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FYI –

From the Palm Beach Post:

WEST PALM BEACH - A federal judge sentenced Marion Yarbrough to 40 years in prison Friday for sexually abusing a 15-year-old West Palm Beach girl. According to the U.S. Attorney's Office, Yarbrough, of Kentucky, met the girl on a Web-based social site and arranged to have a Greyhound bus ticket wired to her. The girl traveled to Tennessee, and Yarbrough took her by car to Kentucky and repeatedly sexually abused her. U.S. District Court Judge Kenneth A. Marra also ordered Yarbrough to register as a sex offender and to have no unsupervised contact with children. Yarbrough previously had been charged in Kentucky with sexually abusing three other minors.

From Palm Beach Daily News:

Plea deal violation could net federal charges for convicted sex offender Jeffrey Epstein

 Picture (Device Independent Bitmap) [Click-2-Listen](#)

By [MICHELE DARGAN](#)
Daily News Staff Writer

Saturday, September 20, 2008

Convicted sex offender Jeffrey Epstein still faces the possibility of federal criminal charges if he violates any of the terms of his state plea agreement, according to federal court documents.

Although it was widely reported that federal prosecutors had agreed to drop their investigation of Epstein under his plea bargain, the documents show that the U.S. Attorney's Office agreed only to defer prosecution while Epstein completes his sentence.

Under the terms of the federal deferred-prosecution agreement, Epstein will have to comply with court orders and restrictions even up to 90 days after he completes the house arrest that will follow his 18-month jail term.

Epstein, 55, pleaded guilty June 30 to two felony counts: soliciting prostitution and procuring a person under 18 for prostitution. He is serving 18 months in jail to be followed by 12 months house arrest.

In addition to the criminal charges, there are nine federal and six state lawsuits pending against Epstein, all containing similar allegations: that Epstein, through his employees and assistants, brought minor girls to his Palm Beach home at 358 El Brillo Way for erotic massages and sometimes sex.

If Epstein violates any of the conditions of his state plea agreement during his sentence and up to 90 days after, the U.S. Attorney's Office "reserves the right to indict (or unseal an existing indictment against) Mr. Epstein,"

according to federal court documents filed by Epstein attorney Michael Tein.

Tein filed the documents in support of a motion asking U.S. District Judge Kenneth Marra to stay proceedings in a federal lawsuit by one of Epstein's victims until after Epstein completes all conditions of his sentence plus the three months.

If the lawsuit is not postponed, anything Epstein says in his defense could be used against him in a federal prosecution, Tein argued.

Marra denied the motion.

"The court sees no reason to delay this litigation for the next 33 months," he wrote. "After all, defendant is in control of his own destiny — it is up to him (and him alone) whether the plea agreement reached with the State of Florida is breached. If defendant does not breach the agreement, then he should have no concerns regarding his Fifth Amendment right against self-incrimination."

Under the conditions of his plea agreement, Epstein must register as a sex offender for life. While he is serving the 12 months of house arrest at his Palm Beach home, Epstein must:

- * Observe a 10 p.m. to 6 a.m. curfew.
- * Have no unsupervised contact with anyone younger than 18.
- * Neither view, own nor possess pornographic or sexual materials.

As a convicted sex offender, he will not be allowed to live within 1,000 feet of a school, playground or other place where children gather.

The federal deferred-prosecution agreement, which is tied to his state plea agreement, is under seal, but Tein's motion provided glimpses into the sealed agreement.

Paperwork filed by Tein discloses that "under the agreement, the USAO presently retains the continuing right to indict Mr. Epstein — or to unseal 'any' already-existing federal 'charges' that may already have been handed up by the federal grand jury and sealed — should he breach any of its provisions."

The Tein motion also indicates that the U.S. Attorney's agreement with Epstein requires that:

- * The grand jury's subpoenas remain outstanding.
- * The parties must maintain their evidence.
- * Any existing charges will not be dismissed until after Epstein has "fulfilled all the terms and conditions of the agreement."

The agreement also includes "a promise not to prosecute defendant Sarah Kellen only if Epstein successfully fulfills all the terms and conditions of the state agreement."

Kellen, Epstein's former assistant, was investigated for bringing the girls up to the room in his Palm Beach home where Epstein was waiting and for paying the girls afterward. She has not been charged.

Tein did not return calls on Friday.

Alicia Valle, special counsel to the U.S. Attorney, said via e-mail that the U.S. Attorney's Office had no comment on the agreement.

Hollywood attorney Brad Edwards is representing some of the victims in state and federal court. Marra recently granted Edwards' motion that he and two of his clients be allowed to see the sealed agreement.

Edwards — who is under orders by the judge not to discuss the contents of the agreement — says he intends to file a motion to unseal the agreement to the public.

"The public does have a right to know the terms of the agreement," Edwards said. "These are very unusual circumstances where a prosecutor and a criminal defendant enter into a confidential agreement for the purpose of keeping it from the public."

Miami attorney Jeffrey Herman, who represents six of the "Jane Does" in federal lawsuits, agreed.

"We anticipate trying to get that document unsealed," he said. "I think it's appropriate and should be seen, particularly by the victims, but I also think that the public should see it, too."

From Sun-Sentinel:

Kentucky man to serve 40 years for sexually abusing West Palm Beach girl, 15

Kentucky man to serve 40 years for abusing girl

By Missy Diaz | South Florida Sun-Sentinel

September 23, 2008

A Kentucky man will spend 40 years in federal prison followed by a lifetime on supervised release for sexually abusing a 15-year-old West Palm Beach girl he met over the Internet.

U.S. District Judge Kenneth Marra also ordered Marion Yarbrough to register as a sex offender and have no unsupervised contact with children.

Yarbrough, 35, met the teen last year on the mobile social networking site itsmy.com. During a series of online chats, Yarbrough told the girl he was 21. After chatting for several days, he wired the victim a Greyhound bus ticket to Tennessee, where he picked her up and drove her back to Kentucky. For two weeks, Yarbrough repeatedly sexually abused the teen, according to the U.S. Attorney's Office.

Yarbrough had previously been charged in Kentucky with sexually abusing three other minors. At the time of his arrest in this case, he had charges pending for the rape of a 12-year-old Kentucky girl. He is to be returned to Kentucky to face those charges.


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