

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

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STATE OF FLORIDA )  
 )  
vs ) CASE NO. 06 CF9454AMB  
 ) 08 9381CFAMB  
JEFFREY EPSTEIN )  
 )  
Defendant. )  
\_\_\_\_\_)

PLEA CONFERENCE

PRESIDING: HONORABLE DEBORAH DALE PUCILLO

APPEARANCES:

ON BEHALF OF THE STATE:  
BARRY E. KRISCHER, ESQUIRE  
State Attorney  
401 North Dixie Highway  
West Palm Beach, Florida 33401  
By: LANNA BELOHLAVEK, ESQUIRE  
Assistant State Attorney

ON BEHALF OF THE DEFENDANT:  
ATTERBURY, GOLDBERGER & WEISS, P.A.  
250 Australian Avenue South  
Suite 1400  
West Palm Beach, Florida 33401  
By: JACK GOLDBERGER, ESQUIRE

**CERTIFIED COPY**

June 30, 2008  
Palm Beach County Courthouse  
West Palm Beach, Florida 33401  
Beginning at 8:40 o'clock, a.m.

EXHIBIT "B"

PHYLLIS A. DAMES, OFFICIAL COURT REPORTER

1 BE IT REMEMBERED that the following  
2 proceedings were had in the above-entitled cause  
3 before the HONORABLE DEBORAH DALE PUCILLO, one of  
4 the judges of the aforesaid court, at the Palm  
5 Beach County Courthouse, located in the City of  
6 West Palm Beach, State of Florida on June 20, 2008  
7 beginning at 8:40 o'clock, a.m. with appearances  
8 as hereinbefore noted, to wit:

9 THEREUPON:

10 MR. GOLDBERGER: Good morning, Judge,  
11 Jack Goldberger on behalf of Jeffrey  
12 Epstein.

13 THE COURT: Good morning.

14 MR. GOLDBERGER: Your Honor, we are  
15 here for a plea conference.

16 THE COURT: Raise your right hand.

17 THEREUPON:

18 JEFFREY EPSTEIN,  
19 after being called as a witness by the Defense and  
20 after being first duly sworn by the Court, was  
21 examined and testified as follows:

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: Is this one case or two?

24 MS. BELOHLAVEK: Two.

25 THE COURT: May I see the PC

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1 affidavit in both cases, please?

2 MS. BELOHLAVEK: There are no PC  
3 affidavits. There was originally an  
4 Indictment, the second charge was filed  
5 arising out of the booking. It was all  
6 testimony presented to the grand jury.

7 THE COURT: Let me see the Indictment  
8 then?

9 I have one Indictment, one  
10 Information?

11 MS. BELOHLAVEK: Correct.

12 THE COURT: So one case is charged by  
13 Indictment, one is charged by Information?

14 MS. BELOHLAVEK: Correct.

15 THE COURT: In case 2006036744 you  
16 are charged with procuring a person under  
17 18 for prostitution, a second degree  
18 felony, maximum penalty of fifteen years  
19 Department of Corrections; minimum, some  
20 period of probation. No mandatory minimum  
21 apply, is that correct, State?

22 MS. BELOHLAVEK: Correct.

23 THE COURT: And in case number 06  
24 9454CF, you are charged with felony  
25 solicitation to prostitution, a third

1 degree felony, punishable by a maximum  
2 penalty of five years in the Department of  
3 Corrections, and a minimum, probation. No  
4 mandatory minimums, correct?

5 MS. BELOHLAVEK: Correct.

6 THE COURT: The defendant has no  
7 prior criminal record?

8 MS. BELOHLAVEK: Correct.

9 MR. GOLDBERGER: Yes, Your Honor.

10 THE COURT: You checked the NCIC as  
11 well as State records?

12 MS. BELOHLAVEK: Yes.

13 THE COURT: And the guideline score  
14 sheet I have before me shows 21.5 months in  
15 the Department of Corrections as the lowest  
16 permissible prison sentence in months.  
17 Both sides agree to the preparation of the  
18 guideline score sheet?

19 MR. GOLDBERGER: We so agree, Your  
20 Honor.

21 MS. BELOHLAVEK: Yes.

22 THE COURT: What is proposed -- it  
23 goes on for pages.

24 MR. GOLDBERGER: Your Honor, much of  
25 the documentation is acknowledgement by my

1 client to community control, sex offender  
2 status.

3 THE COURT: I understand.

4 Okay. What is proposed -- those  
5 are the maximums and minimums, Mr. Epstein.  
6 What is proposed is that you will be  
7 pleading guilty to felony solicitation to  
8 prostitution and procuring a person under  
9 18 for prosecution. A PSI would be waived,  
10 you would be adjudicated guilty of both  
11 felonies, is that correct?

12 MS. BELOHLAVEK: Correct.

13 THE COURT: And on 06 9454, the  
14 defendant to be sentenced to 12-months in  
15 the Palm Beach County -- detention  
16 facility? He's going to do time in the  
17 jail?

18 MS. BELOHLAVEK: Yes.

19 THE COURT: With credit for one day  
20 served. And on 08 9381, he is to be  
21 sentenced to six months in the Palm Beach  
22 County jail detention facility, with credit  
23 for one day served. And the six month  
24 sentence is to be served consecutive to the  
25 12 month sentence?

1 MS. BELOHLAVEK: Correct.

2 THE COURT: Following the six months  
3 sentence, the defendant will be placed on  
4 12-months of community control one. The  
5 conditions of the community control are  
6 attached hereto and incorporated herein.

7 As a special condition of  
8 community control, he's to have no  
9 unsupervised contact with minors and the  
10 supervising adult must be approved -- and I  
11 would say, pre-approved, approved ahead of  
12 time, not after the fact by the Department  
13 of Corrections. And you would mean by that  
14 his community control officer?

