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Subject: RE: SDNY News Clips Monday, August 19, 2019
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Yes, I saw.

From: [REDACTED] (USANYS) <[REDACTED]>
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Subject: FW: SDNY News Clips Monday, August 19, 2019

According to WSJ, there were two prosecutors in DANY who handled Epstein's effort to get reduced sex offender level: Jennifer Gaffney and Pat Egan.

Documents Show Efforts by Jeffrey Epstein's Attorneys to Sway Prosecutors

WSJ
By Joe Palazzolo
8/18/19

Local prosecutors in Manhattan labeled Jeffrey Epstein a low-level sex offender nearly a decade ago, against the recommendation of a state panel of experts and to the shock of a New York judge.

Documents obtained through a public-records request provide new insight into how Mr. Epstein wielded influence within the criminal-justice system, as his lawyers at Kirkland & Ellis LLP tried to prevent the financier from having to report to New York City police regularly or appear in a public sex-offender database.

Attorneys Jay Lefkowitz and Sandra Musumeci recruited the former state prosecutor in Florida who oversaw the original investigation of Mr. Epstein to speak with assistant district attorneys in Manhattan, the records show. In letters and a meeting with the Manhattan office, the defense lawyers dismissed Florida police allegations of Mr. Epstein's sexual encounters with girls as "inflammatory" and "unreliable" and portrayed him as a benefactor with a compelling life story who was "not in any way a typical sex offender."

They got what they wanted from Manhattan prosecutors but ultimately lost in court. Still, in the end, Mr. Epstein avoided the most onerous sex-offender requirements in New York, having established his primary residence in the U.S. Virgin Islands.

Mr. Lefkowitz and Ms. Musumeci didn't respond to calls and emails seeking comment.

A spokesman for Manhattan District Attorney Cyrus Vance Jr. said Mr. Epstein's lawyers dealt only with two prosecutors in the office on the sex-offender designation: **Jennifer Gaffney, the deputy chief of the sex crimes unit, and Patrick Egan.**

Mr. Epstein was found dead in a Manhattan jail cell Aug. 10, while awaiting trial on new sex-trafficking charges stemming from what federal prosecutors alleged was a yearslong scheme to procure and sexually abuse dozens of girls. A medical examiner determined the cause of death was suicide.

More than a decade earlier, Mr. Epstein pleaded guilty in Florida to soliciting a prostitute and "procuring a person under 18 for prostitution." The second felony charge required him to register as a sex offender in the state and other places where he had homes, including New York.

A Palm Beach police report cited interviews with several girls who described giving Mr. Epstein massages that turned sexual. But his lawyers worked out a deal with federal and state prosecutors that limited his exposure to the two prostitution-related counts and sent him to jail for 13 months with broad work-release privileges.

After reviewing the police report, the New York Board of Examiners of Sex Offenders recommended in August 2010 placing Mr. Epstein in the category of offenders deemed at the highest risk of committing another crime.

If adopted by a court, the board's recommendation meant that Mr. Epstein would have to check in with New York police every 90 days and would be listed in a public database of sex offenders with his photo.

That fall, Mr. Lefkowitz and Ms. Musumeci said in letters to the Manhattan District Attorney's Office that prosecutors should place little weight on allegations against Mr. Epstein that Florida prosecutors declined to charge. They argued for classifying Mr. Epstein among the lowest-risk sex offenders, who aren't listed in the public database and have to check in with police only once a year.

The Kirkland & Ellis attorneys offered to connect prosecutors to an unusual source to back up their arguments: Barry Krischer, the former Palm Beach County state attorney who oversaw the Epstein case in Florida would come speak to them about his investigation, Ms. Musumeci wrote in a Dec. 10, 2010, **email to Ms. Gaffney and Mr. Egan in the Manhattan district attorney's office.**

The Manhattan prosecutors declined the offer, but they contacted then-current officials at the Palm Beach County state attorney's office to figure out why allegations against Mr. Epstein in the police report didn't lead to charges, according to Ms. Gaffney. Mr. Krischer didn't respond to a request for comment.

Guidelines for the New York Board of Examiners of Sex Offenders say that "the fact that an offender was not indicted for an offense may be strong evidence that the offense did not occur."

"After two months of seeking out additional information, I still had nothing more. At that time, I made a legal determination that I could not rely solely on the police reports," Ms. Gaffney said.

She informed Mr. Epstein's lawyers in a December 2010 email that the district attorney's office would consent to designating Mr. Epstein low risk.

Stephen Weber, a former member of the board of examiners who looked at Mr. Epstein's case, said it was "extremely unusual" for a New York district attorney's office to seek more lenient treatment for a sex offender than the board.

"Generally speaking, most [district attorneys] want an upward departure, never down," Mr. Weber said.

Ms. Gaffney had to defend her decision at a January 2011 hearing in New York Supreme Court.

"I am a little overwhelmed because I have never seen the prosecutor's office do anything like this," Justice Ruth Pickholz told Ms. Gaffney, according to a transcript of the hearing.

Ms. Gaffney agreed that it was "incredibly unusual for us to make a downward argument," but said the board of examiners had erred by relying on unproven allegations in the Palm Beach police report.

The judge sided with the board, placing Mr. Epstein in the most serious category of sex offender.

"He can give up his New York home if he doesn't want to come here every 90 days," Justice Pickholz said.

The Manhattan District Attorney's Office changed its position after Mr. Epstein appealed Justice Pickholz's order, acknowledging that the allegations in the Palm Beach police report were reliable proof of criminal conduct.

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From: [REDACTED] (USANYS) <[REDACTED]>
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Subject: SDNY News Clips Monday, August 19, 2019

[SDNY News Clips](#)

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Terrorism and International Narcotics

Baktash Akasha

US Court Sentences Confessed Kenyan Drug Lord Baktash Akasha to 25 Years in Prison

Mwakilishi.com
By John Wanjohi
8/16/19

A US federal court on Friday sentenced confessed Kenyan drug lord Baktash Akasha Abdalla to 25 years in prison.

Baktash, who pleaded guilty to six counts of drug trafficking and bribery in October 2018 before the Southern District of New York Court, was further ordered to pay a fine of \$100,000 (about Sh10.3 million).

Justice Victor Marrero ruled that Baktash sought to smuggle large quantities of Heroin and Methamphetamine into the United States.

The judge further ruled that the convict conspired to possess machine guns and destructive weapons, and bribed Kenyan officials to avoid extradition to the US to face drug-related charges.

Justice Marrero will sentence Baktash's brother Ibrahim Akasha Abdalla on November 8th, 2019 after he also pleaded guilty to the same drug-trafficking offenses.

"Akasha (Baktash) was once one of the world's most prolific and violent drug traffickers, but today's significant sentence of 25 years in prison all but guarantees he will never profit from the illicit drug trade again," said Manhattan US Attorney Geoffrey S. Berman.

