

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

Case No.:

Division:

IN RE: GRAND JURY PROCEEDINGS

**MOTION FOR PRODUCTION OF GRAND JURY TRANSCRIPTS
AND TO SEAL ALL PROCEEDINGS
FILED UNDER SEAL**

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**MOTION FOR PRODUCTION OF GRAND JURY TRANSCRIPTS
AND TO SEAL ALL PROCEEDINGS**

Comes now the United States of America, by and through the undersigned Assistant United States Attorney, and moves this Court, on behalf of the federal grand jury, for the production of transcripts of any and all proceedings before the State Grand Jury on Wednesday, July 19, 2006, referring or relating to Jeffrey Epstein and/or [REDACTED] including but not limited to witness testimony, statements made by any member of the State Attorney's Office, and instructions given by any member of the State Attorney's Office.

In support of this Motion, the United States states:

1. Pursuant to Fl. Stat. § 905.17(1), all "stenographic records, notes, and transcriptions made by the court reporter or stenographer shall be filed with the clerk who shall keep them in a sealed container not subject to public inspection. The notes, records, and transcriptions . . . shall be released by the clerk only . . . on order of the court pursuant to s. 905.27."

2. Attached hereto is a grand jury subpoena addressed to the Clerk of Court and issued on behalf of Federal Grand Jury 05-02 (West Palm Beach) seeking the production of transcripts of any and all proceedings before the State Grand Jury on Wednesday, July 19, 2006, referring or relating to Jeffrey Epstein and/or [REDACTED] including but not limited to witness testimony, statements made by any member of the State Attorney's Office, and instructions given by any member of the State Attorney's Office.

3. Pursuant to Fl. Stat. § 905.27, no one may "disclose the testimony of a witness examined before the grand jury or other evidence received by it except when required by a court to disclose the testimony for the purpose of: . . . (c) Furthering justice."

4. If the Court orders the disclosure of the transcripts for use in the federal grand jury proceedings and any criminal case derived from those grand jury proceedings, then the transcripts "may be disclosed to the

prosecuting attorney of the court in which such criminal case is pending, and by the prosecuting attorney to his or her assistants, legal associates, and employees, and to the defendant and the defendant's attorney, and by the latter to his or her legal associates and employees. . . . [T]he 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." Fl. Stat. § 905.27(2).

5. Pursuant to the Federal Rules of Criminal Procedure, an attorney for the United States may only disclose a matter occurring before the grand jury to "any government personnel – including those of a state [or] state subdivision . . . that an attorney for the government considers necessary to assist in performing that attorney's duty to enforce federal criminal law." Fed. R. Crim. P. 6(e)(3)(A)(ii). In accordance with that Rule, the United States informs the Court that the transcripts of the State's grand jury proceedings relate to the substance of a federal grand jury investigation. *See In re Grand Jury Proceedings*, 832 F.2d 554 (11th Cir. 1987).

6. Further in accordance with the Federal Rules of Criminal Procedure, the United States informs the Court that it has an obligation to keep secret and not to disclose any matter occurring before the grand jury except in accordance with Fed. R. Crim. P. 6(e)(3). Notification of this disclosure will be provided to the United States District Court who empaneled the federal grand jury in accordance with Fed. R. Crim. P. 6(e)(3)(B). [Fl](#)

7. The United States respectfully requests that this Motion and all other pleadings and orders filed in relation to this matter be kept under seal, in accordance with Fla. R. Jud. Admin. 2.051(7), 2.051(9)(A)(iii), 2.051(9)(A)(iv), and 2.051(9)(A)(vii), and in accordance with Fed. R. Crim. P. 6(e)(6).

8. If the Court requires further information regarding the basis for the motion, the United States respectfully requests the opportunity to present such information *in camera* in accordance with Fed. R. Crim. P. 6(e)(5).

For the foregoing reasons, the United States respectfully requests that the Court order the Clerk of Court to produce transcripts of any and all proceedings before the State Grand Jury on Wednesday, July 19, 2006, referring or relating to Jeffrey Epstein and/or [REDACTED] including but not limited to witness testimony, statements made by any member of the State Attorney's Office, and instructions given by any member of the State Attorney's Office, and order that this Motion, the Court's Order, and all further proceedings in this matter be sealed.

Respectfully submitted,
R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

BY: _____

ASSISTANT UNITED STATES ATTORNEY

Florida Bar No. 0018255

West Palm Beach, FL 33401

TEL _____

FAX _____

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this Motion for Production of Grand Jury Transcripts was delivered by hand, this 7th day of August, 2006, to Lanna L. Belohlavek, State Attorney's Office, 15th Judicial Circuit, _____, West Palm Beach, FL 33401-4209.

Assistant United States Attorney

^{F1}If the Court discloses this information to any other Court employee, the United States respectfully requests that the Court notify the undersigned so that the United States can provide the United States District Court with the requisite notification.