15 MS. BELOHLAVEK: Correct.

16 THE COURT: The defendant is  
17 designated as a sexual offender pursuant to  
18 Florida Statute 943.0435, and must abide by  
19 all the corresponding requirements of the  
20 statute, a copy of which is attached hereto  
21 and incorporated herein. The defendant  
22 must provide a DNA sample in court at the  
23 time of this plea. Is this the -- and the  
24 attachments are the terms and conditions of  
25 community control. There are some

1 squiggles on the bottom of the page, what  
2 would those squiggles be?

3 MR. GOLDBERGER: Thank you, Your  
4 Honor, those are my client's signature  
5 acknowledging that we have gone over all  
6 the conditions.

7 THE COURT: One page after the plea  
8 sheet that really spells out the terms and  
9 conditions of community control, Florida  
10 Statute 948.101, Mr. Epstein, is that  
11 squiggle at the bottom your squiggle?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: Would those be your  
14 initials?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: Did you read all of that  
17 page?

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: Can you read?

20 THE DEFENDANT: Yes, ma'am.

21 THE COURT: How far did you go in  
22 school?

23 THE DEFENDANT: High school.

24 THE COURT: That's your highest  
25 degree?

1 THE DEFENDANT: Yes.

2 THE COURT: And is this your  
3 signature on the plea sheet that recites  
4 the terms of the plea I just read?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: Did you read that  
7 document as well?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: You understand once you  
10 do your 12 months followed by your six  
11 months all in the Palm Beach County jail  
12 you will then be put on community control  
13 which involves having an electronic monitor  
14 attached to you and --

15 MR. GOLDBERGER: Actually Your Honor,  
16 the agreement of the parties is to, it's  
17 community control one which is not monitor.

18 THE COURT: Oh, community control  
19 one, is that spelled out in here?

20 MS. BELOHLAVEK: Yes.

21 MR. GOLDBERGER: Yes, it is, Your  
22 Honor.

23 MS. BELOHLAVEK: He does not fall  
24 under the Jessica Lunsford Act which  
25 requires the bracelet.

1 THE COURT: Community control two.

2 MS. BELOHLAVEK: Correct.

3 THE COURT: Community control one --

4 that would be no electronic monitor?

5 MR. GOLDBERGER: That is correct.

6 THE COURT: Now which of the terms  
7 and conditions of community control one are  
8 you incorporating?

9 MR. GOLDBERGER: I can go through  
10 them with Your Honor.

11 THE COURT: None of the them appear  
12 to be articulated in the plea sheet which  
13 is why I'm asking.

14 MR. GOLDBERGER: These are the  
15 standard conditions of community control by  
16 statute would apply to anyone that goes on  
17 community control and out of an abundance  
18 of caution, we simply memorialized those  
19 standard conditions in the plea sheet  
20 agreement.

21 THE COURT: The Court shall require  
22 intensive supervision and surveillance for  
23 an offender placed on community control  
24 which may include but is not limited to  
25 specified contact with the parole and

1 probation officer, specified by who?

2 PROBATION OFFICER: Specified by you,  
3 Your Honor.

4 THE COURT: I don't see that in the  
5 plea sheet. That's why I'm asking the  
6 questions. No one has specified how often,  
7 how frequently he is to have contact with  
8 his parole and probation officer.  
9 Confinement to an agreed upon residence  
10 during the hours away from employment and  
11 public service activity, has that been  
12 articulated?

13 MS. BELOHLAVEK: I believe  
14 Judge McSorley has a standard order  
15 somewhere on the bench up there regarding  
16 this, I'm told by the prosecutor.

17 MS. LENHARDT: Judge, usually this is  
18 the probation sheet she hands out to folks.

19 THE COURT: I have seen those  
20 sheets -- I have seen them incorporated in  
21 plea agreements which is why I'm asking.

22 MR. GOLDBERGER: I see.

23 THE COURT: Is there some reason you  
24 didn't use this particular document in this  
25 case?

1 MS. BELOHLAVEK: I didn't realize  
2 until Ms. Lenhardt just told me that Judge  
3 McSorley has that.

4 MR. GOLDBERGER: We'd be happy to  
5 execute that document, Your Honor. We were  
6 -- we overreacted by just having him sign  
7 off on all conditions of community control.

8 THE COURT: Well, this is --

9 MR. GOLDBERGER: Perhaps the better  
10 practice would be --

11 THE COURT: This is, the reason  
12 Judge McSorley does this which makes  
13 ultimate sense is we're going to be here  
14 half the morning if we're going to decide  
15 among ourselves now what the --

16 MR. GOLDBERGER: That makes sense.

17 THE COURT: I'm not going to leave  
18 this just unspecified.

19 MS. BELOHLAVEK: We can take care of  
20 that right now if you could give us a few  
21 minutes.

22 THE COURT: All right.

23 These are the standard conditions  
24 that Judge McSorley normally uses. If you  
25 like them, you need to circle the ones that

1 apply and everyone must initial them. We  
2 will go over it. If you wish to change --  
3 you understand there is quite a bit of  
4 latitude given the court in putting  
5 somebody on community control. If you  
6 agree to some change, let me know, but  
7 understand at the outset that I'm a big fan  
8 of specificity. I want to know what he  
9 will be doing for employment. I want to  
10 know exactly where he is going to be living  
11 and I want it on the record now. It can  
12 change but it can only change with  
13 preapproval by DOC. I want it crystal  
14 clear. I don't want the community control  
15 officer who gets this case the day he walks  
16 out the Palm Beach County to have any doubt  
17 or confusion as to exactly what this  
18 defendant is supposed to do, where he is  
19 supposed to be when, exactly what I am  
20 requesting that officer to supervise.

21 MS. BELOHLAVEK: Absolutely.

22 THE COURT: Okay.

23 MR. GOLDBERGER: We will work on it.

24 Thank you, Your Honor.

25 THE COURT: We will recall that case.

1 (Brief recess.)

