of New York, Epstein was described as "a serial sexual predator who preyed on dozens of minor girls over a period of years." The letter emphasized that "the Government has real concerns – grounded in past experience with this defendant – that if allowed to remain out on bail, the defendant could attempt to pressure and intimidate witnesses and potential witnesses in this case, including victims and their families, and otherwise attempt to obstruct justice." It also described the results of the FBI's search of Epstein's Manhattan townhouse: evidence of sex trafficking in the form of "hundreds – and perhaps thousands – of sexually suggestive photographs of fully- or partially-nude females," including underage females. In a locked safe, compact discs were found with handwritten labels including the descriptions: "Young [Name] + [Name]," "Misc nudes 1," and "Girl pics nude."

41. On July 8, 2019, prosecutors with the Public Corruption Unit of the U.S. Attorney's office for the Southern District of New York charged Epstein with sex trafficking and conspiracy to traffic minors for sex. The grand jury indictment alleges that "dozens" of underage girls were brought into Epstein's mansions for sexual encounters. A few days later, owing to public outcry over the NPA with Epstein entered into by the U.S. Attorney for the Southern District of Florida, Alexander Acosta, who by then was serving as U.S. Secretary of Labor in the Trump administration, resigned from office.

42. Epstein was denied bail and was placed into pretrial detention at the federal Metropolitan Correction Center in lower Manhattan.

43. On August 10, 2019, Epstein was found dead in his cell at the Metropolitan Correctional Center. His cause of death was determined to be suicide.

C. The August 27, 2019, SDNY Hearing: Epstein's Victims Speak.

44. On account of his death, prosecutors sought to dismiss the indictment against Epstein, while maintaining that they would continue to investigate his co-conspirators.

45. United States Senior District Judge Richard M. Berman ordered a hearing on August 27, 2019, on the prosecutors' decision to dismiss the indictment and allowed victims to speak at the hearing.

46. In the course of the hearing, more than two dozen victims delivered their personal stories of pain, frustration, and sexual abuse at the hands of Epstein. Several victims spoke of violent rape by Epstein. Many more victims were present in the courtroom but did not testify.

47. While some questioned the reasoning behind the court's decision to give the victims voice after Epstein's death, District Judge Berman noted that "a public hearing is [the] preferred vehicle of resolution," emphasizing that "public hearings are exactly what judges do. Hearings promote transparency and they provide the court with insights and information which the court

may not otherwise be aware of.” Indeed, even Epstein’s defense lawyer noted at the hearing that the court “is the institution that most people have confidence in, in these very troubled times.”

48. At the August 27th hearing, the girls, now women, spoke about their “exploitation and coercion,” and to the fact that many of them “were in very vulnerable situations and in extreme poverty, circumstances where [they] didn’t have anyone on [their] side, to speak on [their] behalf....” One victim lamented that “as a victim, [she] never got to see what the agreement was or why the special treatment got approved” in the Florida case years earlier. Another noted how “completely different” the investigators leading to the 2019 federal indictment were from the prosecutors in the Florida case, both in their treatment of her and their investigation of her victimization by Epstein.

49. A former federal judge in attendance at the August 27th hearing emphasized that “transparency is one of the overriding objectives in our criminal justice system.”

50. Nearly all of the victims expressed the conviction that the secrecy that shielded Epstein has caused them “irreparable harm” and that an opportunity to address his criminal wrongdoings, and those of the individuals who enabled his sexual racketeering, would allow for at least some measure of justice to be served after his death. Indeed, one victim stated: “Any efforts made to protect Epstein’s name and legacy send a message to the victims that he wins and that he is untouchable.” Another victim expressed fear that this is a world “where there are predators in power, a world where people can avoid justice if their pockets run deep enough.” In short, the “unusual” treatment Epstein received in Florida in 2006 based on his wealth, social status, and connections severely eroded the public’s faith in the integrity and impartiality of the criminal justice system.

D. The Palm Beach Post's Standing and the Public Interest.

51. Plaintiff, *The Palm Beach Post*, is a community newspaper serving readers in Palm Beach County and the Treasure Coast vicinity.

52. *The Palm Beach Post* has been a Pulitzer Prize winner and nominated as a finalist three other times.

53. Beginning in 2004, *The Palm Beach Post* has extensively investigated and reported on the allegations against, the law enforcement investigation of, and the crimes committed by, Epstein and his co-conspirators. The Newspaper's reportage has included publication of the following articles:

- "The Man Who Had Everything: Jeffrey Epstein Craved Big Homes, Elite Friends and, Investigators Say, Underage Girls," published on August 14, 2006, reporting that: Haley Robson, a local community college student, admitted in a sworn statement to police that "she had taken at least six girls to visit Epstein, all between the ages of 14 and 16;" Palm Beach Police "interviewed five alleged victims and 17 witnesses;" "Dershowitz, the Harvard law professor, traveled to West Palm Beach with information about the girls," including social media discussions about "their use of alcohol and marijuana;" after meeting with Epstein's legal team, "prosecutors postponed their decision to take the case to a grand jury;" Palm Beach Police subsequently "received complaints that two of the victims or their families had been harassed or threatened;" "relations between police and prosecutors were fraying" as the investigation continued; and "one girl who was subpoenaed – the one who said she had sexual intercourse with Epstein – never showed up" to testify before the grand jury.
- "Trump Snags Gosman Estate for \$41 Million" published on November 16, 2004, reporting on the bidding war between Donald Trump and Jeffrey Epstein for the purchase of a "43,000-square-foot, seven-bedroom estate on 6 oceanfront acres along the storied 'Raider's Row'" in Palm Beach.
- "Indictment: Billionaire Solicited 3 Times" published on July 25, 2006, reporting that "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." The article further reported that "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."

- “After Long Probe, Billionaire Faces Solicitation Charge” published on July 26, 2006, reporting that “Palm Beach police thought there was probable cause to charge Epstein with unlawful sex acts with a minor and lewd and lascivious molestation.” The article further reported that “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,” and identified a 20-year-old on-the-record female source who 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.”
- “Police Say Lawyer Tried to Discredit Teenage Girls” published on July 29, 2006, reporting that “[f]amed 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” and that “[t]he 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.”
- “Expert: Ignorance of Age Isn’t Defense In Sex Cases” published on August 5, 2006, reporting that “[r]ather than file charges, the state attorney’s office presented the case to a county grand jury” which “indicted Epstein last week on a single, less serious charge of felony solicitation of prostitution,” and that “[t]he case raised eyebrows because the state attorney’s office rarely, if ever, kicks such charges to a grand jury.”
- “Epstein Camp Calls Female Accusers Liars” published on August 8, 2006, reporting that “[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.”
- “Palm Beach Chief Focus of Fire In Epstein Case” published on August 14, 2006, reporting that Chief Reiter “pressed for Epstein to be charged with the more serious crimes of sexual activity with minors” and “slammed State Attorney Barry Krischer in blunt language seldom used by one law enforcement official with another because of what he perceived as that office’s mishandling of the case.”
- “Delays In Epstein Case Unusual, Lawyers Say” published on March 13, 2007, reporting that “[n]early eight months after Palm Beach tycoon Jeffrey Epstein was charged with felony solicitation of prostitution, there has been no discernible progress in his case.”
- “Woman Sues Billionaire Investor, Says They Had Sex When She Was 16” published on October 18, 2007, reporting on a lawsuit brought in New York State court against Epstein “by a young woman who says he had sex with her when she was 16 and had sought his help becoming a model.”
- “Palm Beacher Pleads In Sex Case” published on July 1, 2008, reporting that “Epstein, 55, pleaded guilty . . . to felony solicitation of prostitution and procuring a person under the age of 18 for prostitution,” resulting in “a lifelong obligation to register as a sex

