

March 20, 2011

To whom it may concern:

I served as U.S. Attorney for the Southern District of Florida from 2005 through 2009. Over the past weeks, I have read much regarding Mr. Jeffrey Epstein. Some appears true, some appears distorted. I thought it appropriate to provide some background, with two caveats: (i) under Justice Department guidelines, I cannot discuss privileged internal communications among Department attorneys and (ii) I no longer have access to the original documents, and as the matter is now nearly 4 years old, the precision of memory is reduced.

The Epstein matter was originally presented to the Palm Beach County State Attorney. Palm Beach Police alleged that Epstein unlawfully hired underage high-school females to provide him sexually lewd and erotic massages. Police sought felony charges that would have resulted in a term of imprisonment. According to press reports, however, in 2006 the State Attorney, in part due to concerns regarding the quality of the evidence, agreed to charge Epstein only with one count of aggravated assault with no intent to commit a felony. That charge would have resulted in no jail time, no requirement to register as a sexual offender and no restitution for the underage victims.

Local police were dissatisfied with the State Attorney's conclusions, and requested a federal investigation. Federal authorities received the State's evidence and engaged in additional investigation. Prosecutors weighed the quality of the evidence and the likelihood for success at trial. With a federal case, there were two additional considerations. First, a federal criminal prosecution requires that the crime be more than local; it must have an interstate nexus. Second, as the matter was initially charged by the state, the federal responsibility is, to some extent, to back-stop state authorities to ensure that there is no miscarriage of justice, and not to also prosecute federally that which has already been charged at the state level.

After considering the quality of the evidence and the additional considerations, prosecutors concluded that the state charge was insufficient. In early summer 2007, the prosecutors and agents in this case met with Mr. Epstein's attorney, Roy Black. Mr. Black is perhaps best known for his successful defense of William Kennedy Smith. The prosecutors presented Epstein a choice: plead to more serious state felony charges (that would result in 2 years' imprisonment, registration as a sexual offender, and restitution for the victims) or else prepare for a federal felony trial.

What followed was a year-long 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. Mr. Epstein hired an army of legal superstars: Harvard Professor Alan Dershowitz, former Judge and then Pepperdine Law Dean Kenneth Starr, former Deputy Assistant to the President and then Kirkland & Ellis Partner 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. Defense attorneys next requested a meeting with me to challenge the prosecution and the terms previously presented by the prosecutors in their meeting with Mr. Black. The prosecution team and I met with defense counsel in Fall 2007, and I reaffirmed the office's position: two years, registration and restitution, or trial.

Over the next several months, the defense team presented argument after argument claiming that felony criminal proceedings against Epstein were unsupported by the evidence and lacked a basis in law, and that the office's insistence on jail-time was motivated by a zeal to overcharge a man merely because he is wealthy. They bolstered their arguments with legal opinions from well known legal experts. One member of the defense team warned me that 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. My office systematically considered and rejected each argument, and when we did, my office's decisions were appealed to Washington. As to the warning, I ignored it.

The defense strategy was not limited to legal issues. Defense counsel investigated individual prosecutors and their families, looking for personal peccadilloes that may provide a basis for disqualification. Disqualifying a prosecutor is an effective (though rarely used) strategy, as eliminating the individuals most familiar with the facts and thus most qualified to take a case to trial harms likelihood for success. Defense counsel tried to disqualify at least two prosecutors. I carefully reviewed, and then rejected, these arguments.

Despite this army of attorneys, the office held firm to the terms first presented to Mr. Black in the original meeting. On June 30, 2008, after yet another last minute appeal to Washington D.C. was rejected, Epstein pled guilty in state court. He was to serve 18 months imprisonment, register as a sexual offender for life and provide restitution to the victims.

Some may feel that the prosecution should have been tougher. Evidence that has come to light since 2007 may encourage that view. Many victims have since spoken out, filing detailed statements in civil cases seeking damages. Physical evidence has since been discovered. Had these additional statements and evidence been known, the outcome may have been different. But they were not known to us at the time.

A prosecution decision must be based on admissible facts known at the time. In cases of this type, those are unusually difficult because victims are frightened and often decline to testify or if they do speak, they give contradictory statements. Our judgment in this case, based on the evidence known at the time, was that it was better to have a billionaire serve time in jail, register as a sex offender and pay his victims restitution than risk a trial with a reduced likelihood of success. I supported that judgment then, and based on the state of the law as it then stood and the evidence known at that time, I would support that judgment again.

Epstein's treatment, while in state custody, likewise may encourage the view that the office should have been tougher. 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.

Some may also believe that the prosecution should have been tougher in retaliation for the defense's tactics. The defense, arguably, often failed to negotiate in good faith. They would obtain concessions as part of a negotiation and agree to proceed, only to change their minds, and appeal the office's position to Washington. The investigations into the family lives of individual prosecutors were, in my opinion, uncalled for, as were the accusations of bias and / or misconduct against individual prosecutors. At times, some prosecutors felt that we should just go to trial, and at times I felt that frustration myself. What was right in the first meeting, however, remained right irrespective of defense tactics. Individuals have a constitutional right to a defense. The aggressive exercise of that right should not be punished, nor should a defense counsel's exercise of their right to appeal a U.S. Attorney to Washington, D.C. Prosecutors must be careful not to allow frustration and anger with defense counsel to influence their judgment.