2 MR. GOLDBERGER: Your Honor, we are  
3 back on Jeffrey Epstein, actually it  
4 worked, we had an opportunity to go through  
5 Judge McSorley's conditions of community  
6 control and we asked the Department of  
7 Corrections representative to assist us to  
8 make sure we did everything properly.  
9 They were very helpful and we executed the  
10 document.

11 MS. BELOHLAVEK: Yes, and Your Honor,  
12 this defendant doesn't fall under the sex  
13 offender probation but we have included  
14 special sex offender conditions as part of  
15 the community control and they are all  
16 circled there:

17 THE COURT: The plea agreement stated  
18 the defendant is designated as a sexual  
19 offender pursuant to Florida Statute  
20 942.035.

21 MS. BELOHLAVEK: Correct. But the  
22 sex offender probation, the statute is  
23 different and only applies to certain  
24 offenses and this one was not enumerated.

25 THE COURT: Okay. I want to make

1           sure both I and the defendant are clear.  
2           The sexual offender statute you are  
3           referring to in the plea sheet is the one  
4           that requires registration?

5                   MS. BELOHLAVEK: Correct.

6                   MR. GOLDBERGER: Correct.

7                   THE COURT: And we will talk about  
8           that.

9                   MR. GOLDBERGER: Okay.

10                   THE COURT: But it is not the one  
11           that requires the special conditions of sex  
12           offender probation?

13                   MS. BELOHLAVEK: Correct.

14                   THE COURT: Now, rather than 948, do  
15           you want me to disregard 948? He's read  
16           it?

17                   MS. BELOHLAVEK: He's read it.

18                   THE COURT: We will leave it in  
19           there. But these conditions we are going  
20           to go over right now are going to be viewed  
21           in my mind, yes, and they have been signed  
22           by the defendant and we will go over that  
23           in a second as a part of the whole plea.

24                   MS. BELOHLAVEK: Correct.

25                   THE COURT: So circled are

1 conditions, A, you will remain confined to  
2 your residence except one half hour before  
3 and after your approved employment,  
4 community service work or any other  
5 activity approved by your probation  
6 officer.

7 B, you will maintain an hourly  
8 accounting of all your activities on a  
9 daily log which you will submit to your  
10 supervising officer upon request.

11 My understanding about the daily  
12 log, maybe I'm just confused from other  
13 cases I've heard, is the daily log is a  
14 weekly log, I guess it is submitted ahead  
15 of time, is that correct?

16 PROBATION OFFICER: That is correct,  
17 Your Honor.

18 THE COURT: So part A, where he has  
19 to stay in his residence except for one  
20 hour before and after the approved  
21 employment, community service work and  
22 other activity. All that's information  
23 that will be recorded in writing and the  
24 defendant will have a copy and he will know  
25 exactly where he is supposed to be when.

1 PROBATION OFFICER: That is correct,  
2 Your Honor.

3 THE COURT: As will his supervising  
4 probation officer. And then to document  
5 that he's supposedly done all that he  
6 himself will be keeping a daily log?

7 PROBATION OFFICER: That is correct,  
8 Your Honor.

9 THE COURT: And the log form will be  
10 provided by the department and he will be  
11 turning that in every time he meets with  
12 the probation officer?

13 PROBATION OFFICER: That is correct,  
14 Your Honor.

15 THE COURT: Okay. So that applies  
16 and F applies. Does E apply? No.

17 MS. BELOHLAVEK: Did I circle E?

18 THE COURT: No. F -- made one up,  
19 the defendant will be residing at 358 El  
20 Brillo Way, Palm Beach, Florida, 33480. He  
21 knows now that that's where he will be  
22 living when he is released after his 12  
23 months and six months.

24 MR. GOLDBERGER: That is correct,  
25 Your Honor.

1 THE COURT: That's a private  
2 residence?

3 MR. GOLDBERGER: That is his home.

4 THE COURT: Does he own the  
5 residence?

6 MR. GOLDBERGER: He does, Your Honor.

7 THE COURT: Is there any possibility  
8 that he no longer owns the residence?

9 MR. GOLDBERGER: Not anticipated,  
10 Your Honor.

11 THE COURT: Okay. Should he not be  
12 for whatever reason -- 18-months is a long  
13 time, should he not be owning that  
14 residence or able to reside there, he will  
15 have the obligation of notifying his  
16 probation officer prior, and I emphasize  
17 this, prior to his release from custody. I  
18 assume that the department will be notified  
19 prior to, to his release?

20 PROBATION OFFICER: That is correct,  
21 Your Honor.

22 THE COURT: And then you would need  
23 to send someone to meet with him before he  
24 walks out of the Palm Beach County jail and  
25 verify his address and employment

1 information?

2 PROBATION OFFICER: That is correct.

3 THE COURT: All address -- I assume  
4 all of this to and from work and any other  
5 approved activities restricts him to Palm  
6 Beach County, is that correct?

7 PROBATION OFFICER: That is correct,  
8 Your Honor.

9 THE COURT: So let's be clear,  
10 everything, from the day he walks out  
11 occurs in Palm Beach County, is that clear?

12 MR. GOLDBERGER: We understand, Your  
13 Honor. That's correct.

14 THE COURT: Then the additional  
15 condition of his probation, they are not  
16 sex offender standard conditions, they are  
17 just conditions that are being imposed  
18 especially in this case?

19 MS. BELOHLAVEK: Correct.

20 THE COURT: They are as follows, you  
21 shall submit to a mandatory curfew from 10  
22 p.m. to 6:00 a.m. regardless of any other  
23 restrictions regarding work or approved  
24 activity, there will be no exceptions to  
25 being at home in house from 10 p.m. to 6

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1 a.m., is that correct?