- offender,” and that “[a]s part of the plea deal, federal investigators agreed to drop their investigation of Epstein, which they had taken to a grand jury.”
- “Jeffrey Epstein: Scientist, Stuntman, ‘Sex Slave’ Visit Jailed Tycoon” published on August 13, 2008, reporting that “[d]uring his first month of confinement” Epstein was visited by Sarah Kellen, who allegedly escorted victims “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 Epstein, and by Nadia Marcinkova, “a young woman whom Epstein purportedly described as his Yugoslavian sex slave.”
 - “Billionaire Sex Offender Leaves Jail Six Days a Week For Work” published on July 1, 2008, reporting that Epstein “is allowed to leave the Palm Beach County Stockade six days a week on a work-release program.”
 - “Women Want Epstein Sex Plea Deal Unsealed” published on June 10, 2009, reporting that attorneys for women suing Epstein in various courts “want his [non-prosecution] agreement [NPA] with federal prosecutors unsealed” and were moving to unseal the agreement in Circuit Court of the Fifteenth Judicial Circuit, and that “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.” On that date, *The Palm Beach Post* moved to intervene in the matter for the purpose of obtaining public access to the NPA, which was ordered disclosed by this Court on June 25, 2009.
 - “Epstein’s Secret Pact With Feds Reveals ‘Highly Unusual’ Terms” published on September 19, 2009, reporting that, owing to Epstein’s non-prosecution agreement, “federal prosecutors backed down and agreed to recall grand jury subpoenas if Epstein pleaded guilty to prostitution-related felonies in state court” and “also agreed not to charge any of Epstein’s possible co-conspirators: Sarah Kellen, Adriana Ross, Lesley Groff and Nadia Marcinkova.” The article further reported that, according to an attorney representing three of Epstein’s victims, “none of the 30 to 40 wom[e]n identified as victims in the federal investigation” were informed ahead of time about the NPA.
 - “Judge Rules Epstein Attorneys Can Subpoena Abortion Records” published on January 27, 2010, reporting that “a judge . . . gave lawyers representing multi-millionaire 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.”
 - “Epstein Journal’s Findings Could Resurrect Abuse Case” published on March 20, 2010, reporting that “[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.”
 - “Epstein Paid Three Women \$5.5 Million to End Underage Sex Lawsuits” published on October 4, 2017, reporting that, according to court documents, Epstein “shelled out \$5.5 million to settle lawsuits with three of more than two dozen teens who sued him.”

- “Judge Rules Feds’ Agreement With Jeffrey Epstein Pact Violated Teen Victims’ Rights” published on February 22, 2019, reporting on a ruling by U.S. District Judge Kenneth Marra that “Federal prosecutors violated the rights of Jeffrey Epstein’s teenage victims [under the Crime Victims’ Rights Act] 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.”
- “Epstein Indicted On Sex Charges/Part-Time Palm Beacher Pleads Not Guilty to Sex Trafficking, Conspiracy Charges In Federal Court In Manhattan” published on July 9, 2019, reporting on Epstein’s appearance in U.S. District Court for the Southern District of New York in which he “pledged 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.”

A true and correct copy of the above news articles, in either the computerized format in which they are maintained in *The Palm Beach Post*’s electronic archives or the news print edition in which originally published, is annexed hereto as **Exhibit 1**.

54. The press has a constitutional right of access to criminal proceedings, *see, e.g.*, *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 573 (1980), including pre-trial criminal proceedings. *Newman v. Graddick*, 696 F.2d 796 (11th Cir. 1983). Indeed, “the integrity of the judicial process, which public scrutiny is supposed to safeguard, is just as much at issue in proceedings of this kind [pre- and post-trial] as at trial.” *Id.* at 801; *see also Miami Herald Publ. Co. v. Lewis*, 426 So. 2d 1, 6–7 (Fla. 1982) (identifying the news media as a “public surrogate” in matters concerning the closure of judicial proceedings). The press also has a First Amendment interest in receiving information from willing speakers. *See Va. Pharmacy Bd. v. Va. Consumer Council*, 425 U.S. 748, 756–57 (1976) (“Where a speaker exists . . . the protection afforded [by the First Amendment] is to the communication, to its source and to its recipients both.”); *Pittman v. Cole*, 267 F.3d 1269, 1283 n.12 (11th Cir. 2001) (“The Supreme Court has recognized that the First Amendment offers protection to both speakers and those wishing to receive speech.”); *see also Stephens v. Cty. of Albemarle, Va.*, 524 F.3d 485, 492 (4th Cir. 2008) (providing that a plaintiff

has “standing to assert a right to receive speech” by “show[ing] that there exists a speaker willing to convey the information to her”).

55. Because of the unique role performed by the press as a “public surrogate” (*Lewis*, 426 So. 2d at 6–7) in protecting the right of access and its interest in reporting information about criminal proceedings, news organizations “presumptively have a right to access judicial records,” *Comm'r, Ala. Dep't of Corr. v. Advance Local Media, LLC*, 918 F.3d 1161, 1166 (11th Cir. 2019), and “standing to question the validity of an order restricting publicity because its ability to gather news is directly impaired or curtailed.” *Lewis*, 426 So. 2d at 4; *see also Carlson v. United States*, 837 F.3d 753, 757–58 (7th Cir. 2016) (“[a]s a member of the public, [the Reporters Committee] has standing to assert [its] claim” to grand jury materials because such materials are “public records to which the public may seek access, even if that effort is ultimately unsuccessful”).

56. Here, the continued denial of access to information *The Palm Beach Post* seeks on behalf of its journalists and the public it serves “unquestionably constitutes irreparable injury.” *Gainesville Woman Care, LLC v. State of Florida*, 210 So. 3d 1243, 1263 (Fla. 2017); *see also Zerilli v. Smith*, 656 F.2d 705, 711 (D.C. Cir. 1981) (noting that “the press’ function as a vital source of information is weakened whenever the ability of journalists to gather information is impaired,” as it is by Attorney General’s refusal to disclose unredacted report and underlying grand jury materials).

E. **The Court’s Supervision of the Grand Jury Process and Its Authority to Order Public Disclosure of the Epstein Evidence.**

57. The Florida Supreme Court has noted that “in states such as Florida, where the grand jury is preserved, it is an important appendage of the court which impanels it. At the same time it should not be forgotten that the judge of that court is equally important and he is generally charged with the supervision of the grand jury’s activities... It is, therefore, of vital importance to

maintain the dignity and the integrity of both the grand jury and the presiding judge.” *State v. Clemons*, 150 So. 2d 231, 233-34 (Fla. 1963).

58. Chapter 905 of the Florida Statutes governs the empanelment and conduct of Florida grand juries. The court gives the grand jury its initial charge and advises the grand jury about its legal duties. Fla. Stat. § 905.18.

59. Florida Stat. Section 905.27(1) provides that “the testimony of a witness examined before the grand jury . . . or other evidence received by it” may be disclosed “when required by a court . . . for the purpose of: (a) Ascertaining whether it is consistent with the testimony given by the witness before the court; (b) Determining whether the witness is guilty of perjury; or (c) Furthering justice.” Fla. Stat. § 905.27(1)(a)-(c).

60. Further, disclosure is appropriate pursuant to this Court’s inherent authority over grand jury proceedings because of the exceptional public interest in this case and the compelling circumstances supporting transparency. *Carlson v. United States*, 837 F.3d at 766 (“a district court has the inherent power to disclose [grand jury] materials in exceptional circumstances and . . . historic importance can be a sufficient reason when there is little countervailing need for secrecy”).

COUNT I

(Florida Stat. Section 905.27)

61. Based on information learned by *The Palm Beach Post* through its Florida Public Records Law requests, law enforcement sources with direct knowledge of the grand jury evidence and proceedings, judicial documents obtained from independent but related court proceedings, and documents otherwise available in the public record, the State Attorney for Palm Beach County presented truncated evidence of Epstein’s criminal wrongdoing to the 2006 grand jury in a manner

that precluded his indictment for the serious crimes he committed, including sex trafficking and sexual assault.

62. Pursuant to Florida Stat. Section 905.27, in order to further justice for Epstein's victims and the public, and to provide public disclosure to illuminate whether Epstein received unreasonably lenient treatment based on the available evidence, *The Palm Beach Post* requests immediate public access to the testimony, minutes, and other evidence presented in 2006 to the Palm Beach County grand jury. In a case of this magnitude and importance, where the accused is dead and so many of his crimes, as well as the identities and crimes of his co-conspirators, and the identities of the victims have already been exposed, the need for grand jury secrecy is no more. *See United States v. Socony-Vacuum Oil Co.*, 310 U.S. 150, 234 (1940) ("[A]fter the grand jury's functions are ended, disclosure is wholly proper where the ends of justice require it.").