After the plea, I recall receiving several phone calls. One was from the FBI Special Agent-In-Charge. He called to offer congratulations. He had been at many of the meetings regarding this case. He was aware of the tactics of the defense, and he called to praise our prosecutors for holding firm against the likes of Messrs. Black, Dershowitz, Lefkowitz and Starr. It was a proud moment. I also received calls or communications from Messrs. Dershowitz, Lefkowitz and Starr. I had known all three individuals previously, from my time in law school and at Kirkland & Ellis in the mid 90s. They all sought to make peace. I agreed to talk and meet with each of them after Epstein pled guilty, as I think it important that prosecutors battle defense attorneys in a case and then move on. I have tried, yet I confess that has been difficult to do fully in this case.

The bottom line is this: Mr. Jeffrey Epstein, a billionaire, served time in jail and is now a registered sex offender. He has been required to pay his victims restitution, though restitution clearly cannot compensate for the crime. And we know much more today about his crimes because the victims have come forward to speak out. Some may disagree with the prosecutorial judgments made in this case, but those individuals are not the ones who at the time reviewed the evidence available for trial and assessed the likelihood of success.

Respectfully,


Former U.S. Attorney
Southern District of Florida

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By MICHELE DARGAN
DAILY NEWS STAFF WRITER

Updated: 9:21 a.m. Wednesday, March 30, 2011
Posted: 7:24 p.m. Tuesday, March 29, 2011

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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 [redacted]. Those and other allegations by [redacted] were contained in a three-page letter printed Friday in the online publication The Daily Beast.

[redacted] 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 [redacted], 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, [redacted] 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," [redacted] 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.

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[REDACTED] 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. [REDACTED] 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. [REDACTED] 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.

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

"Some feel the prosecution should have been tougher," [REDACTED] 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, [REDACTED] 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," [REDACTED] 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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This case was retrieved from the court on Wednesday, March 23, 2011

Date Filed: 07/07/2008	Class Code: LRJ
Assigned To: Judge Kenneth A Marra	Closed: No
Referred To:	Statute: no
Nature of suit: Civil Rights: Other (440)	Jury Demand: None
Case: cause specified	Demand Amount: \$\$0
Lead Docket: None	NOS Description: Civil Rights: Other
Other Docket:	
Jurisdiction: U.S. Government Defendant	

Litigants

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Lead Attorney
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Date	#	Proceeding Text
03/22/2011	--	SYSTEM ENTRY - Docket Entry 52 restricted/sealed until further notice. (mg) (Entered: 03/22/2011)
✓ 03/21/2011	51	Plaintiff's MOTION [REDACTED] Motion to Use Correspondence to Prove Violations of the Crime Victims' Right Act and to Have Their Unredacted Pleadings Unsealed by [REDACTED]. (Edwards, Bradley) (Entered: 03/21/2011)
✓ 03/21/2011	50	Plaintiff's MOTION [REDACTED] Motion for Order Directing the U.S. Attorney's Office Not to Withhold Relevant Evidence by [REDACTED]. (Attachments: # 1 Exhibit A, # 2 Text of Proposed Order PROPOSED ORDER)(Edwards, Bradley) (Entered: 03/21/2011)
✓ 03/21/2011	49	Plaintiff's MOTION [REDACTED] Motion to Have Their Facts Accepted Because of the Government's Failure to Contest Any of the Facts by [REDACTED]. (Edwards, Bradley) (Entered: 03/21/2011)
✓ 03/21/2011	48	Plaintiff's MOTION for Summary Judgment REDACTED- [REDACTED] #1 and [REDACTED] Motion for Finding of Violations of the Crime Victims' Rights Act and Request for Hearing on Appropriate Remedies by [REDACTED]. Responses due by 4/7/2011 (Attachments: # 1 Exhibit A-SEALED, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 EXHIBIT F, # 7 EXHIBIT G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K)(Edwards, Bradley) (Entered: 03/21/2011)
03/18/2011	47	ORDER granting 46 Motion for Leave to File Excess Pages. Signed by Judge Kenneth A. Marra on 3/18/2011. (lr) (Entered: 03/18/2011)
03/18/2011	46	Unopposed MOTION for Leave to File Excess Pages of Statement of Facts in Support of their Motion for Finding of Violations of the Crime Victims' Right Act by [REDACTED]. (Attachments: # 1 Text of Proposed Order)(Edwards, Bradley) Modified on 3/18/2011 (ls). (Entered: 03/18/2011)
12/17/2010	45	STATUS REPORT by United States of America ([REDACTED]) (Entered: 12/17/2010)
10/28/2010	44	ORDER REOPENING CASE. Signed by Judge Kenneth A. Marra on 10/28/2010. (lr) (Entered: 10/28/2010)
10/28/2010	43	Clerks Notice to Filer re 41 Status Report. Two or More Document Events Filed as One; ERROR - Only one event was selected by the Filer but more than one event was applicable to the document filed. The docket entry was corrected by the Clerk. It is not necessary to refile this document but in the future, the Filer must select all applicable events. (ls) (Entered: 10/28/2010)
10/27/2010	42	RESPONSE TO ORDER TO SHOW CAUSE BY [REDACTED]. (ls)(See Image at DE # 41) (Entered: 10/28/2010)
10/27/2010	41	STATUS REPORT by [REDACTED] (Edwards, Bradley) Modified to add missing event 42 Response to Order to Show Cause on 10/28/2010 (ls). (Entered: 10/27/2010)
10/12/2010	40	ORDER TO SHOW CAUSE for lack of prosecution. Show Cause Response due by 10/27/2010. Signed by Judge Kenneth A. Marra on 10/8/2010. (lr) (Entered: 10/12/2010)
09/13/2010	39	NOTICE by [REDACTED] re 38 Administrative Order In Response to Administrative Order Closing Case (Edwards, Bradley) (Entered: 09/13/2010)
09/08/2010	38	Administrative Order Closing Case. Signed by Judge Kenneth A. Marra on 9/8/2010. (tb) (Entered: 09/09/2010)