2 MS. BELOHLAVEK: Yes.

3 THE COURT: If the victim was under  
4 age of 18 years which I gather is the case  
5 because it's circled, you shall not live  
6 within 1000 feet of a school, day care  
7 center, park, playground or other place  
8 where children regularly congregate.

9 Has someone verified that 358 El  
10 Brillo is such a place?

11 MS. BELOHLAVEK: No, but that will be  
12 done prior to his release.

13 THE COURT: So 358 El Brillo will not  
14 be approved if it should happen to be one  
15 thousand feet from a school, day care  
16 center, park, playground or other place --  
17 this is rather open.

18 MR. GOLDBERGER: Where children  
19 gather.

20 THE COURT: Where children regularly  
21 congregate.

22 MS. BELOHLAVEK: Right.

23 THE COURT: The Court knows 358 El  
24 Brillo Way is a residential neighborhood,  
25 are there areas there where children

1 regularly congregate?

2 MS. BELOHLAVEK: I personally do not  
3 know.

4 THE COURT: Neither do I, which is  
5 why I'm asking. Has that been  
6 investigated?

7 MR. GOLDBERGER: We have done our due  
8 diligence, for what it's worth, there is a  
9 residential street. There are not children  
10 congregating on that street. We think the  
11 address applies, if it doesn't, we fully  
12 recognize that he can't live there.

13 THE COURT: Okay. D is, you shall  
14 not have any contact with the victim, are  
15 there more than one victim?

16 MS. BELOHLAVEK: There's several.

17 THE COURT: Several, all of the  
18 victims. So this should be plural. I'm  
19 making that plural. You are not to have  
20 any contact direct or indirect, and in this  
21 day and age I find it necessary to go over  
22 exactly what we mean by indirect. By  
23 indirect, we mean no text messages, no  
24 e-mail, no Face Book, no My Space, no  
25 telephone calls, no voice mails, no

1 messages through carrier pigeon, no  
2 messages through third parties, no hey  
3 would you tell so and so for me, no having  
4 a friend, acquaintance or stranger approach  
5 any of these victims with a message of any  
6 sort from you, is that clear?

7 THE DEFENDANT: Yes, ma'am

8 THE COURT: And then it states,  
9 unless approved by the victim, the  
10 therapist and the sentencing court. Okay.

11 THE DEFENDANT: I understand.

12 THE COURT: And the sentencing court.  
13 So, if there is a desire which, I would  
14 think would be a bit strange to have  
15 contact with any of the victims the court  
16 must approve it.

17 MS. BELOHLAVEK: Correct.

18 THE COURT: If the victim was under  
19 the age of 18, which was the case, you  
20 shall not until you have successfully  
21 attended and completed the sex offender  
22 program. So, is this sex offender program  
23 becoming a condition of probation?

24 MS. BELOHLAVEK: That is not. I  
25 don't believe I circled that one.

1 THE COURT: You did.

2 MR. GOLDBERGER: That's a mistake on  
3 our part. Actually the statute that he is  
4 pleading guilty to does not require the --

5 THE COURT: I understand that, but  
6 you circled it.

7 MS. BELOHLAVEK: I apologize, that  
8 one is not. He has already been in  
9 treatment with a private psychiatrist.

10 THE COURT: Which you find to be an  
11 adequate substitute for sex offender  
12 program?

13 MS. BELOHLAVEK: I -- it is not  
14 required and based upon the evaluation and  
15 my contact with that doctor, I don't  
16 believe it's necessary at this point.

17 THE COURT: Has that been -- I assume  
18 you have a law degree and do not have a  
19 Ph.D in a psychology or MD in psychiatry?

20 MS. BELOHLAVEK: That is correct, I  
21 don't.

22 THE COURT: So it is just your  
23 judgement --

24 MS. BELOHLAVEK: Correct.

25 THE COURT: -- that his treatment

1 with some fancy private psychiatrist or  
2 psychologist in his case is okay?

3 MS. BELOHLAVEK: That is correct.

4 THE COURT: So you are not imposing  
5 E?

6 MS. BELOHLAVEK: Correct.

7 THE COURT: F, if the victim was  
8 under the age of 18, you shall not work or  
9 play or as a volunteer in any school, day  
10 care center, park, play ground or other  
11 place where children regularly congregate,  
12 is that understood?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: Children will be defined  
15 as anyone under the age of 18. There are a  
16 lot of places where children regularly  
17 congregate. What kind of work do you do?

18 THE DEFENDANT: Banking.

19 THE COURT: Here in Palm Beach  
20 County?

21 THE DEFENDANT: Virgin Islands,  
22 ma'am.

23 THE COURT: You understand you will  
24 not travel from Palm Beach County for the  
25 duration of this?

1 THE DEFENDANT: Yes, ma'am.

2 MR. GOLDBERGER: Your Honor, I'm  
3 sorry to interrupt, we do cover the  
4 employment later in the agreement as to  
5 what he is going to be doing during the one  
6 year that he is on community control.

7 THE COURT: Okay. And let me --  
8 condition G, which is circled, unless  
9 otherwise indicated in the treatment plan  
10 provided by sexual offender treatment  
11 program.

12 MR. GOLDBERGER: That's not in there.

13 THE COURT: Is that what you want?

14 MS. BELOHLAVEK: No.

15 THE COURT: But you do want the, you  
16 will not view, own or possess any obscene  
17 pornographic --

18 MS. BELOHLAVEK: Correct.

19 THE COURT: Okay. But are you saying  
20 that this therapist can okay him to own  
21 certain pornographic material?

22 MS. BELOHLAVEK: No, not at all.

23 MR. GOLDBERGER: No, Your Honor.

24 THE COURT: Would be really helpful  
25 if people read these things before they

1 signed them thoroughly.

