

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 08-80804-CIV-MARRA/JOHNSON

JANE DOE, a/k/a,
JANE DOE NO. 1,

Plaintiff,

vs.

JEFFREY EPSTEIN, [REDACTED],
[REDACTED], and [REDACTED],

Defendants.

MOTION TO REMAND

Plaintiff Jane Doe moves the Court to remand this action to state court for lack of subject matter jurisdiction and states as follows:

1. Although Plaintiff Jane Doe, a Florida citizen, sues [REDACTED], also a Florida citizen, in this action, Defendants removed the case to federal court on July 21, 2008, citing diversity of citizenship as the basis for federal subject matter jurisdiction.
2. Defendants claim that [REDACTED], who has described herself as Heidi Fleiss (the Hollywood madam),¹ has “nothing to do with the plaintiff’s case against Mr.

¹ See *New York Post*, Oct. 1, 2007 (reporting “Some of the girls, legal documents indicate, were recruited by [REDACTED], now 21, who described herself as ‘like Heidi Fleiss,’ the notorious Hollywood madam.”); *Palm Beach Post*, Aug. 14, 2006 (reporting that Defendant “[REDACTED] told detectives, ‘I’m like a Heidi Fleiss.’”).

- Epstein,” (Notice of Removal, DE 1, p. 3) and that Plaintiff fraudulently joined her in this action to prevent complete diversity.²
3. As demonstrated in Plaintiff’s amended complaint, however, Defendant [REDACTED] was a vital part of the scheme to lure underage girls, including Plaintiff, to Epstein’s home in order to subject them to sexual abuse and induce them to engage in lewd behavior. Defendant [REDACTED] was a key player in this scheme because she was paid by Epstein to recruit the underage girls and take them to Epstein’s Palm Beach mansion. (Amended Complaint ¶¶ 11-15, DE 1, pp. 302-04). Without Defendant [REDACTED], these girls, including Plaintiff, would not have been victimized.
 4. Because the allegations in Plaintiff’s amended complaint support the causes of action against Defendant [REDACTED] for civil conspiracy, intentional infliction of emotional distress, and civil RICO, [REDACTED] is a proper defendant in this action.
 5. As [REDACTED] is admittedly a citizen of Florida, (Affidavit of [REDACTED], DE 1, pp. 230-31) as is Plaintiff Jane Doe,³ (Amended Complaint ¶ 1, DE 1, pp. 301; Deposition of Jane Doe, DE 1, pp. 31-32, 5:14-18, 6:6-10) federal diversity jurisdiction does not exist in this case. *See* 28 U.S.C. §1332(a)(1) (providing that

² Defendants also argue that Plaintiff named [REDACTED] as a defendant to prevent entry of a stay in this matter pursuant to 18 U.S.C. § 3509(k). The Court has since denied Defendants’ motion, holding a stay of this proceeding is not warranted under either the statute or the Court’s discretion. (Order Denying Motion to Stay, DE 7).

³ Although Jane Does testified in deposition that she is a citizen of Florida, Defendants question whether she might actually be a citizen of Georgia because her mother lives in Georgia. (Notice of Removal, DE 1, pp. 7-8, n.6). Defendants fail to point out, however, that there is a question of whether Defendant Epstein is actually a citizen of Florida because he is now incarcerated in a Florida jail under an eighteen month sentence, to be followed by twelve months of community control, during which Epstein agreed he will be residing in Palm Beach, Florida. (Epstein Sentence, attached).

district courts have original jurisdiction over cases in which the matter in controversy exceeds \$75,000 and is between “citizens of different States”).

6. Defendants’ removal of this action was, therefore, improper. Because the Court lacks diversity jurisdiction, or any other form of subject matter jurisdiction, over this matter, the Court must remand this action to Florida state court.

WHEREFORE, Plaintiff requests the Court remand this action to state court and requests Defendants be ordered under 28 U.S.C. §1447(c) to pay costs and attorney fees incurred as a result of the removal.