He added: "Baktash Akasha led a massive drug trafficking organization responsible for shipping tons of finished narcotics, and the ingredients to make tons more, around the world. Akasha, along with his brother, ensured that their enterprise operated with impunity for nearly 20 years by eliminating and intimidating rival drug traffickers with violence and murder, and bribing Kenyan government officials to avoid extradition to the U.S."

The Akasha brothers were arrested in Mombasa in 2014 alongside two other suspects; Hussein Shabakhash aka Old Man and Vicky Goswami.

The four suspects were captured at the request of American authorities for conspiracy to import 99 kilos of heroin and two kilos of methamphetamine into the U.S. They were extradited to the US in January 2017 to face the charges.

Leader of Kenyan drug organization sentenced to 25 years in U.S.

Reuters

By Brendan Pierson

8/16/19

NEW YORK (Reuters) - A U.S. judge sentenced a leading Kenyan drug trafficker, Baktash Akasha, to 25 years in prison on Friday after he pleaded guilty last year to conspiracy to import heroin and methamphetamine and other crimes.

U.S. District Judge Victor Marrero in Manhattan sentenced Akasha, 42. Prosecutors described Akasha as the leader of a crime family called the Akasha organization, a major smuggling operation connecting the poppy fields of Afghanistan to European and U.S. cities. In his guilty plea, Akasha also admitted to bribing officials in Kenya.

His brother, Ibrahim Akasha, has also pleaded guilty in the case and is scheduled to be sentenced by the same judge in November.

Baktash Akasha took control of the organization after his father, Ibrahim Akasha, was killed in a shooting, according to authorities.

Prosecutors had sought a life sentence for Baktash Akasha.

His lawyer, George Goltzer, asked for a sentence close to the legal minimum of 10 years. Goltzer argued the lighter sentence was warranted because Akasha was caught in a sting operation and never actually brought any drugs into the United States.

“They want a life sentence without an American victim, without drugs in the United States,” he said during the hearing.

Just before he was sentenced, Akasha apologized to his friends and family as he asked the judge to show “mercy.”

Goltzer said after the sentence that the judge had been “very thoughtful,” but declined to comment further.

The case stemmed from a U.S. Drug Enforcement Administration probe into the Akasha organization, leading to the extradition of the brothers to the United States from Kenya in January 2017 along with Gulam Hussein, a Pakistani national charged with heading a drug transportation network, and Vijaygiri Goswami, an Indian businessman accused of managing the organization’s drug business.

The four defendants were arrested in Mombasa, Kenya, in November 2014 in a U.S.-led sting operation, in which authorities said the Akasha organization provided 99 kilograms (218 lb) of heroin and two kilograms of methamphetamine to DEA informants posing as drug traffickers.

A fifth defendant accused of working with the Akasha organization, Muhammad Asif Hafeez, was arrested in London in August 2017. The United States has requested his extradition.

The Akasha family has been involved in the drug trade for years, according to U.S. diplomatic cables published by WikiLeaks. The Satao Project, a private company focused on fighting poaching, has said the Akasha network was also linked to around 30 tons of ivory seizures.

Public Corruption

Epstein

Inmate 76318-054: The Last Days of Jeffrey Epstein

NYT

By Ali Watkins, Danielle Ivory and Christina Goldbaum

8/17/19

Jeffrey Epstein, inmate 76318-054, hated his cell at the Metropolitan Correctional Center. It was cramped, dank and infested with vermin, so Mr. Epstein, long accustomed to using his wealth to play by his own rules, devised a way out.

He paid numerous lawyers to visit the jail for as many as 12 hours a day, giving him the right to see them in a private meeting room. Mr. Epstein was there for so long that he often appeared bored, sitting in silence with his lawyers, according to people who saw the meetings. While they were there, he and his entourage regularly emptied the two vending machines of drinks and snacks.

“It was shift work, all designed by someone who had infinite resources to try and get as much comfort as possible,” said a lawyer who was often in the jail visiting clients.

Outside the meeting room, Mr. Epstein mounted a strategy to avoid being preyed upon by other inmates: He deposited money in their commissary accounts, according to a consultant who is often in the jail and speaks regularly with inmates there.

The jail was a sharp departure from his formerly gilded life, which had included a private island in the Caribbean, a \$56 million Manhattan mansion and a network of rich and powerful friends.

But in his final days, Mr. Epstein's efforts to lessen the misery of incarceration seemed to be faltering.

He was seldom bathing, his hair and beard were unkempt and he was sleeping on the floor of his cell instead of on his bunk bed, according to people at the jail.

Still, he convinced the jail's leadership that he was not a threat to himself, even though an inquiry was already underway into whether he had tried to commit suicide on July 23. The federal jail was so poorly managed and chronically short-staffed that workers who were not correctional officers were regularly pressed into guard duty.

On Aug. 9, lawyers crowded into the plastic chairs in the meeting room with Mr. Epstein as the world was riveted by news that a court had released a cache of previously sealed documents, providing disturbing details about the sex trafficking accusations against him.

A few hours later, on the overnight shift, only 18 workers were guarding a jail with roughly 750 inmates, according to records released by the Bureau of Prisons. Ten of the workers were on overtime.

One post was actually vacant, the records show.

On 9 South, the special unit where Mr. Epstein was housed, there were two guards, one of whom was a former correctional officer who had volunteered for duty.

The two guards were supposed to check on Mr. Epstein every 30 minutes, but failed to do so for about three hours. At some point, the guards fell asleep, according to two Bureau of Prisons officials.

By the next morning, Mr. Epstein, 66, was dead. At 6:30 a.m., at least one of the guards discovered him in his cell, unresponsive and tinged blue, after he had hanged himself with a jail bedsheet, a prison official and a law enforcement official said.

A worker hit an alarm he was carrying to alert the jail that there was an emergency, according to one prison official.

Radios called out, "Body alarm on South, body alarm on South."

Staff cut the bedsheet holding Mr. Epstein and tried to administer CPR, according to two prison officials. But an hour later he was pronounced dead.

It is impossible to know why a person takes his own life. But an examination of Mr. Epstein's last days by The New York Times, gathered from dozens of interviews with law enforcement officials, Bureau of Prisons employees, lawyers and others, suggests that Mr. Epstein's death came after he started to realize the limits of his ability to deploy his wealth and privilege in the legal system.

The people who described their interactions with Mr. Epstein and the conditions in the jail almost all spoke only on condition of anonymity, in large part because Epstein's death is now the subject of at least two major federal inquiries into the failure to closely monitor such a high-profile prisoner.

Mr. Epstein's lawyers have not responded to questions about his time at the jail or whether they believe that he was not properly monitored. After his suicide, they issued a short statement.

"No one should die in jail," they said.

Fearing jail, seeking a way out

Jeffrey Epstein feared life behind bars, according to people who knew him.