2 Unless otherwise indicated in the  
3 treatment plan. I'm just going to strike  
4 out, provided by the sexual offender  
5 treatment program. Is that what you  
6 intend, that his therapist can --

7 MS. BELOHLAVEK: No.

8 THE COURT: No?

9 MS. BELOHLAVEK: No.

10 THE COURT: Unless otherwise  
11 indicated.

12 MR. GOLDBERGER: The parties have  
13 agreed that during the period that he is --  
14 cannot be --

15 THE COURT: Condition G will now  
16 read, you shall not view, own, possess any  
17 obscene, pornographic or sexually  
18 stimulating visual or auditory material  
19 including telephonic, electronic media,  
20 computer program or computer services that  
21 are relevant to your deviant behavior  
22 pattern. And who is going to enforce that?

23 MS. BELOHLAVEK: The community  
24 control officer.

25 THE COURT: How?

1 MS. BELOHLAVEK: They have the  
2 obligation and included in there for  
3 warrantless search to check at any time his  
4 home, his computer, anything he has contact  
5 with.

6 THE COURT: And do they regularly do  
7 that?

8 PROBATION OFFICER: Yes, ma'am.

9 THE COURT: Since we have the  
10 pleasure of having someone from the  
11 Department of Corrections here.

12 Okay. H, you shall submit two  
13 specimens of blood to the Florida  
14 Department of Law Enforcement to be  
15 registered in the DNA data bank.

16 J, you shall submit to a  
17 warrantless search by your probation  
18 officer or community control officer of  
19 your person, residence or vehicle.

20 G -- where is the G?

21 MS. BELOHLAVEK: That was under the  
22 original part, not under the sex offender  
23 one.

24 THE COURT: Okay. Defendant to have  
25 contact with the community control officer

1 at a minimum one time a week.

2 Defendant to work at Florida  
3 Science Foundation, 250 Australian Avenue,  
4 West Palm Beach, Florida. Is that  
5 volunteer work or work for pay?

6 MR. GOLDBERGER: It is a 501C  
7 corporation that he has formed, Your Honor,  
8 that will be doing charitable work.

9 THE COURT: That he has formed?

10 MR. GOLDBERGER: Yes.

11 THE COURT: What exactly is Florida  
12 Science Foundation?

13 MR. GOLDBERGER: Do you want to  
14 explain?

15 THE DEFENDANT: It funds science  
16 programs around the state and the country.

17 THE COURT: How long has it been in  
18 existence?

19 THE DEFENDANT: Fifteen years.

20 THE COURT: How many programs has it  
21 funded?

22 THE DEFENDANT: Numerous, more than  
23 50.

24 THE COURT: What is your position  
25 with the organization?

1 THE DEFENDANT: President.

2 THE COURT: Is there a board of  
3 directors?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: Who's on the board of  
6 directors?

7 THE DEFENDANT: Two attorneys.

8 THE COURT: What exactly do you do?

9 THE DEFENDANT: I'm an investment  
10 banker but my --

11 THE COURT: No, no, I mean with the  
12 science foundation.

13 THE DEFENDANT: We fund  
14 science programs --

15 THE COURT: I don't want to know what  
16 we do, I want to know what you do. How  
17 often are you there?

18 THE DEFENDANT: I'm there every day,  
19 I research, I take in people who want to  
20 make presentations about why they need  
21 money for funding medical research,  
22 advanced science research. My background  
23 is in physics. I go through all the  
24 programs in detail, review the science work  
25 potentials, I follow through on a daily

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1 basis with what they have been given money  
2 to do.

3 THE COURT: Who are some recent  
4 grantees?

5 THE DEFENDANT: Harvard University.  
6 There is a full program of Evolutionary  
7 Dynamics, Neuro Science Institute of  
8 California, the Physics Institute, MIT.

9 THE COURT: Do you ever have occasion  
10 to deal with anyone under the age of  
11 eighteen?

12 THE DEFENDANT: Not very often. It  
13 is, if someone is in college -- sorry.

14 THE COURT: Right, that's why I'm  
15 asking the question.

16 THE DEFENDANT: Most of the people I  
17 fund are all usually professors.

18 THE COURT: Thank you. You  
19 understand that you can't have contact with  
20 anyone if -- this organization, do they  
21 ever have any involvement with high  
22 schools?

23 THE DEFENDANT: No, ma'am.

24 THE COURT: Students or teachers?

25 THE DEFENDANT: No, ma'am.

1 THE COURT: Okay.

2 MS. BELOHLAVEK: Those are  
3 duplicates, you will see those are the same  
4 as the ones on the previous page, however,  
5 it was reproduced.

6 THE COURT: The next condition, you  
7 shall maintain a driving log. You shall  
8 not drive a motor vehicle while alone  
9 without prior approval of your supervising  
10 officer.

11 If there was sexual contact, you  
12 shall submit to at probationer's or  
13 community controllee's expense an HIV test  
14 with results to be released to the victims,  
15 victim's parent or guardian -- will be  
16 victims, plural. Has that been done?

17 MR. GOLDBERGER: Not yet.

18 THE COURT: Do we have a time frame  
19 on that? I would think ASAP might be good  
20 on something like that.

21 MS. BELOHLAVEK: I believe they can  
22 actually do that at the jail.

23 THE COURT: At his expense?

24 MS. BELOHLAVEK: Yes.

25 THE COURT: I would request that that

1 be done within 48 hours?

2 You shall not obtain or use a post  
3 office box without prior approval of the  
4 supervising officer.

5 Okay. Are all those conditions  
6 you two have agreed to?

7 MS. BELOHLAVEK: Yes, Your Honor.

8 MR. GOLDBERGER: With the court's  
9 amendments, yes.

10 THE COURT: Mr. Epstein, do you  
11 understand?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: I need the defendant to  
14 sign number D where I had an s added to  
15 victim, and G, we struck out the otherwise  
16 indicated language. Otherwise, it is as  
17 you agreed.