MEMORANDUM OF LEGAL AUTHORITY

“An action in state court may be removed to federal court when the federal courts have diversity or federal question jurisdiction. *See* 28 U.S.C. § 1441(a). When a defendant removes a case to federal court on diversity grounds, a court must remand the matter back to state court if any of the properly joined parties in interest are citizens of the state in which the suit was filed. *See Lincoln Prop. Co.* █ *Roche*, 546 U.S. 81, 126 S.Ct. 606, 613, 163 L.Ed.2d 415 (2005) (citing 28 U.S.C. § 1441(b)). Such a remand is the necessary corollary of a federal district court’s diversity jurisdiction, which requires complete diversity of citizenship.” *Henderson* █ *Washington Nat. Ins. Co.*, 454 F.3d 1278, 1281 (11th Cir. 2006).

Federal Courts are obligated to construe removal statutes very strictly, and “all doubts about jurisdiction should be resolved in favor of remand to state court.” *Univ. of South Alabama* █ *American Tobacco Co.*, 168 F.3d 405, 411 (11th Cir. 1999) (citing *Burns* █ *Windsor Ins. Co.*, 31 F.3d 1092, 1095 (11th Cir. 1994), and *Coker* █ *Amoco Oil*

Co., 709 F.2d 1433 (11th Cir. 1983)). “A presumption in favor of remand is necessary because if a federal court reaches the merits of a pending motion in a removed case where subject matter jurisdiction may be lacking it deprives a state court of its right under the Constitution to resolve controversies in its own courts.” *American Tobacco Co.*, 168 F.3d at 411.

Defendants have removed this action even though Plaintiff named [REDACTED], a citizen of Florida, as a defendant because they claim Plaintiff’s joinder of Defendant [REDACTED] was done fraudulently in order to avoid federal jurisdiction. “In a removal case alleging fraudulent joinder, the removing party has the burden of proving that either: (1) there is no possibility the plaintiff can establish a cause of action against the resident defendant; or (2) the plaintiff has fraudulently pled jurisdictional facts to bring the resident defendant into state court.” *Crowe v. Coleman*, 113 F.3d 1536, 1538 (11th Cir. 1989) (citing *Cabalceta v. Standard Fruit Co.*, 883 F.2d 1553, 1561 (11th Cir. 1989)). “The burden of the removing party is a ‘heavy one.’” *Id.* (quoting *B., Inc. v. Miller Brewing Co.*, 663 F.2d 545, 549 (5th Cir. Unit A 1981)).

“To determine whether the case should be remanded, the district court must evaluate the factual allegations in the light most favorable to the plaintiff and must resolve any uncertainties about state substantive law in favor of the plaintiff.” *Id.* (citing *B., Inc.*, 663 F.2d at 549). The Court may not “weigh the merits of a plaintiff’s claim beyond determining whether it is an arguable one under state law.” *Id.* “‘If there is even a possibility that a state court would find that the complaint states a cause of action against any one of the resident defendants, the federal court must find that joinder was proper and remand the case to state court.’” *Id.* (quoting *Coker v. Amoco Oil Co.*, 709

F.2d 1433, 1440-41 (11th Cir. 1983)). This protects a plaintiff's right to select the forum of his lawsuit and the manner in which to prosecute the suit, and avoids exposing the plaintiff to the possibility of prosecuting the suit to conclusion only to learn the federal court lacked jurisdiction on removal. *Id.* (citing *Parks* ■, *The New York Times Co.*, 308 F.2d 474, 478 (5th Cir.1962); *Cowart Iron Works, Inc.* ■, *Phillips Constr. Co., Inc.*, 507 F.Supp. 740, 744 (S.D. Ga. 1981)).

Here, Defendants argue that removal is proper because Plaintiff cannot state a cause of action against Defendant ■ under Florida law. Viewing the allegations of the amended complaint in the light most favorable to Plaintiff, it is clear that there is at least *a possibility* that Plaintiff can recover against Defendant ■ under Florida law for each of the counts in the amended complaint—civil conspiracy, intentional infliction of emotional distress, and civil RICO. Joinder of Defendant ■ in this action was therefore proper, which requires remand of this action to Florida state court.

a. Plaintiff has a cognizable cause of action for civil conspiracy against Defendant ■.