A few years ago, on the second floor of his Upper East Side mansion, he had a mural painted that shows a photorealistic prison scene, with barbed wire, correction officers and a guard station. Mr. Epstein himself is portrayed in the middle, and he told a visitor earlier this year that he wanted the mural to remind him of what could await him if he was not careful.

Mr. Epstein had successfully used his wealth to skirt punitive conditions in his 2008 brush with authorities in Florida, when his team of elite lawyers negotiated a much-criticized deal with federal prosecutors to allow him to plead guilty to state charges of soliciting a minor for prostitution. In return, Mr. Epstein was shielded from federal sex-trafficking charges.

He served 13 months at the Palm Beach County stockade and was allowed to leave custody and work out of an office six days a week.

But this time was different.

After Mr. Epstein was arrested on July 6 on a new federal indictment, he ended up in a cell in the special housing unit in the Metropolitan Correctional Center, a rust-colored fortress in Lower Manhattan where many of the inmates are awaiting trial on federal charges.

The jail has often held high-profile prisoners. Joaquín Guzmán Loera, the drug lord known as El Chapo, was housed there after two escapes from high-security Mexican prisons. Other inmates have included Bernard L. Madoff, who masterminded a multibillion-dollar Ponzi scheme.

It is notorious for miserable conditions, particularly in the higher-security units. Mr. Guzmán and the mob boss John Gotti, who were housed in the most secure wing, often complained (garnering little sympathy in response).

The staffing problems at the jail are emblematic of a larger shortage of correctional officers in federal jails and prisons across the country.

These facilities have been dealing with rising levels of violence and other safety problems as the Trump administration has curtailed hiring in its quest to shrink the government, according to an investigation by The New York Times last year.

Some prisons have been so pressed for guards that they have forced teachers, nurses, cooks and other support staff to step in. That can lead to security risks because the substitute workers are often less familiar with the inmate population than the regular guards and can miss cues indicating that trouble is brewing, The Times investigation found.

The wing where Mr. Epstein was housed, 9 South, is the less restrictive of the jail's two most secure units, holding dozens of inmates, usually in groups of two in small cells.

There, he was allowed one hour of recreation per day and could shower every two to three days, according to prison officials. Aside from meetings with lawyers, his contact with the outside world was severely limited.

Beyond its isolation, the wing is infested with rodents and cockroaches, and inmates often have to navigate standing water — as well as urine and fecal matter — that spills from faulty plumbing, accounts from former inmates and lawyers said.

One lawyer said mice often eat his clients' papers.

Mr. Epstein tried desperately to ingratiate himself with fellow inmates, the consultant who had spoken with inmates said. He had heard from two inmates that Mr. Epstein transferred money into at least three other inmates' commissary accounts — an exercise often used in the jail to buy protection.

It was clear early on that Mr. Epstein was desperate to leave 9 South.

After his arrest, he asked a judge to release him on a substantial bond, pledging to put up his Manhattan mansion and his jet as collateral. He would hire round-the-clock security guards, he said, who would “virtually guarantee” that he would not flee.

The judge denied the request on July 18, and Mr. Epstein stayed in 9 South.

The possible suicide attempt

Five days later, Mr. Epstein was found unconscious in his cell, with marks on his neck.

His cellmate, Nicholas Tartaglione, a former suburban New York police officer accused of a quadruple homicide, summoned guards, and Mr. Epstein was revived, according to Mr. Tartaglione's lawyer, Bruce Barket.

Prison officials investigated the incident as a suicide attempt, and Mr. Epstein was removed from 9 South and placed in the jail's suicide prevention program.

Some workers and inmates were skeptical, according to prison officials and people who spoke with inmates in the wing. They questioned whether Mr. Epstein was faking his injury to gain sympathy from Judge Richard M. Berman, who was presiding over his case.

That skepticism grew when Mr. Epstein accused Mr. Tartaglione of assaulting him, an allegation Mr. Tartaglione denied and some guards doubted.

A prison official said that within the facility, Mr. Epstein's story was seen as an attempt to avoid being put on suicide watch.

The jail's warden, Lamine N'Diaye, told Judge Berman in a letter that the jail conducted an internal investigation into the July 23 incident, but did not say what the outcome of that investigation was. (Mr. N'Diaye was transferred out of the jail on Tuesday pending the investigation into Mr. Epstein's death.)

The few comforts Mr. Epstein once had in 9 South disappeared on suicide watch.

Inmates there are housed alone in solitary rooms, naked except for a thick, heavy smock. Lights can be dimmed, but never turned off, and there are no bedsheets or materials that could be used for self-harm.

According to Bureau of Prisons policies, Mr. Epstein would have met on a daily basis with psychologists.

Six days later, on July 29, he was taken off suicide watch and returned to 9 South.

In the wake of his death, the decision by the jail's leadership to end the suicide watch has sparked criticism from elected officials and some mental health professionals.

“Any case where someone had a proven or suspected serious suicide attempt, that would be unusual to within two to three weeks take them off suicide watch,” said Dr. Ziv Cohen, a forensic psychiatrist who frequently evaluates inmates at the Metropolitan Correctional Center.

But six current and former prison officials said it was not uncommon for an inmate to be taken off suicide watch after only a few days.

Mr. Epstein's own lawyers believed that he was fine and lobbied to have him taken off suicide watch, according to someone familiar with the negotiations.

Suicide and aftermath

Three days after Mr. Epstein was formally removed from the 24-hour suicide watch, he received a visit from David Schoen, a lawyer whom he had consulted periodically over more than a decade.

Mr. Schoen said Mr. Epstein had sought the meeting through another lawyer and indicated to Mr. Schoen that he wanted him to join his legal team.

They conferred in the meeting room for roughly five hours, talking about legal issues and the case.

At one point, a therapist at the jail stopped by and asked Mr. Schoen to leave the room because she had to meet privately with Mr. Epstein.

The therapist told Mr. Schoen that her visit was part of the suicide protocol.

Mr. Epstein "said he was fine with it," Mr. Schoen said. "She stayed max five minutes."

When the session was finished, Mr. Schoen said he joked with Mr. Epstein and the therapist about how short it had been.

Mr. Schoen said that by the time the meeting ended, Mr. Epstein seemed excited about their working together on the case.

"One thing I can say for sure is when I left him he was very, very upbeat," said Mr. Schoen, who never had the chance to join the team.

But in the days that followed, Mr. Epstein started appearing more haggard, according to lawyers and prison staff.

"He's deprived of communication with third parties, looked disheveled, sleeping on the floor sometimes," a lawyer said.

And Mr. Epstein's penchant for meetings stretched an already thin staff to its limits. As an inmate in 9 South, Mr. Epstein required additional guards to take him to and from meeting rooms. He took frequent bathroom breaks, requiring guards to escort him.