- 04/09/2009 37 NOTICE by ██████ of Change of Firm Affiliation (Edwards, Bradley) (Entered: 04/09/2009)
- 02/12/2009 36 ORDER denying 28 Motion to Unseal Document. Signed by Judge Kenneth A. Marra on 2/12/2009. (lr) (Entered: 02/12/2009)
- 12/22/2008 35 AFFIDAVIT signed by : ██████. re 14 Affidavit, 13 Response/Reply (Other) Supplemental Declaration by United States of America. (Attachments: # 1 Certification Certificate of Service)(██████████) (Entered: 12/22/2008)
- 12/09/2008 34 Clerks Notice of Docket Correction re 33 Sealed Document. Error(s): Sealed Document Filed in Wrong Case; Correction - Original document restricted and refiled in correct case. (rb) (Entered: 12/09/2008)
- 12/05/2008 -- SYSTEM ENTRY - Docket Entry 32 restricted/sealed until further notice. (dj) (Entered: 11/03/2010)
- 12/05/2008 33 Sealed Document. (rb) (Entered: 12/05/2008)
- 10/17/2008 -- Clerks Notice of Docket Correction and Instruction to Filer re 30 Response/Reply (Other), Response/Reply (Other) filed by ██████. Error - Wrong Event Selected; Correction - Redocketed by Clerk as Reply to Response to Motion. Instruction to Filer - In the future, please select the proper event. It is not necessary to refile this document. (ls) (Entered: 10/17/2008)
- 10/16/2008 31 REPLY to Response to Motion re 28 MOTION to Unseal Document Non-Prosecution Agreement filed by ██████. [See Image at DE #30] (ls) (Entered: 10/17/2008)
- 10/16/2008 30 RESPONSE/REPLY to 29 Response in Opposition to Motion to Unseal Non-Prosecution Agreement filed by ██████. (Attachments: # 1 Exhibit October 9, 2008 letter from Brad Edwards, Esquire to AUSA ██████, # 2 Exhibit October 15, 2008 Letter from Brad Edwards, Esquire to AUSA ██████)(Edwards, Bradley) (Entered: 10/16/2008)
- 10/08/2008 29 RESPONSE in Opposition re 28 MOTION to Unseal Document Non-Prosecution Agreement filed by United States of America. (██████████) (Entered: 10/08/2008)
- 09/25/2008 28 MOTION to Unseal Document Non-Prosecution Agreement by ██████. Responses due by 10/14/2008 (Attachments: # 1 Text of Proposed Order)(Edwards, Bradley) (Entered: 09/25/2008)
- 08/22/2008 27 TRANSCRIPT of Hearing held on 8/14/2008 before Judge Kenneth A. Marra. Court Reporter: Stephen Franklin - phone number 561-514-3768 25 pages. (abd) (Entered: 08/25/2008)
- 08/21/2008 26 ORDER TO COMPEL PRODUCTION AND PROTECTIVE ORDER. Signed by Judge Kenneth A. Marra on 8/21/08. (lr) (Entered: 08/21/2008)
- 08/20/2008 24 NOTICE of Instruction to Filer: re 22 Notice (Other) filed by United States of America Error: Wrong Event Selected; Instruction to filer - In the future please select the proper event. (ls) (Entered: 08/20/2008)
- 08/14/2008 25 Minute Entry for proceedings held before Judge Kenneth A. Marra: Status Conference held on 8/14/2008. Court Reporter: Stephen Franklin- phone number 561-514-3768 (lr) (Entered: 08/21/2008)
- 08/13/2008 23 ORDER Setting Status Conference: Status Conference set for 8/14/2008 03:30 PM in West Palm Beach Division before Judge Kenneth A. Marra. Parties may contact the courtroom deputy at 561-514-3765 to make arrangements to appear telephonically. Signed by Judge Kenneth A. Marra on 8/13/08. (lr) (Entered: 08/13/2008)
- 08/13/2008 22 NOTICE by United States of America re 19 Response/Reply (Other), Response/Reply (Other) Government's Response to Petitioners' Request for Non-Prosecution Agreement and Report of Interview (██████████) (Entered: 08/13/2008)
- 08/13/2008 21 ENDORSED ORDER granting Jay C. Howell 20 Motion for Limited Appearance, Consent to Designation and Request to Electronically Receive Notices of Electronic Filings. Signed by Judge Kenneth A. Marra on 8/12/08. (lr) (Entered: 08/13/2008)
- 08/08/2008 20 MOTION for Limited Appearance, Consent to Designation and Request to Electronically Receive Notices of Electronic Filing for Jay C. Howell, Filing Fee \$75, Receipt #724591. (cw) (Entered: 08/12/2008)
- 08/01/2008 19 RESPONSE/REPLY to Government's Notice to Court Regarding Absence of Need for Evidentiary Hearing and Motion for Production of Non-Prosecution Agreement and of Report of Interview filed by ██████. (Attachments: # 1 Exhibit Proposed Stipulation, # 2 Exhibit July 17, 2008 Letter, # 3 Exhibit July 3, 2008 Letter)(Edwards, Bradley) (Entered: 08/01/2008)
- 07/30/2008 18 ENDORSED ORDER granting Paul G. Cassell 16 Motion for Limited Appearance, Consent to Designation and Request to Electronically Receive Notices of Electronic Filings. Signed by Judge Kenneth A. Marra on 7/29/08. (lr) (Entered: 07/30/2008)