WHEREFORE, *The Palm Beach Post* respectfully requests that this Court, pursuant to Fla. Stat. Section 905.27(1) and the Court's inherent authority, order the State Attorney and the Clerk of the Court to file with this Court copies of the testimony, minutes, and other evidence presented in 2006 to the Palm Beach County grand jury during the first Epstein sex abuse investigation so that, following an *in camera* inspection, it can be made available to *The Palm Beach Post* and the public on an expedited basis, and grant any other and further equitable or legal relief the Court deems just and proper.

Dated: November 14, 2019

Respectfully submitted,

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EXHIBIT 1

The Newspaper's Reportage on Jeffrey Epstein

NOT A CERTIFIED COPY

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.

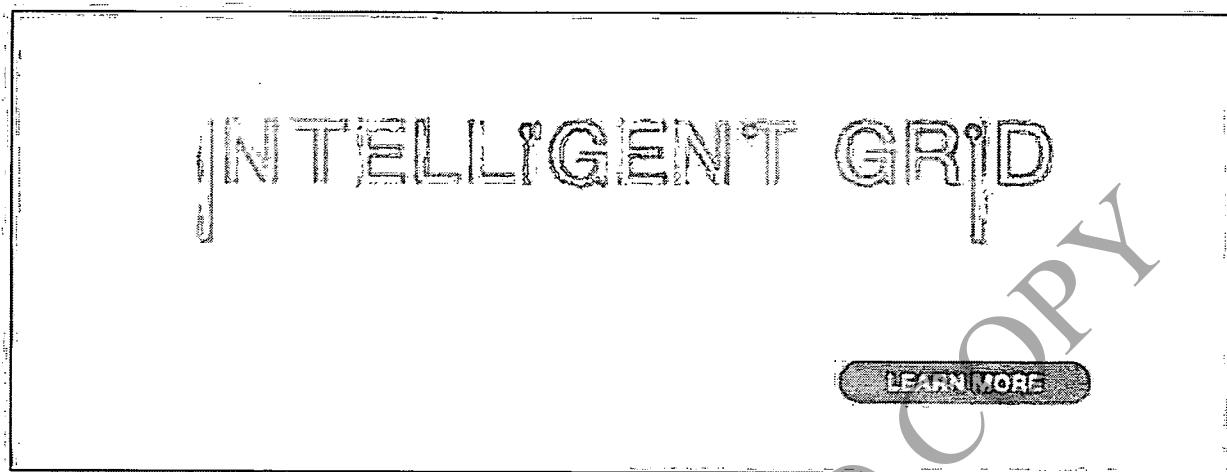
Goldberger maintains Epstein's innocence but says the legal team has not ruled out a future plea deal. He insists Epstein will emerge in the end with his reputation untarnished.

"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 Gossmans 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.

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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

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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.

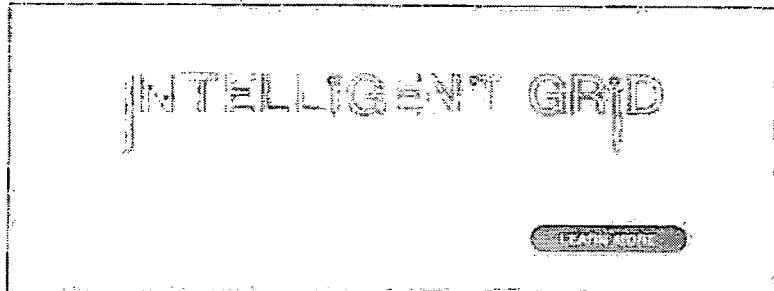
A girl who said she met Epstein when she was 15 said he told her if she told anybody what happened at his house, bad things could happen, the police reports state.

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 those 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.

Palm Beach chief focus of fire in Epstein case

After the first meeting, the group was divided into two groups, one for each of the two main areas of interest. The first group, led by Dr. John Smith, focused on the development of a new type of sensor for monitoring environmental conditions. The second group, led by Dr. Linda Johnson, focused on the development of a new type of actuator for controlling environmental conditions. Both groups made significant progress, and their work was presented at a conference in October.

The project was completed in December, and the final report was submitted to the National Science Foundation. The report outlined the results of the research, the challenges faced, and the lessons learned. The report also highlighted the potential impact of the research on the field of environmental engineering.

The project was a success, and it has had a significant impact on the field of environmental engineering. The new sensors and actuators developed in the project have been adopted by many companies and organizations, and have helped to improve the quality of life for millions of people around the world.

~~Reiter focus of fire in Epstein case~~

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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

(**EDITORS 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 Orihuena 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.

Edmonson, 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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Illustration: PHOTO (B&W)

Memo: Ran all editions.

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 Epstein is released from jail, there is a chance that he 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 grand jury's 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 \$100 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.

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The Palm Beach Post

REAL NEWS STARTS HERE

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 woman 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 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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Page: 3B

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.

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The Palm Beach Post

REAL NEWS STARTS HERE

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 many 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

REAL NEWS STARTS HERE

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 woman 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 think 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 filing, Marra detailed what appeared to be a close 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 général 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 collaboration 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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November 26, 2019

Office of the State Attorney
15th Judicial Circuit
Attn: Jeanne Howard
401 North Dixie Highway
West Palm Beach, FL 33401

Re: CA Florida Holdings, LLC v. Dave Aronberg et al.
Case No.: 2019-CA-014681

Dear Mrs. Howard:

The purpose of this letter is to confirm that Jacobs Scholz & Wyler, LLC will represent you regarding the above-referenced matter.

Our fees will be contingent upon our success in this matter. You will not be liable or required to pay any monies to our office unless we are successful in our representation of you regarding the above-referenced litigation and receive a court order awarding attorneys' fees.

Accordingly, should we be successful in this matter, you agree to be billed for the time incurred in defending this action at our current hourly rates. At this time, our current hourly rates are: \$475.00/hour for senior partners, \$425.00/hour for other partners, \$375.00/hour for associate attorneys, and \$125.00/hour for paralegal time.

Furthermore, the attorneys' fees paid to our firm shall be calculated by the above listed hourly rates multiplied by the number of hours expended in defending this action or the total fee mandated and awarded by the court order herein, whichever is greater.

By signing below, you agree to the terms as set forth above. Please return a signed and dated copy of this letter to our office. If you have any questions or concerns, please contact our office. On behalf of the firm, we are proud to represent you in this matter.

Sincerely,

Douglas A. Wyler, Esq.
For the Firm

Client

Date

6/4/2020

Def.Ex.A-3

NOT A CERTIFIED COPY

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

CA FLORIDA HOLDINGS, LLC,
Publisher of the PALM BEACH POST,

Plaintiff,

v.

CASE NO.: 19-CA-014681

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

Defendants.

MOTION TO DISMISS

Defendant, DAVE ARONBERG, as State Attorney of Palm Beach County, Florida, by and through the undersigned counsel, hereby files this Motion to Dismiss Plaintiff's Complaint for failure to state a cause of action, and in support thereof states:

MOITION TO DISMISS STANDARD

When confronted with a motion to dismiss, the Court must determine whether the Complaint as phrased within its four corners sufficiently states a cause of action, whereby relief can be granted. Fox v. Professional Wrecker Operations, 801 So. 2d 175, 178 (Fla. 5th DCA 2001). A motion to dismiss tests whether the plaintiff has stated a cause of action. The test for a motion to dismiss under Florida Rule of Civil Procedure 1.140(b) is whether the pleader could prove any set of facts as alleged in the Complaint to support his or her claim. See, Connolly v. Sebeco, Inc., 89 So. 2d 482, 484 (Fla. 1956); Wasua Ins. Co. v. Haynes, 683 So. 2d 1123 (Fla. 4th DCA 1996).

