

Jeffrey Epstein attorney Roy Black denies allegations in letter by ex-U.S. Attorney Alexander Acosta

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Attorney Roy Black is disputing claims that he, and other attorneys representing Jeffrey Epstein, pried into federal prosecutors' personal lives in attempting to disqualify them from investigating the billionaire sex offender.

Black also denies Epstein's attorneys "negotiated in bad faith," while attempting to reach an agreement with federal prosecutors.

In a written response Tuesday to the Palm Beach Daily News, Black disputes claims made against Epstein's defense team by former U.S. Attorney Alexander Acosta. Those and other allegations by Acosta were contained in a three-page letter printed Friday in the online publication The Daily Beast.

Acosta was the U.S. attorney for the Southern District of Florida at the time Epstein was being investigated on federal charges related to multiple sex crimes with minor girls. Black, the Miami attorney who successfully defended William Kennedy Smith against rape charges, was part of Epstein's legal dream team.

Epstein was never charged with a federal crime. He and his attorneys struck a deal with federal prosecutors, which was outlined in a non-prosecution agreement. According to the agreement, Epstein had to plead guilty to two state charges, register as a lifelong sex offender and serve 18 months in jail. If he successfully completed those terms and served one-year of probation, then Epstein would not be prosecuted on federal charges as they related to approximately 30 to 40 victims.

In a written response to the Daily News, Black said, "We did present argument after argument why a proposed federal prosecution against Mr. Epstein was unsupported by the evidence. We detailed the so-called evidence during many meetings with prosecutors and agents.

"We were quite candid in disclosing all the evidence we had gathered in our investigation and I believe we made a convincing case why charges were not appropriate. I still believe that today."

According to Acosta, now dean of the Florida International University College of Law, federal prosecutors and agents met with Black in the summer of 2007. The prosecutors presented Epstein a choice: plead guilty to state felony charges resulting in two years imprisonment, registration as a sex offender and restitution for the victims or prepare for a federal felony trial.

What followed, Acosta said, was that Epstein's defense team launched "a yearlong assault on the prosecution and the prosecutors.

"I use the word assault intentionally, as the defense in this case was more aggressive than any which I, or the prosecutors in my office, had previously encountered," Acosta said in his letter.

Among the "legal superstars" on Epstein's defense team: Harvard professor Alan Dershowitz, Kenneth Starr, Jay Lefkowitz and several others, including prosecutors who had formally worked in the U.S. Attorney's Office and in the Child Exploitation and Obscenity Section of the Justice Department.

Acosta said that one member of the defense team warned him "the office's excess zeal in forcing a good man to serve time in jail might be the subject of a book if we continued to proceed with this matter."

Black said he's never heard anyone mention writing a book about the Epstein case. "Mr. Acosta claims we negotiated in bad faith by appealing to the Department of Justice in Washington," Black said. "Any person under investigation by a United States attorney, meaning any of the 94 such offices in the country, has the right to seek review by the Department of Justice and it is so provided for in their manual. Thus I cannot imagine invoking this right could be construed as bad faith.

"In our system of justice, people are given the right of appeal and there should be no implication of wrong doing by exercising it.

"Finally Mr. Acosta mentions we looked for personal peccadilloes of prosecutors," Black said. "I am not sure what he refers to but this never happened. We did point out misconduct and over-reaching by certain people involved in the investigation. Not only is there nothing wrong with this but it is a necessary part of the process. There will always be people who abuse the great power of the government and we can not stand by silently when it occurs."

The non-prosecution agreement was sealed in Epstein's state felony file until victims' attorneys successfully argued to make the document public in September 2009.

According to the agreement, Epstein could have received 10 or more years if convicted on federal charges. In addition, the agreement let co-conspirators [REDACTED] Nauria Ivancinkova off the hook for any of those past crimes.

"Some feel the prosecution should have been tougher," Acosta said in his letter, adding that victims' statements and undefined "physical evidence" had been discovered since then. He states that had those factors been known in 2007, "the outcome may have been different. ...

"Our judgment in this case, based on the evidence known at the time, was that it was better to have a billionaire serve jail time, register as a sex offender and pay his victims restitution than risk a trial with a reduced likelihood of success."

Victims' attorneys Brad Edwards and Paul Cassell are seeking to get the non-prosecution agreement overturned, saying the U.S. Attorney's Office violated the Crime Victims' Rights Act by not notifying victims before striking the deal.

Epstein has confidentially settled more than two dozen lawsuits and claims from minor girls, all with similar allegations: They were recruited to perform sexually charged massages and/or various sex acts on Epstein, for which they were paid.

Epstein, 58, served 13 months of an 18-month state sentence in a vacant wing of the Palm Beach County Stockade. He was allowed out on work release six days a week up to 16 hours a day.

During his one-year of home confinement in his Palm Beach mansion, Epstein was allowed to travel out of state on his private plane to New York and to his private island in the Virgin Islands, according to probation records.

Regarding Epstein's incarceration and probation, Acosta said, "Epstein appears to have received highly unusual treatment while in jail. Although the terms of confinement in a state prison are a matter appropriately left to the State of Florida and not federal authorities, without doubt, the treatment that he received while in state custody undermined the purpose of a jail sentence," Acosta said.

Teri Barbera, spokeswoman for the Palm Beach County Sheriff's Office, said the department did not have a comment. PBSO supervised Epstein while in jail.

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