- 07/29/2008 17 NOTICE by United States of America To Court Regarding Absence of Need for Evidentiary Hearing () (Entered: 07/29/2008)
- 07/28/2008 16 MOTION for Limited Appearance, Consent to Designation and Request to Electronically Receive Notices of Electronic Filing for Paul G. Cassell, Filing Fee \$75, Receipt #724532. (cw) (Entered: 07/28/2008)
- 07/17/2008 15 TRANSCRIPT of Hearing held on 7/11/2008 before Judge Kenneth A. Marra. Court Reporter: Victoria Aiello- phone number 954-467-8204 32 pages. (abd) (Entered: 07/18/2008)
- 07/11/2008 11 ORDER Denying Motion to Seal re 7 Sealed Document, 6 Sealed Document, 8 Sealed Document. Signed by Judge Kenneth A. Marra on 7/11/2008. (ls) (Additional attachment(s) added on 7/15/2008: # 1 docket sheet) (bs). (Entered: 07/14/2008)
- 07/11/2008 10 Minute Entry for proceedings held before Judge Kenneth A. Marra: Miscellaneous Hearing held on 7/11/2008. Court will issue order to unseal pleadings. Court Reporter: Official Reporting Service- phone number 305-523-5635 (lr) (Entered: 07/11/2008)
- 07/11/2008 9 REPLY to Response (under seal) re 1 Complaint/Emergency Petition, and Objection to Government's Motion for Sealing of Pleadings filed by () (ls) (Entered: 07/11/2008)
- 07/10/2008 5 ORDER SETTING HEARING: Petitioner's Emergency Petition for Enforcement of Crime Victim's Rights Act set for 7/11/2008 10:15 AM in West Palm Beach Division before Judge Kenneth A. Marra. Signed by Judge Kenneth A. Marra on 7/10/08. (lr) (Entered: 07/10/2008)
- 07/09/2008 14 UNSEALED DECLARATION signed by : () re 13 Response to Victim's Emergency Petition by United States of America. (previously filed as 8 sealed document) (bs) (Entered: 07/15/2008)
- 07/09/2008 13 UNSEALED RESPONSE to 1 Emergency Petition for Enforcement of Crime Victim Rights Act filed by United States of America. (previously filed as 7 sealed document) (bs) (Entered: 07/15/2008)
- 07/09/2008 12 UNSEALED MOTION to Seal Response to Victim's Emergency Petition by United States of America. (previously filed as 6 sealed document) (bs) (Entered: 07/15/2008)
- 07/09/2008 8 Sealed Document. (rb) UNSEALED see DE 14 . Modified on 7/15/2008 (bs). (Entered: 07/10/2008)
- 07/09/2008 7 Sealed Document. (rb) UNSEALED see DE 13 . Modified on 7/15/2008 (bs). (Entered: 07/10/2008)
- 07/09/2008 6 Sealed Document. (rb) UNSEALED see DE 12 . Modified on 7/15/2008 (bs). (Entered: 07/10/2008)
- 07/09/2008 4 NOTICE of Attorney Appearance by () on behalf of United States of America () (Entered: 07/09/2008)
- 07/07/2008 3 ORDER requiring U.S. Attorney to respond to 1 Complaint filed by () by 5:00 p.m. on 7/9/08. Signed by Judge Kenneth A. Marra on 7/7/08. (lr) (Entered: 07/07/2008)
- 07/07/2008 2 CERTIFICATE OF EMERGENCY by () re 1 Complaint (rb) (Entered: 07/07/2008)
- 07/07/2008 1 EMERGENCY PETITION for Victim's Enforcement of Crime Victim's Rights Act 18 USC 3771 against United States of America Filing fee \$ 350. Receipt#: 724403, filed by () (rb) (Entered: 07/07/2008)

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17 a, b, c

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Docket

US District Court Civil Docket

U.S. District - Florida Southern
(West Palm Beach)

9:08cv80736

[Redacted] United States of America

This case was retrieved from the court on Friday, April 15, 2011

Date Filed: 07/07/2008	Class Code: LRJ
Assigned To: Judge Kenneth A Marra	Closed: No
Referred To:	Statute:
Nature of suit: Civil Rights: Other (440)	Jury Demand: None
Cause: cause specified	Demand Amount: \$0
Lead Docket: None	NOS Description: Civil Rights: Other
Other Docket:	
Jurisdiction: U.S. Government Defendant	

Litigants

Attorneys

[Redacted]
Petitioner

Bradley James Edwards
Lead Attorney
Former Jaffe Weissing Edwards Fistos & Lehrman PL

[Redacted]

Jay C. Howell
Jay Howell & Associates PA

[Redacted]

Paul G. Cassell

Pro Hac Vice
Attorney to be Noticed

[Redacted]

United States of America
Respondent

[Redacted]
Lead Attorney
United States Attorney's Office

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Email: [Redacted]

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 Attorney to be Noticed
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Roy Black
 Intervenor

Roy Black
 [PRO SE]
 Black, Scheinick, Korman & Stumpf, P.A.