In order to meet this test, "a complaint must allege sufficient ultimate facts to show that a pleader is entitled to relief." W.R. Townsend Contr. Inc. v. Jensen Civ. Constr., Inc., 728 So. 2d 297, 300 (Fla. 1st DCA 1999) (quoting Perry v. Cosgrove, 464 So. 2d 664, 665 (Fla. 2d DCA 1985); Fla. R. Civ. P. 1.110(b)). The court need not accept internally inconsistent factual claims, conclusory allegations, unwarranted deductions, or mere legal conclusions made by a party. Id. (citing Response Oncology, Inc.

v. Metrahealth Insurance Co., 978 F. Supp. 1052, 1058 (S.D. Fla. 1997)); Oxford Asset Mgmt. v. Jaharis, 297 F.3d 1182, 1188 (11th Cir. 2002) (“[On a motion to dismiss,] the plaintiff’s factual allegations are accepted as true.... However, legal conclusions masquerading as facts will not prevent dismissal.”). To avoid dismissal, a pleading “must allege a cause of action recognized under law” against the defending party. Kislak v. Kreedian, 95 So. 2d 510, 514 (Fla. 1957).

COUNT I
(Florida Statutes Section 905.27)

Plaintiff attempts to assert a cause of action, in the interest of “furthering justice”, under Florida Statute § 905.27; however, a review of the statute in question reveals that no cause of action is provided for therein and consequently Plaintiff’s Complaint must be dismissed as a matter of law. Despite Plaintiff’s extensive recitation of the factual background regarding Jeffery Epstein and the testimony and evidence presented to the 2006 grand jury in Palm Beach County, Florida, Fla. Stat. § 905.27, merely explains the exceptions to the disclosure of grand jury testimony and does not set forth in any way a cause of action upon which to initiate a valid law suit.

Moreover, a review of the statute at issue clearly indicates that even if § 905.27, Fla. Stat. provided a basis for a cause of action, Plaintiff is barred from access to the records it seeks. To wit, in pertinent part, Fla. Stat. § 905.27(2) states:

When such disclosure is ordered by a court pursuant to subsection (1) for use in a civil case, it may be disclosed to all parties to the case and to their attorneys and by the latter to their legal associates and employees. However, the grand jury testimony afforded such persons by the court can only be used in the defense or prosecution of the civil or criminal case and for no other purpose whatsoever.

Here, despite the clear statutory guidelines for disclosure of grand jury materials in a civil case, Plaintiff is improperly seeking the requested 2006 grand jury materials for the purposes of public disclosure pursuant to the court’s inherent authority and supervisory powers over the grand jury. [See, Complaint ¶¶ 8, 62]. Again, even if Plaintiff properly asserted a cause of action under Fla. Stat. 905.27, the statute unambiguously states that grand jury testimony “can only be used in the defense or prosecution of the civil or criminal case and for no other purpose whatsoever”, which is distinctly different from

Plaintiff's intended purpose for public disclosure of the grand jury evidence. Fla. Stat. § 905.27(2). Finally, it is significant to note that despite Plaintiff's allegations to the contrary, Defendant Aronberg is not in custody or control of the records sought and is therefore not a proper party to this action.

WHEREFORE, based on the foregoing argument and supporting authority, Defendant, DAVE ARONBERG, as State Attorney of Palm Beach County, Florida, respectfully requests that this Honorable Court grant the instant Motion and dismiss Plaintiff's Complaint with prejudice, and grant Defendant Aronberg all other and further relief deemed just and proper, including attorney's fees and costs for defending this frivolous action.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of December, 2019, a copy of the foregoing has been electronically filed with the Florida E-File Portal for e-service on all parties of record herein.

JACOBS SCHOLZ & WYLER, LLC

/s/ *Douglas A. Wyler*

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*General Counsel for the Florida Prosecuting
Attorney's Association*

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Def.Ex.A-4

NOT A CERTIFIED COPY

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

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

CASE NO.: 50-2019-CA-014681-XXXX-MB
Div.: AG

Plaintiff,

v.

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

Defendants.

FIRST AMENDED COMPLAINT

CA Florida Holdings, LLC, publisher of *The Palm Beach Post*, for its First Amended Complaint against Dave Aronberg, the State Attorney for Palm Beach County, Florida, in his official capacity ("State Attorney"), and Sharon R. Bock, the Clerk of the Court for Palm Beach County, Florida, in her official capacity ("Court Clerk"), alleges as follows:

JURISDICTION

1. This is an action within the exclusive jurisdiction of the Circuit Court pursuant to Fla. Stat. Sections 26.012(2)(a) and 86.011 et seq.

PARTIES

2. *The Palm Beach Post* is a daily community newspaper published by Plaintiff CA Florida Holdings, LLC, with offices located at 2751 S. Dixie Highway, West Palm Beach, Florida.

3. Defendant Dave Aronberg is the duly elected State Attorney for the Fifteenth Judicial Circuit in and for Palm Beach County, Florida, pursuant to Fla. Stat. Section 27.01 and has authority in grand jury proceedings pursuant to Fla. Stat. Section 27.03. He is sued herein in

his official capacity as his office is in possession and/or control of documents that are the subject of this action.

4. Defendant Sharon R. Bock is the duly elected Clerk and Comptroller of Palm Beach County, Florida. She is sued herein in her official capacity as her office is in possession and/or control of documents that are the subject of this action.

INTRODUCTION

5. In what is now widely if belatedly recognized as a colossal miscarriage of justice – which led to the further needless victimization of countless young girls and women – a wealthy, politically connected, and powerful financier was not held accountable for, nor even forced to confront, allegations of serious sex trafficking crimes. While it is clear that Jeffrey Epstein's 2008 deal with the State of Florida was not consistent with the evidence gathered against him, what remains shrouded in mystery is how that evidence was presented – and the extent to which it was presented – to the grand jury that returned an indictment far more limited in scope than expected and deserved.

6. Through this action, *The Palm Beach Post* seeks public access to the testimony, minutes, and other evidence presented in 2006 to the Palm Beach County grand jury empaneled during the first Epstein sex abuse investigation. Typically, access to such materials is limited, for example, in order to prevent the flight of those whose indictment may be contemplated and their ability to conceal or destroy evidence; to ensure jurors' candor in deliberations; and to protect an accused who is later exonerated. However, these factors are inapplicable here. Also, Florida law expressly authorizes the disclosure of grand jury proceedings under certain circumstances, including, as here, in the furtherance of justice. Fla. Stat. § 905.27(1)(c).

7. It can no longer credibly be maintained that continued blanket secrecy over the proceedings that led to the egregiously flawed 2006 Epstein indictment is warranted under the law.

To the contrary, transparency is required to promote public understanding of the criminal justice system and public confidence in the fair administration of justice. As detailed below, Epstein was accused of sexually abusing and trafficking dozens of women and girls in south Florida (among other locations) over a period of several years while exploiting his wealth and political connections to obstruct the administration of justice at every turn. Public disclosure of the Epstein grand jury proceedings will shed light on the extent to which those in our government entrusted with the solemn responsibility of enforcing our criminal laws equally as to all citizens fulfilled their duties in this instance. Justice will be furthered where it is either (1) demonstrated that Epstein was treated like others accused of similar heinous crimes, or (2) as appears more likely to be the case, those who chose to give Epstein favorable – “unusual,” in the words of the Town of Palm Beach Police Chief – treatment, are exposed and held accountable. From what limited information is now in the public domain, the State Attorney’s referral of Epstein’s case to the grand jury – which would be out of the ordinary for this type of case – gives rise to a strong inference of favoritism and corresponding disregard for the rights of the minor victims of Epstein’s sex trafficking. Access to the grand jury materials will allow the public to determine whether the grand jury process, and the secrecy that comes with it, was used to further justice or, instead, operated to shield Epstein and his co-conspirators from the consequences of their criminal activities. Accordingly, Fla. Stat. Section 905.27 authorizes the disclosure of Epstein’s 2006 grand jury proceedings.

8. Even in the absence of such a statutory basis, this Court is empowered to order public disclosure pursuant to its inherent authority and supervisory powers over the grand jury. Indeed, courts throughout the country in the past several decades have ordered the disclosure of high-profile grand jury proceedings pursuant to their inherent authority where the public’s interest in those proceedings has outweighed the general need for secrecy. This is particularly so where,

as here, many of the details of Epstein's criminal misdeeds have already been made available in the public domain through extensive news reporting by, among others, *The Palm Beach Post*; by the many civil suits brought against Epstein and his co-conspirators; and by the victims themselves.