Mr. Epstein spent his last day in 9 South the same way he spent nearly every other: sitting for hours with his lawyers. They had arrived early, according to a lawyer who visited the secure client meeting rooms that day, and Mr. Epstein was seen there until at least late afternoon.

Overnight, the two guards in 9 South should have checked on Mr. Epstein every 30 minutes, but they stopped around 3:30 a.m. Two prison officials said they fell asleep.

Both staff members were working overtime. One had volunteered, having already worked several tours of overtime that week. The other had been forced to work a 16-hour double shift. A prison official and a law enforcement official said the two guards falsified records to make it look like they had checked in on Mr. Epstein.

Mr. Epstein was housed in one of a handful of cells in 9 South where inmates could peer out of their small windows and down onto the staff members stationed at the guard desk, according to a prison official. He might have been able to see whether the guards were asleep, the official said.

The official autopsy results, announced by the medical examiner on Friday, showed that the cause of death was suicide by hanging. But that finding seemed to do little to quell the mystery of how Mr. Epstein was allowed to remain unsupervised on the night he killed himself.

The medical examiner's findings did not placate Mr. Epstein's lawyers.

"The defense team fully intends to conduct its own independent and complete investigation into the circumstances and cause of Mr. Epstein's death," they said in a statement. "We are not satisfied with the conclusions of the medical examiner."

Days after Mr. Epstein's body was found, there was little inside the jail to indicate the havoc his life — and death — had wrought. In 9 South, his cell remained unoccupied, but a flurry of lawyers representing other inmates rotated in and out of the meeting room he had only recently stopped using.

By late in the week, there was one small difference: The vending machines were full again.

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Jeffrey Epstein signed will just two days before suicide

NY Post

By Priscilla DeGregory and Kate Sheehy

8/19/19

Jeffrey Epstein's will has been filed in the US Virgin Islands, and it shows that he signed it Aug. 8 — two days before he hanged himself in his Manhattan jail cell, according to court papers exclusively obtained by The Post on Monday.

The multimillionaire convicted pedophile was worth \$577,672,654, or about \$18 million more than he previously stated in court papers while futilely trying to land bail on federal sex-trafficking charges, the new documents show.

The former hedge-fund manager put all of his holdings in a trust, called The 1953 Trust in court papers, after the year he was born.

"It's pretty boiler-plate — it's what we call a 'pour-over will,' which means everything pours over to a trust," a city estate lawyer told The Post. "It's done that way for privacy reasons.

"What is more unusual is the date, the fact that all of this was done just days before he died," said the source, who asked to remain anonymous.

"He probably knew he was going to take his own life" or may have thought "he could have been murdered in jail.

"He could have thought, 'I need to get my ducks in a row.'"

The 21-page filing includes a copy of Epstein's death certificate from Aug. 15, five days after his suicide — and lists "Immediate Cause: Pending Further Study."

The city Medical Examiner's Office has since ruled that Epstein killed himself, although that hasn't stopped conspiracy theorists from speculating he was murdered to keep him quiet about his powerful pals' suspected sexual deviancies.

The 66-year-old bachelor's will was filed with court officials in St. Thomas in the US Virgin Islands.

"He probably proceeded in the Virgin Islands to be more private because that is not where people would look," the legal expert said. In New York, "There is always a risk that it would be leaked."

Epstein owned two isles in the Virgin Islands worth a total of more than \$86 million.

One of the secluded Caribbean isles, Little St. James Island, was dubbed "Pedophile Island" by locals who said they witnessed a parade what looked like barely legal girls there.

There are no details on the trust's beneficiaries. The court papers note that Epstein's only potential heir was his brother, Mark Epstein. But the will adds that Mark only had a claim to his brother's extensive holdings if Jeffrey hadn't left behind the document.

Jeffrey Epstein had been sued by a multitude of sex accusers before his death, and the lawsuits are still piling on.

The new legal documents note, "Petitioners are investigating potential debts and claims of the Estate and at this time they are unknown."

- Cash: \$56,547,773
- Fixed income: \$14,304,679
- Equities: \$112,679,138
- Hedge funds and private equity: \$194,986,301
- Properties including: 9 E. 71st St., Manhattan, worth \$55,931,000; 49 Zorro Ranch Road, Stanley, NM, \$17,246,208; 358 El Brillo Way, Palm Beach, Fla., \$12,380,209; 22 Avenue Foch, Paris, France, \$8,672,823; Great St. James Island in the Virgin Islands, \$22,498,600, and Little St. James Island, also there, \$63,874,223.

But the new papers also include a line for "aviation assets, automobiles and boats," a collection worth \$18,551,700.

As for Epstein's famous, eccentric, sex-drenched art collection — "fine arts, antiques, collectibles, valuables," according to the papers — that still needs to be appraised.

While the will is new, it is not clear whether it superseded another.

Its executors are two longtime Epstein employees: lawyer Darren Indyke and businessman Richard Kahn. A third man, Boris Nikolic, is listed as an alternate. The executors will receive \$250,000 apiece for their work on the estate, in addition to "reasonable" expenses related to the job, the papers say.

The men were unable to be reached by phone Monday.

Civil Division

NYCHA

The city's worst NYCHA site is filled with 'rat holes,' 'toilet problems'

NY Post

By Lorena Mongelli and Nolan Hicks

8/18/19

A West Harlem public-housing complex is the most dilapidated NYCHA site in the entire city, according to records analyzed by The Post.

The Samuel Apartments are in such dire shape that the housing authority will have to shell out \$286 million over the next nine years to bring them up to code — or an average of \$431,000 for each of the 664 units in the complex's 40 low-rise buildings, the data show.

That's more per unit than any other NYCHA development.

"Rat holes, unlevelled floors, toilet problems, rotten wood, leaking water — there are lots of problems that we usually end up taking care of ourselves," said 66-year-old resident Denise Taylor. "The floors in my kitchen are buckling. You can feel it when you walk."

Taylor's daughter, Carmela Rodriguez, wants NYCHA's new \$403,000-a-year chairman, Greg Russ, to see the apartment for himself.

"He needs to look at all the seniors living in this building," she said. "Even though the people who live here are low-income, they're human as well."

The complex's whopping projected repair bill includes \$136 million for its mechanical systems, \$78 million for structural work and \$59 million for interiors.

The Samuel Apartments, which opened in 1993, were developed from century-old buildings that fell into foreclosure in the 1970s.

Taylor's unit, for example, is in a 1910 building that once had a servants room, blueprints show.

The buildings were "gut-reconstructed" into affordable housing as part of a Mayor Koch-era program, according to city Board of Estimate documents from 1989.

Complaints about leaking roofs, sinking floors and the plumbing soon followed.

The apartments account for just a fraction of the \$38 billion that NYCHA has said it needs to fix its 325 sites in the next decade.