Jacqueline Penczek
 Black, Scheinick, Korman & Stumpf

Jay P. Lefkowitz
 Kirkland & Ellis, LLP

Martin G. Weinberg
 Martin G. Weinberg, P.C.

Documents

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				Proceeding Text		Items 1 to 69 of 69
Availability No.	Date					
<input type="checkbox"/> Online	1	07/07/2008	EMERGENCY PETITION for Victim's Enforcement of Crime Victim's Rights Act 18 USC 3771 against United States of America Filing fee \$ 350. Receipt#: 724403, filed by [REDACTED] (rb) (Entered: 07/07/2008)			
<input type="checkbox"/> Online	2	07/07/2008	CERTIFICATE OF EMERGENCY by [REDACTED] re 1 Complaint (rb) (Entered: 07/07/2008)			
<input type="checkbox"/> Online	3	07/07/2008	ORDER requiring U.S. Attorney to respond to 1 Complaint filed by [REDACTED] by 5:00 p.m. on 7/9/08. Signed by Judge Kenneth A. Marra on 7/7/08. (lr) (Entered: 07/07/2008)			
<input type="checkbox"/> Online	4	07/09/2008	NOTICE of Attorney Appearance by [REDACTED] on behalf of United States of America ([REDACTED]) (Entered: 07/09/2008)			
Runner	6	07/09/2008	Sealed Document. (rb) UNSEALED see DE 12 . Modified on 7/15/2008 (bs). (Entered: 07/10/2008)			
Runner	7	07/09/2008	Sealed Document. (rb) UNSEALED see DE 13 . Modified on 7/15/2008 (bs). (Entered: 07/10/2008)			
Runner	8	07/09/2008	Sealed Document. (rb) UNSEALED see DE 14 . Modified on 7/15/2008 (bs). (Entered: 07/10/2008)			
<input type="checkbox"/> Online	12	07/09/2008	UNSEALED MOTION to Seal Response to Victim's Emergency Petition by United States of America. (previously filed as 6 sealed document) (bs) (Entered: 07/15/2008)			
<input type="checkbox"/> Online	13	07/09/2008	UNSEALED RESPONSE to 1 Emergency Petition for Enforcement of Crime Victim Rights Act filed by United States of America. (previously filed as 7 sealed document) (bs) (Entered: 07/15/2008)			
<input type="checkbox"/> Online	14	07/09/2008	UNSEALED DECLARATION signed by [REDACTED] re 13 Response to Victim's Emergency Petition by United States of America. (previously filed as 8 sealed document) (bs) (Entered: 07/15/2008)			
<input type="checkbox"/> Online	5	07/10/2008	ORDER SETTING HEARING: Petitioner's Emergency Petition for Enforcement of Crime Victim's Rights Act set for 7/11/2008 10:15 AM in West Palm Beach Division before Judge Kenneth A. Marra. Signed by Judge Kenneth A. Marra on 7/10/08. (lr) (Entered: 07/10/2008)			
<input type="checkbox"/> Online	9	07/11/2008	REPLY to Response (under seal) re 1 Complaint/Emergency Petition, and Objection to Government's Motion for Sealing of Pleadings filed by [REDACTED] (ls) (Entered: 07/11/2008)			
Runner	10	07/11/2008	Minutes Entry for proceedings held before Judge Kenneth A. Marra: Miscellaneous Hearing held on 7/11/2008. Court will issue order to unseal pleadings. Court Reporter: Official Reporting Service-phone number 305-523-5635 (lr) (Entered: 07/11/2008)			
Online	11	07/11/2008	ORDER Denying Motion to Seal re 7 Sealed Document, 6 Sealed Document, 8 Sealed Document. Signed by Judge Kenneth A. Marra on 7/11/2008. (ls) (Additional attachment(s) added on 7/15/2008:			