9. In recognition of the sensitivity of the materials being sought, and in the interest of protecting any victims who wish to remain anonymous, *The Palm Beach Post* has no objection to copies of the testimony, minutes, and other evidence presented in 2006 to the Palm Beach County grand jury first being submitted to this Court for in camera review, where they may be redacted, as appropriate, to protect those who deserve such protection.

FACTUAL BACKGROUND

10. The following facts were gathered, in large part, from documents obtained by *The Palm Beach Post* through various Florida Public Records Law requests, documents unsealed or publicly available in other related judicial proceedings, and information and documents in the public record.

A. **First Epstein Sex Crimes Investigation, Indictment, and Plea Agreement:
2005–2008.**

11. The investigation into Epstein's sex crimes began more than fourteen years ago, when a 14-year-old girl's stepmother reported to police in the Town of Palm Beach, Florida, that Epstein and others who worked for him arranged for her to give Epstein a "massage." Epstein required the girl to strip, exposed himself, and masturbated while touching her. The girl was paid \$300. Epstein was 52 years old at the time.

12. Following this initial report in 2005, the Town of Palm Beach Police, and later, in 2006, the FBI, investigated Epstein. Interviews under oath with five additional alleged victims and seventeen witnesses revealed that the events described by the 14-year-old girl occurred, with disturbingly similar details, with each of the other victims.

13. Both the victim/witness interviews, as well as evidence retrieved following a search of Epstein's home, showed that some of the girls involved were under the age of 18. The police search of Epstein's residence also found two hidden cameras and, throughout the house, large numbers of nude photos of girls, including victims whom the police had not interviewed in the course of their investigation.

14. In March 2006, a State grand jury was scheduled at which all of the victims were expected to testify. The proceeding was postponed, however, due to meetings between the State Attorney's office and Epstein's prominent criminal defense lawyer and personal friend, Alan Dershowitz.

15. Another grand jury was convened in April 2006, but canceled the day before it was to begin receiving evidence.

(1) Police Chief Reiter's Letter to the State Attorney.

16. On May 1, 2006, Town of Palm Beach Police Chief Michael Reiter wrote a "personal and confidential" letter to then Palm Beach County State Attorney, Barry Krischer, stating:

I must renew my prior observation to you that I continue to find your office's treatment of [the Epstein] cases highly unusual. It is regrettable that I am forced to communicate in this manner, but my most recent telephone calls to you and those of the lead detective to your assigned attorneys have been unanswered and messages remain unreturned. After giving this much thought and consideration, *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.* (Emphasis supplied)

17. Chief Reiter's letter to State Attorney Krischer enclosed the Town of Palm Beach Police Department's probable cause affidavits charging Epstein and two of his assistants with multiple counts of unlawful sex acts with a minor and one count of sexual abuse, and requested

that either an arrest warrant be issued for Epstein or the State Attorney directly initiate the charges against him, which would be public.

(2) The July 2006 State Grand Jury Presentation.

18. Instead, State Attorney Krischer elected to refer the case to a grand jury, which is mandatory for capital cases but rarely used for all other crimes. According to an official spokesperson, this was the first time that a sex crimes case was presented to a grand jury in Palm Beach County.

19. In July 2006, after State Attorney Krischer presented testimony and evidence from one victim, the grand jury returned an indictment on a sole count of solicitation of prostitution. There is no mention in the indictment of the victim being a minor.

20. On information and belief, a second of Epstein's victims was supposed to testify before the grand jury, but was unable to attend because of a school exam.

21. No reasonable explanation has been provided as to why the numerous other known victims were not presented as witnesses and crime victims to the grand jury convened in July 2006. Nor has any reasonable explanation been provided as to why State Attorney Krischer, who was initially eager to investigate and prosecute Epstein for his crimes, over time lost the desire to do so.

22. On information and belief, during the grand jury appearance of the single victim who testified, the State Attorney presented evidence that vilified the victim and attacked her credibility, including soliciting testimony regarding underage drinking and questionable personal behavior that was unrelated to the charges against Epstein. Further upon information and belief, this information was initially brought to the attention of the State Attorney's office by Epstein's defense counsel.

(3) **The FBI's Investigation and Epstein's Non-Prosecution Agreement With Federal Authorities.**

23. On information and belief, following the deficient July 2006 indictment, and with Chief Reiter's encouragement, the FBI began its own investigation of Epstein.

24. Records unsealed in 2015 revealed that the FBI compiled reports on "34 confirmed minors" that were victims of Epstein's sexual predations. Based on evidence gathered by the FBI, a 53-page indictment was prepared by the U.S. Attorney's Office in June 2007. However, at the request of Epstein's lawyers, the indictment was never presented to a federal grand jury.

25. Instead, then U.S. Attorney for the Southern District of Florida, Alexander Acosta, negotiated a plea deal with Epstein's team of lawyers to grant immunity to Epstein (along with four named co-conspirators and any unnamed potential co-conspirators) from all federal criminal charges.

26. Throughout the remainder of 2007 and through the first half of 2008, Epstein's lawyers and the U.S. Attorney continued negotiating the plea arrangement. Upon information and belief, Epstein's lawyers insisted that (1) the victims not be notified, (2) the deal be kept confidential and under seal, and (3) all grand jury subpoenas (including one that had already been issued for Epstein's computers) be withdrawn.

27. On June 30, 2008, Epstein pled guilty to State charges: one count of solicitation of prostitution and one count of solicitation of prostitution with a minor under the age of 18. He was sentenced to 18 months in jail, followed by a year of community control or house arrest, and was adjudicated as a convicted sex offender required to register twice a year in Florida.

28. The plea deal, called a non-prosecution agreement ("NPA"), allowed Epstein to receive immunity from federal sex-trafficking charges that could have sent him to prison for life.

On information and belief, based on public records, former State Attorney Krischer communicated with then U.S. Attorney Acosta concerning the NPA's negotiation with Epstein's lawyers.

29. Indeed, Epstein was not incarcerated in a Florida prison for the State crimes for which he was convicted. Instead, he was placed in a private wing of the Palm Beach County Stockade, where, after 3 1/2 months, he was allowed to leave the jail on "work release" for up to 12 hours a day, 6 days a week. His private driver provided his transportation to and from "work."

30. Epstein was released five months early.

31. Upon information and belief, Epstein violated the terms of his probation, but was not prosecuted.

(4) The Crime Victims' Rights Act Litigation.

32. Epstein's victims only learned after the fact about his plea in State court and filed an emergency petition to force federal prosecutors to comply with the Crime Victims' Rights Act (18 U.S.C. § 3771, "CVRA"), which mandates certain rights for crime victims, including the right to be informed about plea agreements and the right to appear at sentencing. U.S. District Judge Kenneth A. Marra recently ruled that federal prosecutors violated the CVRA by failing to notify Epstein's victims before allowing him to plead guilty to only the two State offenses.

33. The prosecution's failure to keep the victims apprised, among other things, also contravenes the Florida Constitution, Article 1, § 16(b) and Fla. Stat. § 960.001.

34. Following publicity exposing the extraordinary leniency of the plea deal, dozens of civil suits were brought against Epstein, most of which Epstein's lawyers settled out-of-court.

35. In 2010, Epstein was registered as a "level three" (*i.e.*, high risk of repeat offense) sex offender in New York, a lifelong designation. In 2011, the New York County District Attorney's office unsuccessfully sought to lower his registration to low-risk "level one."

36. Upon information and belief, during the course of the Town of Palm Beach and FBI investigations, Epstein retained private investigators to follow, harass, and photograph his victims and their families, as well as Chief Reiter and the Town of Palm Beach detective who investigated the case against Epstein.

37. Upon information and belief, Epstein's victims were threatened against cooperating with law enforcement and told that they would be compensated only if they did not cooperate with law enforcement.

B. Second Epstein Sex Crimes Investigation, Indictment, Suicide: 2019.

38. On July 6, 2019, Epstein was arrested on federal sex trafficking charges.

39. Upon information and belief, the United States government's investigation of new allegations and charges stemmed, in part, from continued press investigations into and reporting on the mishandling of the 2006 charges and the civil suits that followed.