“The elements of a civil conspiracy are: (a) a conspiracy between two or more parties, (b) to do an unlawful act or to do a lawful act by unlawful means, (c) the doing of some overt act in pursuance of the conspiracy, and (d) damage to plaintiff as a result of the acts performed pursuant to the conspiracy.” *Walters* ■, *Blankenship*, 931 So. 2d 137, 140 (Fla. 5th DCA 2006) (citing *Florida Fern Growers Ass'n, Inc.* ■, *Concerned Citizens of Putnam County*, 616 So. 2d 562 (Fla. 5th DCA 1993)). As Defendants point out, there must be an “actionable underlying tort or wrong” for an actionable conspiracy claim. *Wright* ■, *Yurko*, 446 So. 2d 1162, 1165 (Fla. 5th DCA 1984).

Plaintiff has grounded her conspiracy claim on the tort of sexual assault alleged in Count I of her amended complaint. In this count, Plaintiff alleges that Defendant Epstein *tortiously* assaulted her and states that the assault was committed in violation of Chapter 800 of the Florida Statutes. (Amended Complaint ¶¶ 17-18, DE 1, pp. 304-05). Under Florida law, sexual assault is an intentional tort. *See Doe v. Celebrity Cruises, Inc.*, 394 F.3d 891, 917 (11th Cir. 2004) (“Florida law equates sexual battery with an intentional tort.”). This is true regardless of whether Defendant Epstein’s violation of Chapter 800 of the Florida Statutes also creates a private right of action, which is a matter of first impression in Florida. Thus, Plaintiff has a cognizable cause of action for civil conspiracy against Defendant [REDACTED].

b. Plaintiff has a cognizable cause of action for intentional infliction of emotional distress against Defendant [REDACTED].

“The elements of the tort of intentional infliction of emotional distress are: (1) The wrongdoer’s conduct was intentional or reckless, that is, he intended his behavior when he knew or should have known that emotional distress would likely result; (2) the conduct was outrageous, that is, as to go beyond all bounds of decency, and to be regarded as odious and utterly intolerable in a civilized community; (3) the conduct caused emotion[al] distress; and (4) the emotional distress was severe.” *Gallogly v. Rodriguez*, 970 So. 2d 470, 471 (Fla. 2d DCA 2007) (citing *LeGrande v. Emmanuel*, 889 So. 2d 991, 994-95 (Fla. 3d DCA 2004)).

Here, Plaintiff has alleged that Defendant [REDACTED] used false pretenses to lure her (a 14-year old girl) to the mansion of Defendant Epstein and physically took her to Epstein so that he could subject her to sexual abuse and lewd behavior. Defendant

██████ recruited Plaintiff, as she had done numerous others, under the belief that Plaintiff was economically disadvantaged and would be unlikely to contact authorities after being sexually assaulted and abused by Defendant Epstein. Defendant ██████ was paid by Defendant Epstein only after the sexual assault and abuse were completed. And, Defendant ██████ knew that Plaintiff would be severely emotionally traumatized after the abuse. (Amended Complaint ¶¶ 9, 11, 15, 24-28, DE 1, pp. 302-03, 304, 306). These allegations are enough to demonstrate Plaintiff has a cognizable cause of action for intentional infliction of emotional distress against Defendant ██████ because they amount to conduct that would be viewed as outrageous by any reasonable person.

Defendants argue that Plaintiff is barred from recovering for intentional infliction of emotional distress under Florida law because she went to Defendant Epstein's home with the intent to give him a massage for monetary compensation when it is a crime (a misdemeanor), under section 480.047, Florida Statutes, to practice massage without a license. They claim Plaintiff cannot "recover damages flowing from her own illegal conduct." (Notice of Removal, DE 1, p. 16).

First, Plaintiff's damages do not flow from her conduct in giving Defendant Epstein a massage without a license. Defendants Epstein, ██████, and ██████ engaged in a scheme to lure underage girls to Epstein's mansion in order for Epstein to sexually abuse them. Plaintiff's damages resulting from Defendants making her a victim to their intentional, outrageous, and criminal conduct in no way flow from her decision as a 14-year old girl to make some extra money by giving a massage.