<input type="checkbox"/>		# 1 docket sheet) (ls). (Entered: 07/14/2008)
<input type="checkbox"/>	Online	15 07/17/2008 TRANSCRIPT of Hearing held on 7/11/2008 before Judge Kenneth A. Marra. Court Reporter: Victoria Aiello- phone number 954-467-8204 32 pages. (abd) (Entered: 07/18/2008)
<input type="checkbox"/>	Online	16 07/28/2008 MOTION for Limited Appearance, Consent to Designation and Request to Electronically Receive Notices of Electronic Filing for Paul G. Cassell, Filing Fee \$75, Receipt #724532. (cw) (Entered: 07/28/2008)
<input type="checkbox"/>	Online	17 07/29/2008 NOTICE by United States of America To Court Regarding Absence of Need for Evidentiary Hearing (Entered: 07/29/2008)
	Runner	18 07/30/2008 ENDORSED ORDER granting Paul G. Cassell 16 Motion for Limited Appearance, Consent to Designation and Request to Electronically Receive Notices of Electronic Filings. Signed by Judge Kenneth A. Marra on 7/29/08. (lr) (Entered: 07/30/2008)
<input type="checkbox"/>	Online	19 08/01/2008 RESPONSE/REPLY to Government's Notice to Court Regarding Absence of Need for Evidentiary Hearing and Motion for Production of Non-Prosecution Agreement and of Report of Interview filed by (Attachments: # 1 Exhibit Proposed Stipulation, # 2 Exhibit July 17, 2008 Letter, # 3 Exhibit July 3, 2008 Letter)(Edwards, Bradley) (Entered: 08/01/2008)
<input type="checkbox"/>	Online	20 08/08/2008 MOTION for Limited Appearance, Consent to Designation and Request to Electronically Receive Notices of Electronic Filing for Jay C. Howell, Filing Fee \$75, Receipt #724591. (cw) (Entered: 08/12/2008)
	Runner	21 08/13/2008 ENDORSED ORDER granting Jay C. Howell 20 Motion for Limited Appearance, Consent to Designation and Request to Electronically Receive Notices of Electronic Filings. Signed by Judge Kenneth A. Marra on 8/12/08. (lr) (Entered: 08/13/2008)
<input type="checkbox"/>	Online	22 08/13/2008 NOTICE by United States of America re 19 Response/Reply (Other), Response/Reply (Other) Government's Response to Petitioners' Request for Non-Prosecution Agreement and Report of Interview (Entered: 08/13/2008)
<input type="checkbox"/>	Online	23 08/13/2008 ORDER Setting Status Conference: Status Conference set for 8/14/2008 03:30 PM in West Palm Beach Division before Judge Kenneth A. Marra. Parties may contact the courtroom deputy at 561-514-3765 to make arrangements to appear telephonically. Signed by Judge Kenneth A. Marra on 8/13/08. (lr) (Entered: 08/13/2008)
	Runner	25 08/14/2008 Minute Entry for proceedings held before Judge Kenneth A. Marra: Status Conference held on 8/14/2008. Court Reporter: Stephen Franklin- phone number (lr) (Entered: 08/21/2008)
	Runner	24 08/20/2008 NOTICE of Instruction to Filer: re 22 Notice (Other) filed by United States of America Error: Wrong Event Selected; Instruction to filer - In the future please select the proper event. (ls) (Entered: 08/20/2008)
<input type="checkbox"/>	Online	26 08/21/2008 ORDER TO COMPEL PRODUCTION AND PROTECTIVE ORDER. Signed by Judge Kenneth A. Marra on 8/21/08. (lr) (Entered: 08/21/2008)
<input type="checkbox"/>	Online	27 08/22/2008 TRANSCRIPT of Hearing held on 8/14/2008 before Judge Kenneth A. Marra. Court Reporter: Stephen Franklin - phone number 25 pages. (abd) (Entered: 08/25/2008)
<input type="checkbox"/>	Online	28 09/25/2008 MOTION to Unseal Document Non-Prosecution Agreement by (Responses due by 10/14/2008 (Attachments: # 1 Text of Proposed Order)(Edwards, Bradley) (Entered: 09/25/2008)
<input type="checkbox"/>	Online	29 10/08/2008 RESPONSE in Opposition re 28 MOTION to Unseal Document Non-Prosecution Agreement filed by United States of America. (Entered: 10/08/2008)
<input type="checkbox"/>	Online	30 10/16/2008 RESPONSE/REPLY to 29 Response in Opposition to Motion to Unseal Non-Prosecution Agreement filed (Attachments: # 1 Exhibit October 9, 2008 letter from Brad Edwards, Esq. SA # 2 Exhibit October 15, 2008 Letter from Brad Edwards, Esquire to AUSA (Edwards, Bradley) (Entered: 10/16/2008)