40. In a July 8, 2019, letter to the federal district court by the U.S. Attorney for the Southern District of New York, Epstein was described as "a serial sexual predator who preyed on dozens of minor girls over a period of years." The letter emphasized that "the Government has real concerns – grounded in past experience with this defendant – that if allowed to remain out on bail, the defendant could attempt to pressure and intimidate witnesses and potential witnesses in this case, including victims and their families, and otherwise attempt to obstruct justice." It also described the results of the FBI's search of Epstein's Manhattan townhouse: evidence of sex trafficking in the form of "hundreds – and perhaps thousands – of sexually suggestive photographs of fully- or partially-nude females," including underage females. In a locked safe, compact discs were found with handwritten labels including the descriptions: "Young [Name] + [Name]," "Misc nudes 1," and "Girl pics nude."

41. On July 8, 2019, prosecutors with the Public Corruption Unit of the U.S. Attorney's office for the Southern District of New York charged Epstein with sex trafficking and conspiracy to traffic minors for sex. The grand jury indictment alleges that "dozens" of underage girls were brought into Epstein's mansions for sexual encounters. A few days later, owing to public outcry over the NPA with Epstein entered into by the U.S. Attorney for the Southern District of Florida, Alexander Acosta, who by then was serving as U.S. Secretary of Labor in the Trump administration, resigned from office.

42. Epstein was denied bail and was placed into pretrial detention at the federal Metropolitan Correction Center in lower Manhattan.

43. On or about August 6, 2019, Florida Gov. Ron DeSantis ordered a state criminal probe into the actions of the Palm Beach Sheriff and former State Attorney Krischer for their handling of the Epstein underage sex trafficking case.

44. On August 10, 2019, Epstein was found dead in his cell at the Metropolitan Correctional Center. His cause of death was determined to be suicide.

C. The August 27, 2019, SDNY Hearing: Epstein's Victims Speak.

45. On account of his death, prosecutors sought to dismiss the indictment against Epstein, while maintaining that they would continue to investigate his co-conspirators.

46. United States Senior District Judge Richard M. Berman ordered a hearing on August 27, 2019, on the prosecutors' decision to dismiss the indictment and allowed victims to speak at the hearing.

47. In the course of the hearing, more than two dozen victims delivered their personal stories of pain, frustration, and sexual abuse at the hands of Epstein. Several victims spoke of violent rape by Epstein. Many more victims were present in the courtroom but did not testify.

48. While some questioned the reasoning behind the court’s decision to give the victims voice after Epstein’s death, District Judge Berman noted that “a public hearing is [the] preferred vehicle of resolution,” emphasizing that “public hearings are exactly what judges do. Hearings promote transparency and they provide the court with insights and information which the court may not otherwise be aware of.” Indeed, even Epstein’s defense lawyer noted at the hearing that the court “is the institution that most people have confidence in, in these very troubled times.”

49. At the August 27th hearing, the girls, now women, spoke about their “exploitation and coercion,” and to the fact that many of them “were in very vulnerable situations and in extreme poverty, circumstances where [they] didn’t have anyone on [their] side, to speak on [their] behalf....” One victim lamented that “as a victim, [she] never got to see what the agreement was or why the special treatment got approved” in the Florida case years earlier. Another noted how “completely different” the investigators leading to the 2019 federal indictment were from the prosecutors in the Florida case, both in their treatment of her and their investigation of her victimization by Epstein.

50. A former federal judge in attendance at the August 27th hearing emphasized that “transparency is one of the overriding objectives in our criminal justice system.”

51. Nearly all of the victims expressed the conviction that the secrecy that shielded Epstein has caused them “irreparable harm” and that an opportunity to address his criminal wrongdoings, and those of the individuals who enabled his sexual racketeering, would allow for at least some measure of justice to be served after his death. Indeed, one victim stated: “Any efforts made to protect Epstein’s name and legacy send a message to the victims that he wins and that he is untouchable.” Another victim expressed fear that this is a world “where there are predators in power; a world where people can avoid justice if their pockets run deep enough.” In short, the

"unusual" treatment Epstein received in Florida in 2006 based on his wealth, social status, and connections severely eroded the public's faith in the integrity and impartiality of the criminal justice system.

D. **The Palm Beach Post's Standing and the Public Interest.**

(1) **The Palm Beach Post Has Reported Extensively On Epstein's Crimes For Nearly 15 Years.**

52. Plaintiff, *The Palm Beach Post*, is a community newspaper serving readers in Palm Beach County and the Treasure Coast vicinity.

53. *The Palm Beach Post* has been a Pulitzer Prize winner and nominated as a finalist three other times.

54. Beginning in 2004, *The Palm Beach Post* has extensively investigated and reported on the allegations against, the law enforcement investigation of, and the crimes committed by, Epstein and his co-conspirators. The Newspaper's reportage has included publication of the following articles:

- "The Man Who Had Everything: Jeffrey Epstein Craved Big Homes, Elite Friends and, Investigators Say, Underage Girls," published on August 14, 2006, reporting that: Haley Robson, a local community college student, admitted in a sworn statement to police that "she had taken at least six girls to visit Epstein, all between the ages of 14 and 16;" Palm Beach Police "interviewed five alleged victims and 17 witnesses;" "Dershowitz, the Harvard law professor, traveled to West Palm Beach with information about the girls," including social media discussions about "their use of alcohol and marijuana;" after meeting with Epstein's legal team, "prosecutors postponed their decision to take the case to a grand jury;" Palm Beach Police subsequently "received complaints that two of the victims or their families had been harassed or threatened;" "relations between police and prosecutors were fraying" as the investigation continued; and "one girl who was subpoenaed – the one who said she had sexual intercourse with Epstein – never showed up" to testify before the grand jury.
- "Trump Snags Gosman Estate for \$41 Million" published on November 16, 2004, reporting on the bidding war between Donald Trump and Jeffrey Epstein for the purchase of a "43,000-square-foot, seven-bedroom estate on 6 oceanfront acres along the storied 'Raider's Row'" in Palm Beach.

- “Indictment: Billionaire Solicited 3 Times” published on July 25, 2006, reporting that “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.” The article further reported that “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.”
- “After Long Probe, Billionaire Faces Solicitation Charge” published on July 26, 2006, reporting that “Palm Beach police thought there was probable cause to charge Epstein with unlawful sex acts with a minor and lewd and lascivious molestation.” The article further reported that “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,” and identified a 20-year-old on-the-record female source who 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.”
- “Police Say Lawyer Tried to Discredit Teenage Girls” published on July 29, 2006, reporting that “[f]amed 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” and that “[t]he 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.”
- “Expert: Ignorance of Age Isn’t Defense In Sex Cases” published on August 5, 2006, reporting that “[r]ather than file charges, the state attorney’s office presented the case to a county grand jury” which “indicted Epstein last week on a single, less serious charge of felony solicitation of prostitution,” and that “[t]he case raised eyebrows because the state attorney’s office rarely, if ever, kicks such charges to a grand jury.”
- “Epstein Camp Calls Female Accusers Liars” published on August 8, 2006, reporting that “[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.”
- “Palm Beach Chief Focus of Fire In Epstein Case” published on August 14, 2006, reporting that Chief Reiter “pressed for Epstein to be charged with the more serious crimes of sexual activity with minors” and “slammed State Attorney Barry Krischer in blunt language seldom used by one law enforcement official with another because of what he perceived as that office’s mishandling of the case.”
- “Delays In Epstein Case Unusual, Lawyers Say” published on March 13, 2007, reporting that “[n]early eight months after Palm Beach tycoon Jeffrey Epstein was charged with felony solicitation of prostitution, there has been no discernible progress in his case.”