Furthermore, it is not a universal rule in Florida that any Plaintiff engaged in any criminal action, no matter how trivial, is barred from recovering damages suffered in

connection with that conduct. “The defense of *in pari delicto* is not woodenly applied in every case where illegality appears somewhere in the transaction; since the principle is founded on public policy, it may give way to a supervening public policy.” *Kulla* ■. *E.F. Hutton & Co., Inc.*, 426 So. 2d 1055, 1057 n. 1 (Fla. 3d DCA 1983). “The fundamental purpose of the rule must always be kept in mind, and the realities of the situation must be considered. Where, by applying the rule, the public cannot be protected because the transaction has been completed, where no serious moral turpitude is involved, where the defendant is the one guilty of the greatest moral fault, and where to apply the rule will be to permit the defendant to be unjustly enriched at the expense of the plaintiff, the rule should not be applied.” *Id.* (quoting *Goldberg* ■. *Sangler*, 96 Wash.2d 874, 639 P.2d 1347, 1353-54 (1982)). The fact that Florida law gives the trial court the discretion to apply the doctrine of *in pari delicto*, considering that all ambiguities must be resolved in favor of Plaintiff, does not take away from the fact that Plaintiff has a cognizable cause of action for intentional infliction of emotional distress against Defendant ■■■■■.

c. Plaintiff has a cognizable cause of action for civil RICO against Defendant ■■■■■.

Finally, Defendants argue that Plaintiff does not have a cognizable cause of action for civil RICO under section 772.104, Florida Statutes, because she was not directly injured by the Defendants’ scheme. In Count IV of the amended complaint, Plaintiff alleges that Defendants engaged in a pattern of criminal activity in which Defendant ■■■■■ found and delivered underage girls to Defendant Epstein in order for Epstein to “solicit, induce, coerce, entice, compel or force such girls to engage in acts of prostitution and/or lewdness.” (Amended Complaint ¶ 32, DE 1, p. 307). She also alleges that she

was a victim of Defendants' scheme because she was one of the underage girls found and delivered to Defendant Epstein by Defendant [REDACTED] and that she endured Epstein's actions as he tried to get her to engage in, and forced upon her, acts of prostitution and lewdness. (Amended Complaint ¶ 33, DE 1, pp. 307-308). Plaintiff, who was a victim of Defendants' scheme, was directly harmed by the scheme and it is damages for this harm that she seeks in Count IV of the amended complaint. *Cf. Palmas Y Bambu, S.A. v. E.I. Dupont De Nemours & Co., Inc.*, 881 So. 2d 565, 570 (Fla. 3d DCA 2004) (holding plaintiff has standing to sue for civil RICO when her injuries flow directly from commission of the predicate acts, which means "when the alleged predicate act is mail or wire fraud, the plaintiff must have been a target of the scheme to defraud and must have relied to his detriment on misrepresentations made in furtherance of that scheme"). Because Plaintiff was a target of Defendants' scheme and was harmed by their actions in carrying out the scheme, Plaintiff has a cognizable cause of action for civil RICO against Defendant [REDACTED].

CONCLUSION

Plaintiff has cognizable causes of against Defendant [REDACTED], a Florida citizen, for civil conspiracy, intentional infliction of emotional distress, and civil RICO. Because Plaintiff has a *possibility* of recovering against Defendant [REDACTED] under her amended complaint, Defendants have failed to meet their burden of demonstrating that [REDACTED] was fraudulently joined in this action. As the parties lack complete diversity of citizenship, the Court lacks subject matter jurisdiction over this matter and should remand this case to Florida state court.

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1.A.3

On August 18, counsel for Plaintiff conferred with counsel for the Defendants in a good faith effort to resolve the issues raised in this motion, but was unable to do so.

s/ Spencer T. Kuvin
Spencer T. Kuvin (Florida Bar Number 089737)

Certificate of Services

I hereby certify that on August 18, 2008, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served on August 18, 2008, on all counsel of record or pro se parties identified on the attached Service List in the manner specified, via transmission of Notices of Electronic Filing generated by CM/ECF.

s/ Spencer T. Kuvin
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SERVICE LIST

Doe ■. Epstein, et. al.