18 Mr. Epstein, do you understand  
19 this is a somewhat complicated terms of the  
20 plea that you've agreed to?

21 THE DEFENDANT: Yes, ma'am

22 THE COURT: Do you have any questions  
23 about the terms of the plea?

24 THE DEFENDANT: No.

25 THE COURT: Can I ask the State why

1 you choose -- or defense and the State  
2 together, why twelve months in the Palm  
3 Beach County jail followed by six months?  
4 Why not just send him to DOC?

5 MR. GOLDBERGER: It was the agreement  
6 of the parties, Your Honor. We just  
7 decided that was the best way to accomplish  
8 what needed to be done here and the parties  
9 agreed that that sentence satisfied  
10 everyone's requirements.

11 THE COURT: The taxpayers of Palm  
12 Beach County is going to pay 18 months to  
13 house this guy instead of DOC?

14 MS. BELOHLAVEK: Right.

15 THE COURT: You understand we're  
16 losing positions left and right in county  
17 government because we haven't got enough  
18 money but you want -- okay.

19 His requirement to register there  
20 is many, many -- there is nine pages  
21 outlining the sexual offender's requirement  
22 to register with the department and  
23 penalty, have you read all those,  
24 Mr. Epstein?

25 THE DEFENDANT: Yes, ma'am.

1 THE COURT: Do you understand you  
2 will be required to register and this will  
3 be an ongoing life long obligation?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: And this registration  
6 occurs when?

7 MS. BELOHLAVEK: Within 48-hours of  
8 release.

9 THE COURT: So when he gets out of  
10 the Palm Beach County jail, he needs to  
11 register? Okay. And the department -- who  
12 is going to provide him with the form?

13 MR. GOLDBERGER: He actually  
14 registers out at the Sheriff's Office, Your  
15 Honor, we can do it out there.

16 THE COURT: Okay. It has been  
17 brought to my attention that FDLE is the  
18 one who is statutorily required to handle  
19 these registrations but some of our  
20 municipal jurisdictions have taken it upon  
21 themselves to impose additional  
22 requirements, y'all understand that?

23 MS. BELOHLAVEK: Correct.

24 MR. GOLDBERGER: Right.

25 THE COURT: What you are telling him

1 he has to do is the official State of  
2 Florida registration?

3 MS. BELOHLAVEK: Correct.

4 THE COURT: Mr. Epstein, I need to  
5 make sure you understand that that's what's  
6 required by this plea. Anyone on  
7 probation, community control is required to  
8 live and abide by the laws. So if a  
9 jurisdiction you choose to reside in should  
10 have some additional municipal requirements  
11 you will be required in order to comply  
12 with the law of living there, just like you  
13 can't get a parking ticket or speeding  
14 ticket, to comply with those regulations  
15 but I want to make sure you understand  
16 because I have seen some defendants who  
17 have been confused about this. If you  
18 don't, for example, if the Town of Palm  
19 Beach has you register that does not take  
20 care of your requirement. Your requirement  
21 to register with FDLE through the Sheriff's  
22 office is separate, distinct and must be  
23 done on their form according to their  
24 schedule.

25 THE DEFENDANT: Yes, ma'am.

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1 THE COURT: And if my experience the  
2 last few months is of any value, they are  
3 very serious about enforcing this. They  
4 will be tracking you for the rest of your  
5 life. Do not move. Do not go -- I don't  
6 care when you are done with community  
7 control, they need to know exactly where  
8 you are and if you go anywhere without  
9 registering, they will find and you will be  
10 locked up.

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: Okay. Any questions  
13 about that?

14 THE DEFENDANT: No, ma'am.

15 THE COURT: Did you read the plea in  
16 the circuit court form that describes all  
17 the rights you are giving up by entering  
18 this plea?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: I think I asked you  
21 before, can you read?

22 THE DEFENDANT: Yes.

23 THE COURT: Are you under the  
24 influence of alcohol, drugs or medication  
25 today?

1 THE DEFENDANT: No, ma'am.

2 THE COURT: Normally taking any  
3 prescribed medication?

4 THE DEFENDANT: Only for cholesterol.

5 THE COURT: Does that interfere with  
6 your mental ability?

7 THE DEFENDANT: No.

8 THE COURT: Do you understand you  
9 have an attorney, you have a right to trial  
10 by jury, there is not going to be a jury  
11 trial. There won't be witnesses called.  
12 That your attorney and you would have a  
13 right to confront and cross examine, do you  
14 understand you have a right to call  
15 witnesses of your own and the court would  
16 issue subpoenas to compel their attendance  
17 just like any other witness called by the  
18 State, that you have the right -- absolute  
19 right to remain silent and that you would  
20 not have to say or do anything at the trial  
21 if there were a trial, do you understand  
22 those rights?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: Do you understand if you  
25 are not a United States citizen your plea

1 could subject you to deportation pursuant  
2 to the laws and regulations governing the  
3 United States Immigration and  
4 Naturalization Service and this court has  
5 no jurisdiction or authority in such  
6 matters, do you understand that?

7 THE DEFENDANT: Yes.

8 THE COURT: Has anybody threatened  
9 you, coerced you or promised you anything  
10 other than the terms of this plea to get  
11 you to enter this plea?

12 THE DEFENDANT: No.

13 THE COURT: Do you understand this is  
14 a plea in criminal court?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: This has -- in criminal  
17 court in Palm Beach County, State of  
18 Florida. I have absolutely nothing to do  
19 with any civil matters or matters in any  
20 other jurisdiction, do you understand that?

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: Is this plea in any way  
23 tied to any promises or representations by  
24 any civil attorneys or other jurisdictions?

25 MR. GOLDBERGER: May we come sidebar

1 on that, Your Honor?

2 THE COURT: It is going to be  
3 recorded.

4 MR. GOLDBERGER: That's fine.

5 THE COURT: Defendant needs to  
6 approach as well.

7 (Whereupon, there was a conference at  
8 the bench.)