- “Woman Sues Billionaire Investor, Says They Had Sex When She Was 16” published on October 18, 2007, reporting on a lawsuit brought in New York State court against Epstein “by a young woman who says he had sex with her when she was 16 and had sought his help becoming a model.”
- “Palm Beacher Pleads In Sex Case” published on July 1, 2008, reporting that “Epstein, 55, pleaded guilty . . . to felony solicitation of prostitution and procuring a person under the age of 18 for prostitution,” resulting in “a lifelong obligation to register as a sex offender,” and that “[a]s part of the plea deal, federal investigators agreed to drop their investigation of Epstein, which they had taken to a grand jury.”
- “Jeffrey Epstein: Scientist, Stuntman, ‘Sex Slave’ Visit Jailed Tycoon” published on August 13, 2008, reporting that “[d]uring his first month of confinement” Epstein was visited by Sarah Kellen, who allegedly escorted victims “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 Epstein, and by Nadia Marcinkova, “a young woman whom Epstein purportedly described as his Yugoslavian sex slave.”
- “Billionaire Sex Offender Leaves Jail Six Days a Week For Work” published on July 1, 2008, reporting that Epstein “is allowed to leave the Palm Beach County Stockade six days a week on a work-release program.”
- “Women Want Epstein Sex Plea Deal Unsealed” published on June 10, 2009, reporting that attorneys for women suing Epstein in various courts “want his [non-prosecution] agreement [NPA] with federal prosecutors unsealed” and were moving to unseal the agreement in Circuit Court of the Fifteenth Judicial Circuit, and that “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.” On that date, *The Palm Beach Post* moved to intervene in the matter for the purpose of obtaining public access to the NPA, which was ordered disclosed by this Court on June 25, 2009.
- “Epstein’s Secret Pact With Feds Reveals ‘Highly Unusual’ Terms” published on September 19, 2009, reporting that, owing to Epstein’s non-prosecution agreement, “federal prosecutors backed down and agreed to recall grand jury subpoenas if Epstein pleaded guilty to prostitution-related felonies in state court” and “also agreed not to charge any of Epstein’s possible co-conspirators: Sarah Kellen, Adriana Ross, Lesley Groff and Nadia Marcinkova.” The article further reported that, according to an attorney representing three of Epstein’s victims, “none of the 30 to 40 wom[e]n identified as victims in the federal investigation” were informed ahead of time about the NPA.
- “Judge Rules Epstein Attorneys Can Subpoena Abortion Records” published on January 27, 2010, reporting that “a judge . . . gave lawyers representing multi-millionaire 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.”

- “Epstein Journal’s Findings Could Resurrect Abuse Case” published on March 20, 2010, reporting that “[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.”
- “Epstein Paid Three Women \$5.5 Million to End Underage Sex Lawsuits” published on October 4, 2017, reporting that, according to court documents, Epstein “shelled out \$5.5 million to settle lawsuits with three of more than two dozen teens who sued him.”
- “Judge Rules Feds’ Agreement With Jeffrey Epstein Pact Violated Teen Victims’ Rights” published on February 22, 2019, reporting on a ruling by U.S. District Judge Kenneth Marra that “Federal prosecutors violated the rights of Jeffrey Epstein’s teenage victims [under the Crime Victims’ Rights Act] 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.”
- “Epstein Indicted On Sex Charges/Part-Time Palm Beacher Pleads Not Guilty to Sex Trafficking, Conspiracy Charges In Federal Court In Manhattan” published on July 9, 2019, reporting on Epstein’s appearance in U.S. District Court for the Southern District of New York in which he “pledged 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.”

A true and correct copy of the above news articles, in either the computerized format in which they are maintained in *The Palm Beach Post*’s electronic archives or the news print edition in which originally published, is annexed hereto as **Exhibit 1**.

55. Since the filing of the initial Complaint in this matter, *The Palm Beach Post* – along with media worldwide – has continued to report on Epstein’s crimes and the ongoing official proceedings resulting from those crimes.

(2) **The Palm Beach Post’s Standing and the Public Interest.**

56. The press has a constitutional right of access to criminal proceedings, *see, e.g., Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 573 (1980), including pre-trial criminal proceedings, *Newman v. Graddick*, 696 F.2d 796 (11th Cir. 1983). Indeed, “the integrity of the judicial process, which public scrutiny is supposed to safeguard, is just as much at issue in proceedings of this kind [pre- and post-trial] as at trial.” *Id.* at 801; *see also Miami Herald Publ.*

Co. v. Lewis, 426 So. 2d 1, 6–7 (Fla. 1982) (identifying the news media as a “public surrogate” in matters concerning the closure of judicial proceedings). The press also has a First Amendment interest in receiving information from willing speakers. *See Va. Pharmacy Bd. v. Va. Consumer Council*, 425 U.S. 748, 756–57 (1976) (“Where a speaker exists . . . the protection afforded [by the First Amendment] is to the communication, to its source and to its recipients both.”); *Pittman v. Cole*, 267 F.3d 1269, 1283 n.12 (11th Cir. 2001) (“The Supreme Court has recognized that the First Amendment offers protection to both speakers and those wishing to receive speech.”); *see also Stephens v. Cty. of Albemarle, Va.*, 524 F.3d 485, 492 (4th Cir. 2008) (providing that a plaintiff has “standing to assert a right to receive speech” by “show[ing] that there exists a speaker willing to convey the information to her”).

57. Because of the unique role performed by the press as a “public surrogate” (*Lewis*, 426 So. 2d at 6–7) in protecting the right of access and its interest in reporting information about criminal proceedings, news organizations “presumptively have a right to access judicial records,” *Comm'r, Ala. Dep't of Corr. v. Advance Local Media, LLC*, 918 F.3d 1161, 1166 (11th Cir. 2019), and “standing to question the validity of an order restricting publicity because its ability to gather news is directly impaired or curtailed.” *Lewis*, 426 So. 2d at 4; *see also Carlson v. United States*, 837 F.3d 753, 757–58 (7th Cir. 2016) (“[a]s a member of the public, [the Reporters Committee] has standing to assert [its] claim” to grand jury materials because such materials are “public records to which the public may seek access, even if that effort is ultimately unsuccessful”).

58. Here, the continued denial of access to information *The Palm Beach Post* seeks on behalf of its journalists and the public it serves “unquestionably constitutes irreparable injury.” *Gainesville Woman Care, LLC v. State of Florida*, 210 So. 3d 1243, 1263 (Fla. 2017); *see also Zerilli v. Smith*, 656 F.2d 705, 711 (D.C. Cir. 1981) (noting that “the press” function as a vital

source of information is weakened whenever the ability of journalists to gather information is impaired,” as it is by Attorney General’s refusal to disclose unredacted report and underlying grand jury materials).

59. *The Palm Beach Post* has the right to maintain this private right of action because the furtherance of justice, an express legislative exception to grand jury secrecy, is intended for the public benefit, and *The Palm Beach Post* seeks access on behalf of the public. Fla. Stat. § 905.27(1)(c). It is further express in Fla. Stat. § 905.27 that the legislature intended for a court to be the party to make the determination of disclosure. Fla. Stat. § 905.27(1). In other words, the legislature intended for recourse to the courts in considering and determining the propriety and scope of grand jury secrecy.

E. The Court’s Jurisdiction And Authority.

(1) The Court’s Supervision of the Grand Jury Process and Its Authority to Order Public Disclosure of the Epstein Evidence.

60. The Florida Supreme Court has noted that “in states such as Florida, where the grand jury is preserved, it is an important appendage of the court which impanels it. At the same time it should not be forgotten that the judge of that court is equally important and he is generally charged with the supervision of the grand jury’s activities... It is, therefore, of vital importance to maintain the dignity and the integrity of both the grand jury and the presiding judge.” *State v. Clemons*, 150 So. 2d 231, 233-34 (Fla. 1963).

61. Chapter 905 of the Florida Statutes governs the empanelment and conduct of Florida grand juries. The court gives the grand jury its initial charge and advises the grand jury about its legal duties. Fla. Stat. § 905.18.

62. Florida Stat. Section 905.27(1) provides that “the testimony of a witness examined before the grand jury . . . or other evidence received by it” may be disclosed “when required by a

court . . . for the purpose of: (a) Ascertaining whether it is consistent with the testimony given by the witness before the court; (b) Determining whether the witness is guilty of perjury; or (c) Furthering justice.” Fla. Stat. § 905.27(1)(a)-(c).

63. Further, disclosure is appropriate pursuant to this Court’s inherent authority over grand jury proceedings because of the exceptional public interest in this case and the compelling circumstances supporting transparency. *Carlson v. United States*, 837 F.3d at 766 (“a district court has the inherent power to disclose [grand jury] materials in exceptional circumstances and . . . historic importance can be a sufficient reason when there is little countervailing need for secrecy”).