CASE NO: 08-80804-Civ-MARRA/JOHNSON

United States District Court, Southern District of Florida

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

SENTENCE

(As to Count(s) 1)

Defendant Jeffrey E. Epstein

Case Number 2006CF9454-CF AXX

OBTS Number _____

The Defendant, being personally before this Court, accompanied by the defendant's attorney of record, S. Goldberger, and having been adjudicated guilty herein, and the Court having given the Defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why defendant should not be sentenced as provided by law, and no cause being shown,

IT IS THE SENTENCE OF THE COURT that:

The Defendant pay a fine of \$ 0 pursuant to § _____, Florida Statutes, plus all costs and additional charges as outlined in the Order assessing additional charges, costs and fines as set forth in a separate order entered herein

The Defendant is hereby committed to the custody of the

- Department of Corrections
- Sheriff of Palm Beach County, Florida
- Department of Corrections as a youthful offender

for a term of 12 months. It is further ordered that the Defendant shall be allowed a total of 1 days as credit for time incarcerated prior to imposition of this sentence. It is further ordered that the composite term of all sentences imposed for the counts specified in the order shall run

- consecutive to concurrent with (check one) the following:
- Any active sentence being served.
- Specific sentences: _____

JUN 30 2008

In the event the above sentence is to the Department of Corrections, the Sheriff of Palm Beach County, Florida is hereby ordered and directed to deliver the Defendant to the Department of Corrections together with a copy of the Judgment and Sentence, and any other documents specified by Florida Statute. Additionally, pursuant to §947.16(4), Florida Statutes, the Court retains jurisdiction over the Defendant.

Pursuant to §§322.055, 322.056, 322.26, 322.274, Fla. Stat., the Department of Highway Safety and Motor Vehicles is directed to revoke the Defendant's privilege to drive. The Clerk of the Court is Ordered to report the conviction and revocation to the Department of Highway Safety and Motor Vehicles.

The defendant in Open Court was advised of the right to appeal from this Sentence by filing notice of appeal within thirty days from this date with the Clerk of the Court. The Defendant was also advised of the right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

DONE AND ORDERED in Open Court at West Palm Beach, Palm Beach County, Florida this 30 day of June, 2008

[Signature]
CIRCUIT COURT JUDGE

IN THE CLERK'S OFFICE DIVISION OF THE CIRCUIT
COURT OF THE FIFTEENTH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA

vs.

Jeffrey Epstein

20 06 CF 009454 AMM
CASE NUMBER 09 CF 009381 AMB

PLEA IN THE CIRCUIT COURT

- 1. DEFENDANT: I am the defendant in the above-mentioned matter(s), and I am represented by the attorney indicated below. I understand I have the right to be represented by an attorney at all stages of the proceeding until the case is terminated, and if I cannot afford an attorney, one will be appointed free of charge. []
- 2. DEFENDANT: I understand I have the right to a speedy and public trial either by jury or by court. I hereby waive and give up this right. []
- 3. DEFENDANT: I understand I have the right to be confronted by the witnesses against me and to cross examine them by myself or through my attorney. I hereby give up these rights. []
- 4. DEFENDANT: I understand I have the right to testify on my own behalf, but I cannot be compelled to be a witness against myself and may remain silent if I so choose. I hereby give up these rights. []
- 5. DEFENDANT: I understand I have the right to call witnesses to testify in my behalf and to invoke the compulsory process of the Court to subpoena those witnesses. I hereby give up these rights. []
- 6. DEFENDANT: I understand I have the right to appeal all matters relating to the charge(s) and, unless I plea Guilty or No Contest, specifically reserving my right to appeal, I will give up such right of appeal. []
- 7. DEFENDANT: I understand that if I am not a United States Citizen, my plea may subject me to deportation pursuant to the laws and regulations governing the United States Immigration and Naturalization Service; and, this Court has no jurisdiction (authority) in such matters. []
- 8. DEFENDANT: I have not received any promises from anyone, including my attorney, concerning eligibility for any form of early release authorized by law and further no promises have been made to me as to the actual amount of time that I will serve under the sentence to be imposed. Further, I understand that this plea may be used to enhance future criminal penalties in any court system, even if adjudication of guilt is withheld. []
- 9. DEFENDANT: I offer my plea freely and voluntarily and of my own accord, with full understanding of all matters set forth in the pleadings and this waiver. []
- 10. DEFENDANT: I have personally placed my initials in each bracket above, and I understand each and every one of the rights outlined above. I hereby waive and give up each of them in order to enter my plea to the within charge(s). I understand that even though the Court may approve the agreement of sentence, the Court is not bound by the agreement, the Court may withdraw its approval at any time before pronouncing judgment, in which case I shall be able to withdraw my plea should I desire to do so.
- 11. DEFENDANT: Choose one:
 If applicable, I choose a program which is or may be spiritually based. JUN 30 2009 []
 If applicable, I choose a program which is NOT spiritually based. [X]
 If applicable, I have no preference if the program is or may be spiritually based. []