The city hopes to pay for \$24 billion by allowing private development on NYCHA land and selling air rights, although that still leaves a \$14 billion gap.

"NYCHA remains committed to securing funding after decades of federal disinvestment into public housing," spokesman Michael Giardina told The Post.

Complex Frauds and Cybercrime

Elcock

Man Sentenced For Account Takeover, Money Laundering Scheme Affecting Tens Of Thousands

Daily Voice
By Zak Failla
8/17/19

A Brooklyn man will spend nearly five years in prison for stealing identities, defrauding banks and e-commerce retailers out of more than a million dollars, impacting tens of thousands of victims over a decade.

Jason Mickel Elcock - also known as Prezzy - was sentenced in Manhattan federal court was sentenced to 57 months in prison or engaging in a decade-long scheme to steal personal and financial information from tens of thousands of individuals and businesses and unlawful possession of a firearm, resulting in a loss of more than \$1.1 million to banks and online retailers

Elcock pleaded guilty on March 12 to wire fraud and money laundering conspiracies, and unlawful possession of a firearm.

U.S. Attorney Geoffrey Berman said that between 2008 and 2018, Elcock and co-conspirators participated in a scheme to defraud banks and retailers by using stolen personal identifying information, bank account information, credit, and debit card data from tens of thousands of people and businesses.

The identifying information was purchased on criminal websites. They also hacked into victims' email accounts to steal personal information.

Berman said that Elcock then monetized the stolen data by using the stolen credit card information to buy merchandise and services from e-commerce retailers for resale or for personal use; using stolen data to open new lines of credit in his victims' names without their permission; transferring money electronically out of victims' bank accounts; and creating and cashing fraudulent checks issued against victims' bank accounts.

Elcock and his co-conspirators then used the stolen money to make a down payment on a Mercedes-Benz, Rolex watches, electronics, and designer clothing. Some of the money was then laundered through bank accounts belonging to his co-conspirators.

As part of the scheme, Elcock also transferred phone numbers and changed email addresses that were linked to victims' bank and online shopping accounts, to different phone numbers and email addresses that he and a co-conspirator controlled.

Berman said that Elcock's decade-long scheme caused banks and retailers to lose more than \$1.1 million, and "imposed burden and stress on countless individual victims, as they had to take steps to regain access to their phone numbers and email accounts, file police reports, notify credit agencies, cancel lines of credit, and dispute unauthorized purchases."

When he was arrested, police seized a 9mm pistol, ammunition, a bill counter, Rolex watches, multiple laptops, tablets, smartphones, designer clothing shoes, and handbags, from his home.

As part of his sentencing, Elcock, 34, will serve three years of post-release supervision and was ordered to forfeit \$1,111,893 and his interest in two bank accounts and merchandise at his residence.

"The theft and exploitation of our online data by perpetrators hiding in the weeds of the Internet is becoming all too common," Berman said. "This Office is committed to identifying, exposing and prosecuting cyber thieves wherever they may be found."

Goldstein

Doc pleads guilty to accepting bribes, kickbacks, to prescribe fentanyl

Mid-Hudson News
8/17/19

A Manhattan doctor, who lives in New Rochelle, pled guilty to conspiracy to violate the Anti-Kickback Statute, in connection with a scheme to prescribe Subsys, a potent fentanyl-based spray, in exchange for bribes and kickbacks from the drug's manufacturer, Insys Therapeutics.

Jeffrey Goldstein, 49, prescribed his patients Subsys in exchange for close to \$200,000 in bribes and kickbacks from the drug's manufacturer, as well as other items of value including all-expenses paid visits to a Manhattan strip club.

Goldstein is the fourth doctor to plead guilty in this case.

US Attorney Geoffrey Berman said this case "should stand as a warning to the New York medical community that if you take bribes from pharmaceutical companies in exchange for prescribing – whether in the form of

Speaker Program fees or otherwise – this office will hold you to account for placing your own interests above those of your patients.”

When sentenced next January, Goldstein faces up to five years in federal prison.

Matters of Interest

Terrorists Turn to Bitcoin for Funding, and They're Learning Fast

NYT

By Nathaniel Popper

8/18/19

Hamas, the militant Palestinian group, has been designated a terrorist organization by Western governments and some others and has been locked out of the traditional financial system. But this year its military wing has developed an increasingly sophisticated campaign to raise money using Bitcoin.

In the latest version of the website set up by the wing, known as the Qassam Brigades, every visitor is given a unique Bitcoin address where he or she can send the digital currency, a method that makes the donations nearly impossible for law enforcement to track.

The site, which is available in seven languages and features the brigades' logo, with a green flag and a machine gun, contains a well-produced video that explains how to acquire and send Bitcoin without tipping off the authorities.

Terrorists have been slow to join other criminal elements that have been drawn to Bitcoin and have used it for everything from drug purchases to money laundering.

But in recent months, government authorities and organizations that track terrorist financing have begun to raise alarms about an uptick in the number of Islamist terrorist organizations experimenting with Bitcoin and other digital coins.

The yields from individual campaigns appear to be modest — in the tens of thousands of dollars. But the authorities note that terrorist attacks often require little funding. And the groups' use of cryptocurrencies appears to be getting more sophisticated.

“You are going to see more of this,” said Yaya Fanusie, a former analyst with the Central Intelligence Agency who now does consulting on rogue actors using cryptocurrencies. “This is going to be a part of the terrorist financing mix, and it is something that people should pay attention to.”

Treasury Secretary Steven Mnuchin has drawn attention to the issue in two speeches in recent months, calling for more active monitoring from cryptocurrency businesses.

“We are dedicating a lot of resources very specifically to this space,” Sigal Mandelker, the Treasury Department's under secretary for terrorism and financial intelligence, said in an interview. “It is still relatively new to them, but I'm confident that we're going to see more of it in the future.”

Cryptocurrencies are attractive to lawbreakers because they make it possible to hold and transfer money without a central authority, like PayPal, that can shut down accounts and freeze funds. Anyone in the world can create a Bitcoin address and begin receiving digital tokens without even providing a name or an address.

The online markets where Bitcoin can buy drugs are hosting nearly \$1 billion in commerce a year, even as the authorities have shut down numerous leading markets.

Countries that are facing American economic sanctions, like Iran, Venezuela and Russia, have also taken steps toward creating their own cryptocurrencies to circumvent them.

Bitcoin has been slower to take off among terrorists in part because of its technical sophistication, terrorism experts said. Terrorist groups have also had methods of using the traditional financial system without needing Bitcoin.

Hamas, which controls the Palestinian coastal territory of Gaza, has traditionally survived on hundreds of millions of dollars of donations from foreign governments like Qatar. The Islamic State in Syria subsisted on taxes and fees it collected in the territories it controlled.

