

STATE OF FLORIDA
vs.
JEFFREY EPSTEIN,
Defendant.

MOTION TO CLARIFY SENTENCE TO CORRECT SCRIVENER'S ERROR

COMES NOW the Defendant, JEFFREY EPSTEIN, by and through his undersigned attorney and moves this Honorable Court to enter an Order clarifying the sentence to correct a scrivener's error contained in the sentencing documents in the Defendant's case. In support thereof the Defendant would state as follows:

1. The Defendant was charged by Information in the above referenced case and the case was assigned to Criminal Division "W".

2. The case resolved by a guilty plea after plea negotiations between the parties. It was a condition of the plea negotiations that the case be resolved by June 30, 2008.

3. The case was scheduled for a plea conference on June 30, 2008 in Criminal Division "W", the division that this case and the companion case had always been assigned to. On that date, retired Judge Deborah Pucillo was substituting for the assigned Division "W" judge, Sandra McSorley, because Judge McSorley would not be sitting on that day.

4. Judge Pucillo handled all cases assigned to Division "W" on June 30, 2008 including that of the Defendant.

5. The Defendant, Jeffrey Epstein, entered his guilty pleas on June 30, 2008 in Division "W" before Judge Pucillo. All plea documents and court commitments from court on June 30, 2008 reflect that this was a Division "W" case and was being resolved in Division "W", the division the case had always been assigned to.

6. As part of the negotiated settlement of the case, the Defendant is to serve a twelve month sentence in Case No. 2006CF009454AXX, followed by a six month sentence on this case, consecutive with the first twelve month sentence in the in Case No. 2006CF009454AXX. The Defendant is sentenced to twelve months of community control I consecutive to the two above referenced jail sentences. The community control sentence begins only after the two jail sentence have been served.

7. On July 18, 2008 Judge Sandra McSorley, the permanent judge assigned to Division "W", signed an Order of Community Control, without notice to the parties, nunc pro tunc to June 30, 2008. The reason for this is that the substitute judge had neglected to sign an Order of Community Control in this case at the time of the plea. See the Order of Community Control attached as Exhibit "A".

8. The Order of Community Control signed by Division "W" Judge McSorley on July 18, 2008, contains a minor scrivener's error that needs to be corrected. The Order of Community Control could be interpreted to suggest that the Defendant was placed on community control on June 30, 2008 based on the box that the clerk checked when preparing the Order of Community Control.

9. The parties agree that the Defendant's twelve month sentence in the county jail on Case No. 2006CF009454AXX is followed by a six month sentence in the instant case. The parties agree that the one year period of community control is to only begin after the Defendant has completed his jail sentences.

10 Assistant State Attorney Lanna Belohlavek does not to object to Motion to Clarify Sentence to Correct Scrivener's Error.

WHEREFORE the Defendant moves this Honorable Court to enter an Order correcting the scrivener's error in the original Order of Community Control clarifying the intent to the parties that the Defendant's community control sentence begins only after his jail sentence terminates.

I HEREBY CERTIFY that a copy of the foregoing has been furnished by mail to Lanna Belohlavek, State Attorney's Office, 401 North Dixie Highway, West Palm Beach, Florida 33401, this 4th day of December, 2008.

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