	Runner	31 10/16/2008 REPLY to Response to Motion re 28 MOTION to Unseal Document Non-Prosecution Agreement filed by Jane Doe. (See Image at DE #30) (ls) (Entered: 10/17/2008)
	Runner	10/17/2008 Clerks Notice of Docket Correction and Instruction to Filer re 30 Response/Reply (Other), Response/Reply (Other) filed by Error - Wrong Event Selected; Correction - Redocketed by Clerk as Reply to Response to Motion- Instruction to Filer - In the future, please select the proper event. It is not necessary to refile this document. (ls) (Entered: 10/17/2008)
	Runner	33 12/05/2008 Sealed Document. (rb) (Entered: 12/05/2008)
	Runner	12/05/2008 SYSTEM ENTRY - Docket Entry 32 restricted/sealed until further notice. (dj) (Entered: 11/03/2010)
	Runner	34 12/09/2008 Clerks Notice of Docket Correction re 33 Sealed Document. Error(s): Sealed Document Filed in Wrong Case; Correction - Original document restricted and refiled in correct case. (rb) (Entered: 12/09/2008)
<input type="checkbox"/>	Online	35 12/22/2008 AFFIDAVIT signed by : re 14 Affidavit, 13 Response/Reply (Other) Supplemental Declaration by United States of America. (Attachments: # 1 Certification Certificate of Service) (Entered: 12/22/2008)
<input type="checkbox"/>	Online	36 02/12/2009 ORDER denying 28 Motion to Unseal Document. Signed by Judge Kenneth A. Marra on 2/12/2009. (lr) (Entered: 02/12/2009)
<input type="checkbox"/>	Online	37 04/09/2009 NOTICE by of Change of Firm Affiliation (Edwards, Bradley) (Entered: 04/09/2009)
<input type="checkbox"/>	Online	38 09/08/2010 Administrative Order Closing Case. Signed by Judge Kenneth A. Marra on 9/8/2010. (lb) (Entered: 09/09/2010)
<input type="checkbox"/>	Online	39 09/13/2010 NOTICE by Jane Doe re 38 Administrative Order In Response to Administrative Order Closing Case (Edwards, Bradley) (Entered: 09/13/2010)
<input type="checkbox"/>	Online	40 10/12/2010 ORDER TO SHOW CAUSE for lack of prosecution. Show Cause Response due by 10/27/2010. Signed by Judge Kenneth A. Marra on 10/6/2010. (lr) (Entered: 10/12/2010)
<input type="checkbox"/>	Online	41 10/27/2010 STATUS REPORT by Jane Doe (Edwards, Bradley) Modified to add missing event 42 Response to Order to Show Cause on 10/28/2010 (ls) (Entered: 10/27/2010)
	Runner	42 10/27/2010 RESPONSE TO ORDER TO SHOW CAUSE by (ls)(See Image at DE # 41) (Entered: 10/28/2010)
	Runner	43 10/28/2010 Clerks Notice to Filer re 41 Status Report. Two or More Document Events Filed as One; ERROR - Only one event was selected by the Filer but more than one event was applicable to the document filed. The docket entry was corrected by the Clerk. It is not necessary to refile this document but in the future, the Filer must select all applicable events. (ls) (Entered: 10/28/2010)
<input type="checkbox"/>	Online	44 10/28/2010 ORDER REOPENING CASE. Signed by Judge Kenneth A. Marra on 10/28/2010. (lr) (Entered: 10/28/2010)
<input type="checkbox"/>	Online	45 12/17/2010 STATUS REPORT by United States of America (Entered: 12/17/2010)
<input type="checkbox"/>	Online	46 03/18/2011 Unopposed MOTION for Leave to File Excess Pages of Statement of Facts in Support of their Motion for Finding of Violations of the Crime Victims' Right Act by (Attachments: # 1 Text of Proposed Order)(Edwards, Bradley) Modified on 3/18/2011 (ls). (Entered: 03/18/2011)
<input type="checkbox"/>	Online	47 03/18/2011 ORDER granting 46 Motion for Leave to File Excess Pages. Signed by Judge Kenneth A. Marra on 3/18/2011. (lr) (Entered: 03/18/2011)
<input type="checkbox"/>	Online	48 03/21/2011 Plaintiff's MOTION for Summary Judgment REDACTED- # 1 and Motion for Finding of Violations of the Crime Victims' Rights Act and Request for Hearing on Appropriate Remedies by Responses due by 4/7/2011 (Attachments: # 1 Exhibit A-SEALED, # 2 Exhibit