But both organizations have seen their access to money significantly curtailed. Israel maintains a strict blockade of Gaza, with Egypt's help, and Hamas has been squeezed over the last year by financial cuts imposed by the rival, Western-backed Palestinian Authority. And the Islamic State has lost most of its territory.

"They seem to be reacting to all the economic sanctions by saying, 'We are going to try using Bitcoin,'" said Steven Stalinsky, the executive director of the Middle East Media Research Institute, a nonprofit that tracks and translates communication from terrorist groups.

Mr. Stalinsky's organization, known as Memri, is about to publish a 253-page report about the increased signs of cryptocurrency use by terrorist organizations, particularly groups in Syria that are on the run as Islamic militants have lost almost all the territory they used to hold.

A leading sheikh with one of the biggest terrorist groups in Syria, Hayat Tahrir al-Sham, posted a long video to his online followers in July, explaining the origins of Bitcoin and declaring that it is permissible to use for charitable donations, according to a translation of the video by Memri.

A number of online researchers have recently discovered campaigns by Syrian militants that asked followers to send donations to Bitcoin addresses they posted on Telegram, a popular social network. One post, found by Raphael Gluck, an independent researcher, put the Bitcoin address under the picture of a man wearing camouflage and shooting a military-style rifle.

Signs that terrorists were using Bitcoin had been sporadic for several years. Mr. Fanusie, the former C.I.A. analyst, drew public attention to a fund-raising campaign begun in 2016 by the Mujahedeen Shura Council in the Environs of Jerusalem, a group based in Gaza that is designated a terrorist organization.

But the early efforts were clumsy. The Gaza campaign provided a single Bitcoin address, which made it easier for law enforcement to track where the money was coming from. The wallet advertised by the group took in only a few thousand dollars' worth of Bitcoin.

When the Qassam Brigades began collecting money late last year, an Israeli research firm, Whitestream, determined that Hamas was keeping at least some of the money in wallets that were set up with the American cryptocurrency company Coinbase.

Coinbase's chief compliance officer, Jeff Horowitz, said that after tying the account to the Qassam Brigades, it immediately froze the account and reported it to the United States authorities.

An American man was arrested in May on accusations that he made small donations to the Qassam campaign and bragged about them on social media.

But the Qassam Brigades learned to cover their tracks. Instead of keeping a wallet with a Bitcoin exchange, which can track information about customers and send it to the authorities, the terrorist group set up wallets fully under its control.

The Qassam site also started providing a new Bitcoin address to each potential donor, a practice that is essentially impossible with traditional financial accounts. The Qassam Brigades appear to have borrowed the method from a media site connected to the Islamic State, which has been generating endless numbers of new Bitcoin addresses to collect money for nearly two years.

The Qassam Brigades did not reply to several requests for comment.

"The terrorists are learning how to send and receive digital currency in a smarter way," said Itsik Levy, the chief executive of Whitestream, the Israeli intelligence firm tracking Bitcoin transactions. "Why would terrorists not take advantage of this? It is great for them."

Mr. Levy said the sums being sent were likely to be small, but were getting harder to track.

The Treasury Department, under Mr. Mnuchin, has been promoting international rules that would require cryptocurrency exchanges to do a full identity check on anyone sending digital tokens out of a wallet.

This could make it easier to spot certain illegal transactions. But terrorists and other criminals who use cryptocurrency are already picking up methods that would make it easier to circumvent the new rules, in part by using cryptocurrencies that provide even more privacy than Bitcoin.

Juan Zarate, who was the deputy national security adviser for combating terrorism under President George W. Bush, said this was far from the biggest illegal use of cryptocurrencies but one that needed to be watched.

"I think we are still in the experimentation phase for terrorist groups — they are trying to figure out how best to do this," said Mr. Zarate, now an adviser to Coinbase. "What's a challenge is that you see them continuing to experiment."

Officials Blast Barr For Criticism Of Progressive Prosecutors

Law 360

By Aaron Leibowitz

8/16/19

Sixty-seven current and former prosecutors, law enforcement officials and judges issued a statement Friday blasting U.S. Attorney General William Barr for a recent speech in which he called progressive prosecutors "dangerous to public safety."

The officials, responding to Barr's biting comments Monday at a conference of the Fraternal Order of Police in New Orleans, said they rejected his depiction of the criminal justice system as a fight against "criminal predators" and his suggestion that newly elected district attorneys around the country are enacting an approach that will result in "more crime."

"Attorney General Barr labeled reform-minded prosecutors looking toward innovation and research to advance new thinking as 'anti-law enforcement,'" the statement said. "Using rhetoric that harkens back to the parochial 'tough on crime' narrative of past decades that stoked fear and impeded progress, AG Barr criticized the initiatives of criminal justice leaders across the nation who advocate for diverting more individuals from the justice system, using discretion to redirect precious law enforcement resources better spent on public health and prevention than punishment, and improving fairness and accountability."

The statement, which was released by the nonprofit Fair and Just Prosecution, was signed by district attorneys who were elected on platforms of sweeping reform, including Rachael Rollins, whose jurisdiction includes the city of Boston, and Larry Krasner of Philadelphia.

Although Barr did not mention any prosecutors by name in his speech, he criticized what he called "anti-law enforcement DAs" who he said "have tended to emerge in jurisdictions where the election is largely determined by the primary."

"Some are refusing to prosecute various theft cases or drug cases, even where the suspect is involved in distribution," Barr said. "And when they do deign to charge a criminal suspect, they are frequently seeking sentences that are pathetically lenient."

"These cities are headed back to the days of revolving door justice," Barr said. "The results will be predictable. More crime, more victims."

Rollins, who took office in January, campaigned on a pledge not to prosecute a list of low-level crimes including trespassing, shoplifting, and certain resisting arrest and drug possession charges. Krasner has instructed prosecutors in his office not to seek cash bail in misdemeanor and nonviolent felony cases, and to stop bringing charges against sex workers with fewer than three past convictions, among other reforms.

The 67 officials' statement Friday cited a study prepared for Congress last year that found violent crime nationally had reached nearly historic lows. The drop in crime was "not due to a rise in incarceration," the officials said in their statement. Rather, they argued, data indicates that "too many cases come into the justice system unnecessarily, and too often incarceration exacerbates the likelihood of future criminal activity."

On Twitter, Rollins, a former federal prosecutor, said she hoped Barr and other national leaders "will understand what facts, data and lessons learned from the past have taught us as we work to wisely use limited criminal justice resources to promote safer and stronger communities."

Other signatories of the statement included the current top prosecutors for Milwaukee County, Wisconsin; Cook County, Illinois; Dallas County, Texas; Durham County, North Carolina; Kings County, New York; and New York County, New York.

Several county sheriffs, current and former police chiefs, former state attorneys general and former state judges and one former federal judge also signed the statement.

A representative for the U.S. Department of Justice declined to comment.