9 MR. GOLDBERGER: The reason why I  
10 asked to come sidebar, there is a  
11 nonprosecution agreement with the United  
12 States Attorney's office that triggers as a  
13 result of this plea agreement. In other  
14 words, they have signed off and said they  
15 will not prosecute Mr. Epstein in the  
16 Southern District of Florida for any  
17 offense upon his successful taking of this  
18 plea today. That is a confidential  
19 document that the parties have agreed to.  
20 Just in an abundance of caution, I wanted  
21 to tell the court.

22 THE COURT: I understand, that would  
23 also be invalidated should he violate his  
24 community control?

25 MR. GOLDBERGER: Absolutely. That

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1 nonprosecution agreement --

2 MS. BELOHLAVEK: They spell all that  
3 out.

4 THE COURT: Mr. Epstein needs to come  
5 closer.

6 Mr. Epstein, your attorney has  
7 told me that in addition to everything, we  
8 talked about another Inducement, shall we  
9 say, to your taking this plea is that the  
10 U.S. Attorney for the Southern District of  
11 the State of Florida, federal prosecutor,  
12 has agreed to a nonprosecution agreement  
13 with you, meaning that if you successfully  
14 complete probation and do everything you're  
15 supposed to, they have, have agreed not to  
16 prosecute you federally, did you understand  
17 that?

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: And I would view that as  
20 a significant inducement in accepting this  
21 plea.

22 MS. BELOHLAVEK: They are actually in  
23 court here today, also.

24 THE COURT: Okay.

25 MR. GOLDBERGER: And the plea

1 agreement very carefully spelled out if  
2 there was a breach that would violate this  
3 agreement, so we are well aware of it.

4 THE COURT: Okay. I would request  
5 that a sealed copy of that -- Mr. Epstein  
6 has signed that document?

7 MR. GOLDBERGER: Yes, I would like to  
8 seal the copy.

9 THE COURT: I want a sealed copy of  
10 that filed in this case. That is the only  
11 other condition of the agreement that is  
12 influencing this defendant to make this  
13 decision?

14 MR. GOLDBERGER: Absolutely. I think  
15 that's the right idea.

16 (Return to open court.)

17 THE COURT: Mr. Epstein, is there  
18 anything else?

19 THE DEFENDANT: No, ma'am.

20 THE COURT: Because I don't take  
21 these pleas unless they are freely and  
22 voluntarily made.

23 THE DEFENDANT: I understand that.

24 THE COURT: I also don't want  
25 somebody or anybody coming back a year,

1 two years from now saying, oh no, no, they  
2 beat me over the head or if there is  
3 anything else that is influencing you to  
4 make this decision, then I need to know  
5 about it.

6 THE DEFENDANT: I understand that.

7 MR. GOLDBERGER: Thank you.

8 THE DEFENDANT: Thank you very much,  
9 Your Honor.

10 (Return to open court.)

11 THE COURT: All right, Mr. Epstein,  
12 any questions about the rights you are  
13 giving up by entering this plea?

14 THE DEFENDANT: No ma'am.

15 THE COURT: State, please give me a  
16 factual basis.

17 MS. BELOHLAVEK: In 069454 CF AMB,  
18 between August 1, 2004 and October 31,  
19 2005, the defendant in Palm Beach County  
20 did solicit or procure someone to commit  
21 prosecution on three or more occasions.

22 And in 08 CF 9381 CF AMB between  
23 August 1, 2004 and October 9, 2005, the  
24 defendant did procure a minor under the age  
25 of 18 to commit prostitution in Palm Beach

1 County also.

2 THE COURT: I find a sufficient  
3 factual basis to support the pleas.

4 Are all of the victims in both of  
5 these cases in agreement with the terms of  
6 this plea?

7 MS. BELOHLAVEK: I have spoken to  
8 several myself and I have spoken to  
9 counsel, through counsel as to the other  
10 victim, and I believe, yes.

11 THE COURT: And with regard to the  
12 victims under age eighteen, is that  
13 victim's parents or guardian in agreement  
14 with the plea?

15 MS. BELOHLAVEK: That victim is not  
16 under age 18 any more and that's why we  
17 spoke with her counsel.

18 THE COURT: And she is in agreement  
19 with the plea?

20 MS. BELOHLAVEK: Yes.

21 THE COURT: And community control  
22 will be given information concerning how to  
23 contact these victims?

24 MS. BELOHLAVEK: Yes.

25 THE COURT: Confidentially. That

1 information will not be related to the  
2 defendant but will be used exclusively for  
3 purposes of verifying compliance with this  
4 agreement?

5 MS. BELOHLAVEK: Yes.

6 THE COURT: Is there anything else  
7 from anybody else before I accept this  
8 plea?

9 MR. GOLDBERGER: No, Your Honor.

10 THE COURT: Mr. Goldberger, if it is  
11 your desire, you may enter your client's  
12 plea.

13 MR. GOLDBERGER: Thank you, Your  
14 Honor, at this time we would withdraw our  
15 previously entered pleas of not guilty,  
16 enter pleas of guilty pursuant to  
17 negotiations with the State.

18 THE COURT: Mr. Epstein, I am going  
19 to accept those pleas on your behalf. I  
20 find you are intelligent, alert, you  
21 understand what is going on here and the  
22 consequence of entering this plea, you are  
23 doing it freely and voluntarily.

24 Pursuant to the plea, I am waiving  
25 a PSI, I will sentence you at this time

1           pursuant to it. I will adjudicate you  
2           guilty of felony solicitation of  
3           prostitution, a third degree felony, case  
4           number 06 CF 00945A -- 454 AMB, and  
5           procuring a person under 18 for  
6           prostitution, a second degree felony 08 CF  
7           009381AMB.

8                         With respect to the solicitation  
9           of prosecution, I will sentence you to  
10          twelve months in the Palm Beach County  
11          detention facility with credit for the one  
12          day served.