[Signature]
DEFENDANT

6/30/09
DATE

DEFENDANT'S ATTORNEY ONLY:

I am attorney of record. I have explained each of the above rights to the defendant and have explored the facts with him/her and studied his/her possible defenses to the charge(s). I concur with his/her decision to waive the rights and to enter this plea. I further stipulate that this document may be received by the Court as evidence of defendant's intelligent waiver of these rights and that it shall be filed by the Clerk as permanent record of that waiver.

[Signature] Jack Goldberge
ATTORNEY FOR THE DEFENDANT

6/30/09
DATE

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

CASE NO. ~~06-CF-0154-#AAB~~ W

OBTS NUMBER 2006 CF 9454AXY



CFN 20080267522
OR BK 22760 PG 1081
RECORDED 07/17/2008 08:52:50
Palm Beach County, Florida
Sharon R. Bock, CLERK & COMPTROLLER
Pg 1081; (1pg)

STATE OF FLORIDA COMMUNITY CONTROL VIOLATOR

v. Jeffrey E. Epstein PROBATION VIOLATOR
DEFENDANT

1/20/53 W M 090 44 3348
DATE OF BIRTH RACE GENDER SOCIAL SECURITY NUMBER

JUDGMENT

The above Defendant, being personally before this Court represented by J. Goldberger (attorney)

<input type="checkbox"/> Having been tried and found guilty of the following crime(s):	<input checked="" type="checkbox"/> Having entered a plea of guilty to the following crime(s):	<input type="checkbox"/> Having entered a plea of nolo contendere to the following crime(s):
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COUNT	CRIME	OFFENSE STATUTE NUMBER(S)	DEGREE
1	Felony Solicitation of Prostitution	796.07(2)(f)	3 rd

and no cause having been shown why the Defendant should not be adjudicated guilty, IT IS ORDERED THAT the Defendant is hereby ADJUDICATED GUILTY of the above crime(s).

and having been convicted or found guilty of, or having entered a plea of nolo contendere or guilty, regardless of adjudication, to attempts or offenses relating to sexual battery (ch. 794), lewd and lascivious conduct (ch. 800), or murder (s. 782.04), aggravated battery (s. 784.045), burglary (s. 810.02), carjacking (s. 812.133), or home invasion robbery (s. 812.135), or any other offense specified in section 943.325, the defendant shall be required to submit blood specimens.

and good cause being shown: IT IS ORDERED THAT ADJUDICATION OF GUILT BE WITHHELD. JUN 30 2008

SENTENCE STAYED The Court hereby stays and withholds imposition of sentence as to count(s) and places the Defendant on Probation and/or Community Control under the supervision of the Dept. of Corrections (conditions of probation set forth in separate order).

SENTENCE DEFERRED The Court hereby defers imposition of sentence until _____.