2nd Circuit Announces Selection of New Circuit Executive

NY Law Journal
By Tom McParland
8/16/19

Chief Judge Robert A. Katzmann on Friday announced the selection of Michael D. Jordan to serve as circuit executive for the U.S. Court of Appeals for the Second Circuit.

Jordan, whose first day was Aug. 12, has served as the court's chief operating officer and general counsel since 2013. He is replacing Karen Greve Milton, who stepped down last month to take a job as deputy inspector general and chief of staff in the New York State Office of the Metropolitan Transportation Authority Inspector General.

Milton was the longest-serving circuit executive in the Second Circuit's history and the first woman to hold the post.

A 2001 graduate of New York University School of Law, Jordan began his legal career as clerk to Circuit Judge Dennis Jacobs. After working as a litigation associate at Davis Polk & Wardwell and as an enforcement attorney with the U.S. Securities and Exchange Commission, Jordan returned to the Second Circuit in 2006 as counsel to Jacobs, who at the time was serving as chief judge.

In a statement, Katzmman praised the “deep experience and high standards” that Jordan would bring to his new position.

“We are fortunate to have Michael Jordan with us in his new role as circuit executive,” Katzmman said. “We know he will continue to serve the federal judiciary and the public with distinction.”

Under federal statute, the circuit executive oversees a 35-employee office in its support of the circuit chief judge and the judicial council, coordinating a wide range of administrative matters for all federal courts within the circuit, including space and facilities, media relations, security and the selection and reappointment of bankruptcy judges and federal public defenders.

According to an earlier vacancy posting on the Second Circuit, the position pays up to \$210,900 per year, based on qualification and experience.

Milton announced her retirement in a letter to colleagues, dated June 20. Her last day was July 19.

The search process was headed by Katzmman, who recommended candidates for a vote by the Second Circuit Judicial Council, a group that includes Katzmman, the chief judges of the six district courts within the Second Circuit and the six most senior circuit court judges.

[NYPD Arrests West Virginia Man Over Subway Bomb Scare](#)

WSJ

By Ben Chapman

8/18/19

New York City police arrested a homeless man from West Virginia on Saturday for allegedly planting false bombs in Manhattan that caused alarm and delayed morning rush-hour commuters last week.

New York Police Department officials said Larry Griffin, 26 years old, placed two pressure cookers wired to look like bombs in the Fulton Street subway station and a third fake explosive on a busy street near Union Square on Friday morning.

The devices prompted authorities to shut down the subway station and surrounding streets while the matter was investigated, delaying the morning commute for thousands. Mr. Griffin’s motives remain unknown, NYPD officials said.

Mr. Griffin is being held in the Manhattan Detention Complex as he awaits trial on three felony charges of placing a false bomb, NYPD officials said. He faces up to seven years in prison for each charge. The Wall Street Journal couldn’t immediately determine if or how he pleaded to those charges.

A lawyer for Mr. Griffin didn’t respond to requests for comment.

NYPD officials said police arrested Mr. Griffin in the Bronx early Saturday morning after investigators were notified of his whereabouts by a member of the public. The officials said Mr. Griffin had been living on the streets of New York City for an unknown period.

Widely circulated images, caught on the subway closed-circuit system and distributed by the NYPD, show him pushing pressure cookers in the Fulton Street station using a shopping cart, NYPD officials said.

Mr. Griffin underwent a psychiatric evaluation before he was transported to Manhattan Criminal Court, NYPD officials said. Once in court, he failed to post bond of \$200,000 and a judge ordered him held in jail, court records show.

Mr. Griffin formerly resided in the town of Bruno in Logan County, W.Va., and has an extensive criminal record there, officials from the Logan County Sheriff's Office said in a statement.

Mr. Griffin was arrested by the Logan County Sheriff's Department at least three times within the last eight years, the officials said. Charges brought against him ranged from possession of a controlled substance involving weapons to the use of obscene material to seduce a minor, according to the officials.

Daniel Pantaleo, Officer Who Held Eric Garner in Chokehold, Is Fired

NYT

By Ashley Southall

8/19/19

The New York City police officer whose chokehold was partly blamed for Eric Garner's death in police custody in 2014 was fired from the Police Department on Monday, ending a bitter, five-year legal battle that had cast a shadow over the nation's largest police force and the city it protects.

The police commissioner, James P. O'Neill, dismissed the officer, Daniel Pantaleo, just over two weeks after a police administrative judge found him guilty of violating a department ban on chokeholds.

"The unintended consequence of Mr. Garner's death must have a consequence of its own," Mr. O'Neill said. "Therefore I agree with the deputy commissioner of trial's legal findings and recommendations. It is clear that Daniel Pantaleo can no longer effectively serve as a New York City police officer."

Mr. Garner died on July 17, 2014, after Officer Pantaleo tackled him from behind, then, along with other officers, pressed him down on the pavement. Captured on video, the arrest and Mr. Garner's last words — "I can't breathe" — galvanized the Black Lives Matter movement.

The case had defined the Police Department's relationship with the public under Mayor Bill de Blasio, who campaigned for office on a promise to reverse the aggressive policing of low-level crimes — known as the "broken windows" strategy — that his predecessor had championed. The mayor had come under intense criticism for not pushing to have Officer Pantaleo fired sooner.

At a news conference in City Hall, Mr. de Blasio said the firing of Mr. Pantaleo "ended a chapter that has brought our people so much pain and so much fear these last five years."

"Today we have finally seen justice done," said Mr. de Blasio, who is running for president on his credentials as a progressive Democrat. "We must devote ourselves to this simple goal: No one should have to go through the agony that the city has gone through here. Let this be the last tragedy."

The leader of the city's largest police union immediately denounced the decision, saying Mr. O'Neill had bowed to "anti-police extremists" and that Mr. Pantaleo's dismissal sent a message that the city did not stand behind its officers when they make arrests.

“We are urging all New York City police officers to proceed with the utmost caution in this new reality, in which they may be deemed ‘reckless’ just for doing their job,” the Police Benevolent Association president, Patrick J. Lynch, said in a statement. “We will uphold our oath, but we cannot and will not do so by needlessly jeopardizing our careers or personal safety.”

Mr. Garner’s family said it would continue to press for congressional hearings into his death and for state legislation making it a crime for a police officer to use a chokehold. They also continued to call for other officers involved in Mr. Garner’s arrest to be punished for their actions.

“For Commissioner O’Neill, I thank you for doing the right thing,” said Emerald Snipes Garner, Mr. Garner’s daughter, at a news conference. “You finally made a decision that should have been made five years ago.”

For years, the Garner family, some elected officials and critics of the Police Department have said Mr. Garner’s death was an outcome of the department’s “broken windows” strategy, which affected black and Latino neighborhoods disproportionately.