			B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K)(Edwards, Bradley). Added MOTION for Hearing on appropriate remedies on 3/23/2011 (lh). (Entered: 03/21/2011)
<input type="checkbox"/> Online	49	03/21/2011	Plaintiff's MOTION [REDACTED] Motion to Have Their Facts Accepted Because of the Government's Failure to Contest Any of the Facts by [REDACTED] (Edwards, Bradley) (Entered: 03/21/2011)
<input type="checkbox"/> Online	50	03/21/2011	Plaintiff's MOTION [REDACTED] #1 and [REDACTED] #2's Motion for Order Directing the U.S. Attorney's Office Not to Withhold Relevant Evidence by [REDACTED] (Attachments: # 1 Exhibit A, # 2 Text of Proposed Order PROPOSED ORDER)(Edwards, Bradley) (Entered: 03/21/2011)
<input type="checkbox"/> Online	51	03/21/2011	Plaintiff's MOTION [REDACTED] Motion to Use Correspondence to Prove Violations of the Crime Victims' Right Act and to Have Their Unredacted Pleadings Unsealed by [REDACTED] (Edwards, Bradley) (Entered: 03/21/2011)
Runner	--	03/22/2011	SYSTEM ENTRY - Docket Entry 52 restricted/sealed until further notice. (mg) (Entered: 03/22/2011)
Runner	53	03/23/2011	Clerks Notice to Filer re 48 Plaintiff's MOTION for Summary Judgment REDACTED- [REDACTED] #1 and [REDACTED] Motion for Finding of Violations of the Crime Victims' Rights Act and Request for Hearing on Appropriate Remedies MOTION for Hearing. Motion with Multiple Reliefs Filed as One Relief; ERROR - The Filer selected only one relief event and failed to select the additional corresponding events for each relief requested in the motion. The docket entry was corrected by the Clerk. It is not necessary to refile this document but future filings must comply with the instructions in the CM/ECF Attorney User's Manual. (lh) (Entered: 03/23/2011)
<input type="checkbox"/> Online	54	03/28/2011	NOTICE by Roy Black re 50 Plaintiff's MOTION [REDACTED] Motion for Order Directing the U.S. Attorney's Office Not to Withhold Relevant Evidence, 51 Plaintiff's MOTION [REDACTED] #1 and [REDACTED] #2's Motion to Use Correspondence to Prove Violations of the Crime Victims' Right Act and to Have Their Unredacted Pleadings Unsealed NOTICE OF OBJECTION (Black, Roy) (Entered: 03/28/2011)
<input type="checkbox"/> Online	55	04/04/2011	MOTION to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Martin Weinberg. Filing Fee \$ 75.00. Receipt # 16719. (ksa) (Entered: 04/05/2011)
<input type="checkbox"/> Online	56	04/07/2011	MOTION to Intervene of Roy Black, Martin Weinberg, and Jay Lefkowitz by Roy Black. (Percek, Jacqueline) (Entered: 04/07/2011)
<input type="checkbox"/> Online	57	04/07/2011	Defendant's MOTION for Leave to File Memorandum of Law In Excess of Twenty Pages by United States of America. (Attachments: # 1 Exhibit A, # 2 Text of Proposed Order) [REDACTED] (Entered: 04/07/2011)
<input type="checkbox"/> Online	58	04/07/2011	RESPONSE in Opposition re 49 Plaintiff's MOTION [REDACTED] Motion to Have Their Facts Accepted Because of the Government's Failure to Contest Any of the Facts filed by United States of America. [REDACTED] (Entered: 04/07/2011)
<input type="checkbox"/> Online	59	04/07/2011	RESPONSE in Opposition re 50 Plaintiff's MOTION [REDACTED] Motion for Order Directing the U.S. Attorney's Office Not to Withhold Relevant Evidence filed by United States of America. [REDACTED] (Entered: 04/07/2011)
<input type="checkbox"/> Online	60	04/07/2011	RESPONSE in Opposition re 51 Plaintiff's MOTION [REDACTED] Motion to Use Correspondence to Prove Violations of the Crime Victims' Right Act and to Have Their Unredacted Pleadings Unsealed filed by United States of America. [REDACTED] (Entered: 04/07/2011)
Runner	61	04/08/2011	ENDORSED ORDER granting 57 Motion for Leave to File Memorandum of Law in Excess of Twenty Pages. Clerk's Notice: Filer must separately re-file the amended pleading pursuant to Local Rule 15.1, unless otherwise ordered by the Judge. Signed by Judge Kenneth A. Marrs on 4/8/11. (lr) (Entered: 04/08/2011)
<input type="checkbox"/> Online	62	04/08/2011	RESPONSE in Opposition re 48 Plaintiff's MOTION for Summary Judgment REDACTED- [REDACTED] #1 and [REDACTED] Motion for Finding of Violations of the Crime Victims' Rights Act and Request for Hearing on Appropriate Remedies MOTION for Hearing filed by United States of America. [REDACTED] (Entered: 04/08/2011)
Runner	--	04/08/2011	SYSTEM ENTRY - Docket Entry 63 restricted/sealed until further notice. (dj) (Entered: 04/08/2011)
Runner	--	04/08/2011	SYSTEM ENTRY - Docket Entry 64 restricted/sealed until further notice. (dj) (Entered: 04/08/2011)
<input type="checkbox"/> Online	65	04/13/2011	MOTION for Extension of Time to File Response/Reply as to 48 Plaintiff's MOTION for Summary Judgment REDACTED- [REDACTED] #1 and [REDACTED] Motion for Finding of Violations of the Crime Victims' Rights Act and Request for Hearing on Appropriate Remedies MOTION for Hearing [REDACTED] #1 and [REDACTED] #2 Unopposed Motion for Two Week Extension of Time and For Permission to File an Overlength Reply to Government responses to Their Motions by [REDACTED] (Attachments: # 1 Text of Proposed Order)(Edwards, Bradley) (Entered: 04/13/2011)
<input type="checkbox"/> Online	66	04/14/2011	ORDER granting 65 Motion for Extension of Time to File Response/Reply re 48 Plaintiff's MOTION for Summary Judgment REDACTED- [REDACTED] #1 and [REDACTED] Motion for Finding of Violations of the Crime Victims' Rights Act and Request for Hearing on Appropriate Remedies MOTION for Hearing. Replies due by 5/2/2011. Signed by Judge Kenneth A. Marrs on 4/14/2011. (lr) (Entered: 04/14/2011)
<input type="checkbox"/> Online	67	04/14/2011	MOTION for Extension of Time to File Response/Reply as to 56 MOTION to Intervene of Roy Black, Martin Weinberg, and Jay Lefkowitz [REDACTED] #1 and [REDACTED] #2 Unopposed Motion for Extension of Time to Coordinate Filing Deadline for Responding to Motion to Intervene by [REDACTED] (Attachments: # 1 Text of Proposed Order)(Edwards, Bradley) (Entered: 04/14/2011)
<input type="checkbox"/> Online	68	04/14/2011	MOTION to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Jay Lefkowitz. Filing Fee \$ 75.00. Receipt # 17328. (ksa) (Entered: 04/13/2011)

Items 1 to 69 of 69

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