13                        With respect to 08 CF 009381, I  
14          will sentence you to six months in the Palm  
15          Beach County detention facility, with  
16          credit for the one day served. That six  
17          month sentence is to be served consecutive  
18          to the twelve month sentence.

19                        Following the six month sentence  
20          you will be placed on 12 months of  
21          community control. That will be on both  
22          cases, I assume, to run concurrently,  
23          correct?

24                        MS. BELOHLAVEK: Only on the 08 case.

25                        THE COURT: Only on the second degree

1 felony?

2 MS. BELOHLAVEK: Correct, the one  
3 that designates him a sexual offender.

4 THE COURT: Okay. So only on case  
5 number 08 CF 009381AMB will you be on one  
6 year community control which would then  
7 invoke a potential penalty of fifteen years  
8 were you to violate.

9 The special conditions are that  
10 you are to have no unsupervised contact  
11 with minors and the supervising adult must  
12 be approved by the Department of  
13 Corrections. You are to be designated a  
14 sexual offender pursuant to Florida Statute  
15 943.0435 and you must abide by all  
16 requirements of that statute which I have  
17 read and we have discussed.

18 You will remain confined to your  
19 residence except one half hour before and  
20 after your approved employment, community  
21 service work or other activities approved  
22 by your probation officer. You will  
23 maintain an hourly accounting of all your  
24 activity on a daily log which you submit to  
25 the supervising officer upon request.

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1                   You will be residing at 358 El  
2                   Brillo Way, Palm Beach, Florida 33480.  
3                   Should you desire to move or go to a  
4                   different location upon release from  
5                   custody, you will get preapproval of that  
6                   location from the Department of  
7                   Corrections. You will have to contact your  
8                   community control officer a minimum of once  
9                   a week, it can be more often at their  
10                  discretion and you are to work at the  
11                  Florida Science Foundation at 250  
12                  Australian Avenue in West Palm Beach,  
13                  Florida. You will submit to a mandatory  
14                  curfew of 10 p.m. to 6 a.m.

15                  You shall not live within a  
16                  thousand feet of a school, day care center,  
17                  park, playground or other place where  
18                  children congregate. You shall not have  
19                  any contact with the victims, directly or  
20                  indirectly including through a third person  
21                  unless approved by victim's therapist and  
22                  the sentencing court.

23                  You shall not work for pay or as a  
24                  volunteer at any school, day care center  
25                  park, play ground, other place where

1 children may congregate. You shall not  
2 view, own or possess any obscene  
3 pornographic or sexually stimulating or  
4 visual, auditory material including  
5 telephone, electronic media, computer  
6 programs, computer services that are  
7 relevant to deviant behavior.

8 You shall submit two specimens of  
9 blood to Florida Department of Law  
10 Enforcement to be registered with the DNA  
11 data bank. You shall submit to a  
12 warrantless search by the probation officer  
13 or community control officer of your  
14 person, residence or vehicle.

15 You shall maintain a driving log.  
16 You shall not drive a motor vehicle while  
17 alone without prior approval of the  
18 supervising officer.

19 You shall submit to, at  
20 probationer or community control expense a  
21 HIV test, the result of which is to be  
22 released to the victims or victim's parent  
23 or guardian. That has to be done within 48  
24 hours.

25 You shall not obtain or a use post

1 office box without the prior approval of  
2 the supervising officer.

3 MS. BELOHLAVEK: You forgot one that  
4 you may not possess, own or view sexually  
5 stimulating -- I don't believe you read  
6 that outloud just now.

7 THE COURT: Yes, I did.

8 MS. BELOHLAVEK: I'm sorry, I didn't  
9 hear it. I just wanted to make sure.

10 THE COURT: And the warrantless  
11 search by the community control officer of  
12 the person, residence or vehicle --  
13 understand the person, residence or vehicle  
14 includes anything you might possess like  
15 computer, a cell phone and whatever other  
16 elaborate devices there are to communicate  
17 electronically these days, okay. Good  
18 luck.

19 MR. GOLDBERGER: Thank you.

20 MS. BELOHLAVEK: Thank you.

21 THE COURT: Is there a judgment?

22 MR. GOLDBERGER: Yes, there should be  
23 judgments.

24 THE COURT: Was there a condition of  
25 community control that he pay or is he

1 paying it?

2 MR. GOLDBERGER: Actually there is a  
3 cash bond posted, court cost can be  
4 deducted from the cash bond.

5 THE COURT: \$574 is the total?

6 MS. BELOHLAVEK: Correct.

7 THE COURT: Is that to cover both  
8 cases?

9 MR. GOLDBERGER: Yes.

10 THE COURT: Thank you.

11 MR. GOLDBERGER: Thank you, Your  
12 Honor.

13 (Whereupon, at 9:48 o'clock a.m. the  
14 proceedings before the Court, concluded.)  
15  
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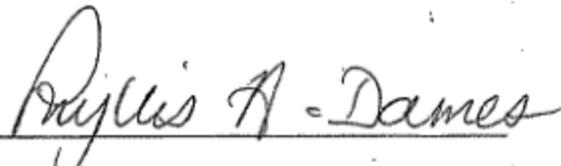
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THE STATE OF FLORIDA,  
COUNTY OF PALM BEACH.

I, PHYLLIS A. DAMES, Official Court Reporter for the Fifteenth Judicial Circuit, Criminal Division, in and for Palm Beach County, Florida; do hereby certify that I was authorized to and did report the foregoing proceedings before the Court at the time and place aforesaid; and that the preceding pages numbered from 1 through 49, inclusive, represent a true and accurate transcription of my stenonotes taken at said proceedings.

IN WITNESS WHEREOF, I have hereunto affixed my official signature this 19th day of July, 2008.

  
PHYLLIS A. DAMES

PHYLLIS A. DAMES, OFFICIAL COURT REPORTER