As protests grew, Officer Pantaleo became a symbol of longstanding problems with how the police treat people, mostly black and Latino, suspected of low-level crimes. Mr. Garner died as he was being arrested on charges of selling untaxed cigarettes on Staten Island.

After Mr. Garner’s death, the Police Department scaled back the heavy enforcement of low-level crimes. But Officer Pantaleo’s continued employment on the police force still infuriated Mr. Garner’s family and their supporters. They lobbied for the officer to be fired and stripped of his pension, and put pressure on Mr. de Blasio to make it happen.

Under the City Charter and state law, however, the decision to fire Officer Pantaleo ultimately belonged to Commissioner O’Neill, not the mayor.

Speaking to reporters at Police Headquarters, Mr. O’Neill said he had tried to be fair and impartial and to make the decision without regard to political considerations. He noted that Mr. Pantaleo had been sent to arrest Mr. Garner as part of an effort to stop drug dealing and other crime around Tompkinsville Park on Staten Island. Mr. O’Neill said had he been in Mr. Pantaleo’s place, he might have made the same mistakes, and that Mr. Garner set the tragedy in motion by resisting arrest. Still, the commissioner said, Mr. Pantaleo did not relax his grip on Mr. Garner’s neck after the men fell to the ground, and his recklessness triggered a fatal asthma attack.

The commissioner also acknowledged many rank-and-file officers would be angered by his decision, noting he had been a police officer for decades before becoming commissioner. “If I were still a cop, I would probably be mad at me,” he said.

Daniel Pantaleo, N.Y.P.D. Officer in Eric Garner’s Death, Should Be Fired, Judge Says Aug. 2, 2019

Beyond the Chokehold: The Path to Eric Garner’s Death June 13, 2015

A Staten Island grand jury and federal civil rights prosecutors declined to bring criminal charges against Officer Pantaleo, igniting protests.

Besides Officer Pantaleo, Mr. Garner’s family has pointed out that there are at least 11 other officers who should be held accountable for their actions leading up to Mr. Garner’s death and the aftermath. Only one — Sgt. Kizzy Adonis, who was the first supervisor to arrive on the scene — faces discipline.

Officer Pantaleo’s lawyer, Stuart London, was expected to challenge the decision in court. Mr. London and the Police Benevolent Association have long accused Mr. de Blasio of sacrificing Officer Pantaleo to satisfy public anger that threatens the mayor’s political ambitions.

Officer Pantaleo had been suspended without pay since Aug. 2, when a department judge, Deputy Commissioner Rosemarie Maldonado, found him guilty of reckless assault following an administrative trial at Police Headquarters.

Perhaps more than anything, Officer Pantaleo's departure signaled the city's pivot from depending on aggressive enforcement of low-level offenses to fight overall crime to relying on officers' problem-solving skills and their ability to build mutual trust with residents.

Commissioner O'Neill designed the current crime-fighting strategy, called neighborhood policing, in his previous role as chief of department and has said he wants it to be his legacy.

In 2014, police supervisors on Staten Island targeted Mr. Garner for arrest in response to orders from headquarters to address neighborhood complaints about people illegally selling untaxed, loose cigarettes.

The directive was part of the broken-windows policy championed by Commissioner O'Neill's predecessor, William J. Bratton, which relied on cracking down on activities that police believed diminished the quality-of-life in order to prevent serious crime.

Judge Maldonado affirmed in her 46-page decision what many people, including federal prosecutors, believe the video plainly showed: Officer Pantaleo's initial grip on Mr. Garner slipped as the two men grappled and became a chokehold, which the department banned two decades ago.

Judge Maldonado said in her report that the video of the July 17, 2014, encounter and an autopsy that found fresh hemorrhaging in Mr. Garner's neck muscles provided "overwhelming" evidence that Officer Pantaleo had used a chokehold in spite of being trained not to.

Officer Pantaleo's "use of a chokehold," she wrote, "fell so far short of objective reasonableness that this tribunal found it to be reckless — a gross deviation from the standard of conduct established for a New York City police officer."

The judge also found Officer Pantaleo was untruthful when he later denied to Internal Affairs investigators that he had used a chokehold, saying his explanation was "implausible and self-serving."

Read the Judge's Opinion

Rosemarie Maldonado, a deputy commissioner for the New York Police Department, recommended after a departmental trial that Officer Daniel Pantaleo be fired for the 2014 death of Eric Garner.

46 pages, 4.15 MB

But, like the local grand jury and federal prosecutors before her, she did not find evidence that the chokehold was intentional.

The city's largest police union criticized the decision as "pure political insanity." Mr. Lynch said that if O'Neill adopted the judge's recommendation, he would "lose his Police Department."

U.S. Prisons Chief Removed in Wake of Epstein Suicide

WSJ

By Sadie Gurman

8/19/19

The acting chief of the federal Bureau of Prisons has been ousted from his post following the suicide of disgraced financier Jeffrey Epstein in a New York detention facility as he faced sex-trafficking charges.

Hugh Hurwitz, who had been serving as the head of the federal prison system on a temporary basis since May 2018, was reassigned to a different post, Attorney General William Barr announced Monday. The leadership changes come more than a week after Mr. Epstein hanged himself at the Metropolitan Correctional Center in Manhattan, where Mr. Barr has said investigators uncovered “serious irregularities.”

The two staffers responsible for guarding Mr. Epstein’s jail unit the night of his death have been placed on leave, and the jail’s warden was temporarily moved to an office assignment. Federal investigators are probing whether the two staffers falsified records that logged how often they were checking on him, according to people familiar with the matter.

Kathleen Hawk Sawyer, who led the agency from 1992 to 2003, will return to again be the BOP’s director, Mr. Barr said. He had appointed her to the post when he previously was attorney general in the 1990s. Another longtime prisons official, Thomas Kane, who held multiple senior roles at the agency before his departure in 2018, will return as the bureau’s No. 2 official, Mr. Barr said.

Mr. Hurwitz will return to his previous role working in prisoner re-entry, where Mr. Barr said he would help in implementing a sweeping criminal justice overhaul that President Trump signed into law last year.

Mr. Epstein’s death laid bare a prison system beset by staffing shortages and other problems. Jail officials had told the Justice Department that they would monitor Mr. Epstein every 30 minutes and keep him with a cellmate at all times, protocols that weren’t followed in the hours before his death.

Early findings by authorities indicated Mr. Epstein hanged himself by using his bed sheet, according to people familiar with the investigation. Authorities believe he tied the bed sheet to the top bunk of his bunk bed and then knelt forward to the floor, one of the people said.

The Federal Bureau of Investigation and the Justice Department’s inspector general launched investigations into his death. Senior Justice Department officials also visited the detention facility last week.

The shakeup comes after the Bureau of Prisons was already under scrutiny following the October death of gangster James “Whitey” Bulger, who was killed by fellow inmates in a West Virginia prison, according to law-enforcement officials, where he had recently been transferred.