64. The Florida Supreme Court has confirmed that grand jury secrecy is not absolute and that any “potential harm to public officeholders” from disclosure “will be the product of their own conduct, and not the consequence of an unrestrained body of misguided citizens.” *Miami Herald Pub. Co. v. Marko*, 352 So. 2d 518 (1977) (“The benefits to be derived from this extraordinary exercise in citizen participation [in the grand jury] would be severely limited if the fruits of that activity were not available to the public on whose behalf it is undertaken. Implicit in the power of the grand jury to investigate and expose official misconduct is the right of the people to be informed of its findings. While public disclosure of grand jury findings inevitably entails the risk of reputational damage, the legislature has ensured that any potential harm to public officeholders will be the product of their own conduct, and not the consequence of an unrestrained body of misguided citizens.”).

(2) The Court’s Jurisdiction To Declare Rights And Construe Statutes.

65. This Court has jurisdiction to declare rights, status, and other equitable or legal relations whether or not further relief is or could be claimed. Florida Stat. Section 86.011.

66. Florida law specifically provides that a declaration may be sought from the Court concerning a petitioner's rights under a statute. Florida Stat. Section 86.021 ("Any person...whose rights, status, or other equitable or legal relations are affected by a statute, or any regulation made under statutory authority,...may have determined any question of construction or validity arising under such statute,...or any part thereof, and obtain a declaration of rights, status, or other equitable or legal relations thereunder.").

67. The Court's exercise of its power to declare rights "is to be liberally administered and construed." Florida Stat. Section 86.101.

COUNT I

(Declaratory Relief - Florida Stat. Sections 86.011 *et seq.*)

68. The allegations set forth in paragraphs 1 through 67 are incorporated by reference as if fully set forth herein.

69. This is an action for Declaratory Relief pursuant to Chapter 86, Florida Statutes, and other supplemental relief.

70. *The Palm Beach Post* respectfully requests that the Court declare that pursuant to Fla. Stat. Section 905.27(1), it is entitled access to the testimony, minutes, and other evidence presented in 2006 to the Palm Beach County grand jury because such disclosure and access would be in the furtherance of justice. Fla. Stat. § 905.27(1)(c). Because *The Palm Beach Post* is not seeking these materials in connection with either a civil or criminal case, it seeks a declaration that the scope of its use of the disclosed materials is not limited. See Fla. Stat. § 905.27(2).

71. *The Palm Beach Post* further seeks a declaration that disclosure of the testimony, minutes, and other evidence presented in 2006 to the Palm Beach County grand jury is appropriate

pursuant to this Court's inherent authority over grand jury proceedings because of the exceptional public interest in this case and the compelling circumstances supporting transparency.

72. *The Palm Beach Post* has sought from Defendants, but Defendants have refused to provide, access to the testimony, minutes, and other evidence presented in 2006 to the Palm Beach County grand jury. Indeed, Defendants have each filed motions to dismiss the Complaint and the relief it sought under Fla. Stat. Section 905.27(1). Accordingly, a good-faith dispute exists between the parties.

73. Through this Complaint, *The Palm Beach Post* presently has a justiciable question concerning its rights to obtain the 2006 grand jury materials pursuant to Fla. Stat. Section 905.27(1) and the Court's inherent authority.

74. A bona fide, actual, present, and practical need for the declaration exists in that Defendants have denied to *The Palm Beach Post* – and to the public at large – the grand jury materials sought to be disclosed. The relief sought from the Court is therefore not merely the giving of legal advice or to answer hypothetical questions.

WHEREFORE, *The Palm Beach Post* respectfully requests that the Court determine the rights and obligations of the parties by declaring that pursuant to Fla. Stat. Section 905.27(1)(c) and the Court's inherent authority, *The Palm Beach Post* may gain access to the testimony, minutes, and other evidence presented in 2006 to the Palm Beach County grand jury and use those materials for the purpose of informing the public.

COUNT II

(Florida Stat. Section 905.27)

75. The allegations set forth in paragraphs 1 through 74 are incorporated by reference as if fully set forth herein.

76. Based on information learned by *The Palm Beach Post* through its Florida Public Records Law requests, law enforcement sources with direct knowledge of the grand jury evidence and proceedings, judicial documents obtained from independent but related court proceedings, and documents otherwise available in the public record, the State Attorney for Palm Beach County presented truncated evidence of Epstein's criminal wrongdoing to the 2006 grand jury in a manner that precluded his indictment for the serious crimes he committed, including sex trafficking and sexual assault.

77. Pursuant to Florida Stat. Section 905.27, in order to further justice for Epstein's victims and the public, and to provide public disclosure to illuminate whether Epstein received unreasonably lenient treatment based on the available evidence, *The Palm Beach Post* requests immediate access to the testimony, minutes, and other evidence presented in 2006 to the Palm Beach County grand jury.

78. In a case of this magnitude and importance, where the accused is dead and so many of his crimes, as well as the identities and crimes of his co-conspirators, and the identities of the victims have already been exposed, the need for grand jury secrecy is no more. *See United States v. Socony-Vacuum Oil Co.*, 310 U.S. 150, 234 (1940) ("[A]fter the grand jury's functions are ended, disclosure is wholly proper where the ends of justice require it.").

WHEREFORE, *The Palm Beach Post* respectfully requests that this Court, pursuant to Fla. Stat. Section 905.27(1) and the Court's inherent authority, order the State Attorney and the Clerk of the Court to file with this Court copies of the testimony, minutes, and other evidence presented in 2006 to the Palm Beach County grand jury during the first Epstein sex abuse investigation so that, following an in camera inspection, it can be made available to *The Palm Beach Post* and the

public on an expedited basis, and grant any other and further equitable or legal relief the Court deems just and proper.

Dated: January 17, 2020

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of January, 2020, a copy of the foregoing has been electronically filed with the Florida E-File Portal for e-service on all parties of record herein.

/s/ Stephen A. Mendelsohn
STEPHEN A. MENDELSON

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EXHIBIT 1

The Newspaper's Reportage on Jeffrey Epstein

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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.

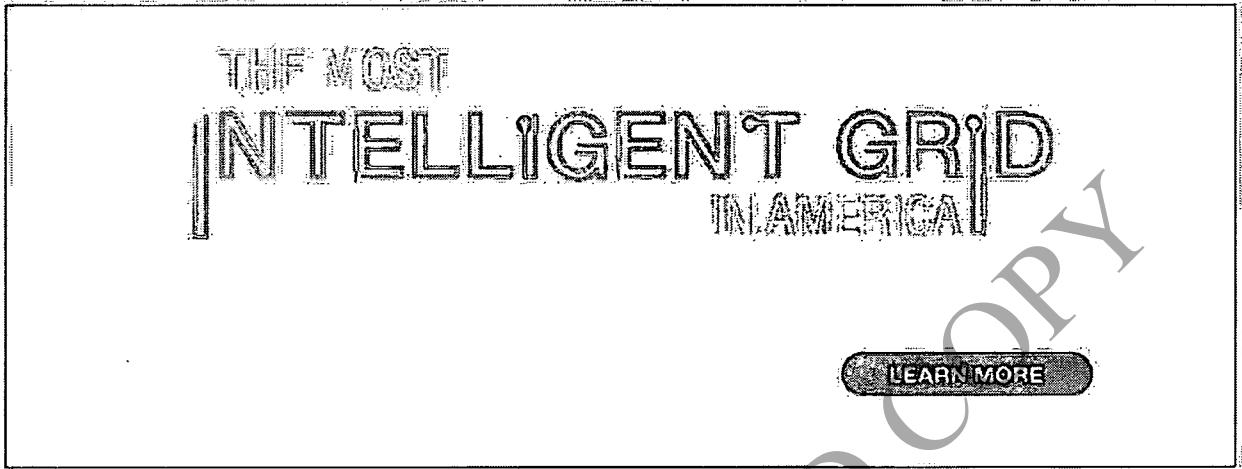
Goldberger maintains Epstein's innocence but says the legal team has not ruled out a future plea deal. He insists Epstein will emerge in the end with his reputation untarnished.

"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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Illustration: PHOTO (C & 2 B&W) & MAP (B&W)

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Dateline: WEST PALM BEACH

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.

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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.

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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

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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