The Defendant in Open Court was advised of his right to appeal from the Judgment by filing notice of appeal with the Clerk of Court within thirty days following the date sentence is imposed or probation is ordered pursuant to this adjudication. The defendant was also advised of his right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

DONE AND ORDERED in Open Court at Palm Beach County, Florida, this 30 day of June, 2008
Debra Dale Prind
JUL 07 2008 51-A

PLEA IN THE CIRCUIT COURT

THE FOLLOWING IS TO REFLECT ALL TERMS OF THE NEGOTIATED SETTLEMENT

Name: Jeffrey E. Epstein

Plea: Guilty X

Case No.	Charge	Count	Lesser	Degree
20 06CF009454AMB	Felony Solicitation of Prostitution	1	No	3 FEL
08CF009381AMB	Procuring Person Under 18 for Prostitution	1	No	2 FEL

PSI: Waived/Not Required X Required/Requested _____

ADJUDICATION: Adjudicate [x]

SENTENCE:

On 06CF009454AMB, the Defendant is sentenced to 12 months in the Palm Beach County Detention Facility, with credit for 1 (one) day time served.

On 08CF009381AMB, the Defendant is sentenced to 6 months in the Palm Beach County Detention Facility, with credit for 1 (one) day time served. This 6 month sentence is to be served consecutive to the 12 month sentence in 06CF009454AMB. Following this 6 month sentence, the Defendant will be placed on 12 months Community Control 1 (one). The conditions of community control are attached hereto and incorporated herein.

imprisonment jail sentence

OTHER COMMENTS OR CONDITIONS:

As a special condition of his community control, the Defendant is to have no unsupervised contact with minors, and the supervising adult must be approved by the Department of Corrections.

The Defendant is designated as a Sexual Offender pursuant to Florida Statute 943.0435 and must abide by all the corresponding requirements of the statute, a copy of which is attached hereto and incorporated herein.

The Defendant must provide a DNA sample in court at the time of this plea.

[Signature]
Assistant State Attorney

6/30/08
Date of Plea

[Signature]
Attorney for the Defendant

[Signature]
Defendant

JUN 30 2008

JUL 07 2008 4 51-E

I. COMMUNITY CONTROL STANDARD CONDITIONS:

- (a) You will remain confined to your residence except one half hour before and after your approved employment, community service work, or any other activities approved by your probation officer.
- (b) You will maintain an hourly accounting of all your activities on a daily log which you will submit to your supervising officer upon request.
- (c) The Department of Corrections, may at its discretion, places you on Electronic Monitoring during the term of your Community Control. If placed on Electronic Monitoring, you will wear a monitor at all times. You will maintain a private phone line, be financially responsible for any lost or damaged equipment and follow all rules and regulations as instructed. The telephone will be available within five working days of being placed on Electronic Monitoring Program. While on electronic monitoring you will remain confined to your residence and are prohibited from being outside the residential walls.
- (d) If while being monitored and the monitor is found to have been tampered with you shall be taken into custody immediately, if the officer determines that you were not at your schedules place of work or school while allowed to be outside the residence then in that event you shall be taken into custody immediately. If taken into custody, you shall be held without bond and shall, on the next working day, brought before a Judge presiding over his or her case for further disposition at the discretion of the presiding Judge.
- (e) If placed on Electronic Monitoring you will pay to the State of Florida, for the cost of Electronic Monitoring \$1.00 per day, per F.S. 948.09.

(f) Defendant will be residing at 358 El Brillo Way, Palm Beach, Florida, 33480

II. DRUG OFFENDER PROBATION STANDARD CONDITIONS

- (a) You will submit to and, unless otherwise waived, be financially responsible for drug testing, urinalysis at least on a monthly basis, and counseling if deemed appropriate by your supervising officer.
- (b) You will enter and successfully complete a non-secure or inpatient drug treatment program if deemed appropriate by your officer.
- (c) You will comply with any curfew restrictions, confinement approved residence or travel restrictions as instructed by your officer and approved by the Officer's Supervisor.

III. SEX OFFENDER STANDARD CONDITIONS:

- (a) you shall submit to a mandatory curfew from 10:00 PM to 6:00 AM
- (b) (if the victim was under the age of 18 years) you shall not live within 1000 feet of a school, day care center, park, playground, or other place where children regularly congregate.
- (c) you shall enter, actively participate in, and successfully complete a sex offender treatment program with a therapist particularly trained to treat sex offender, at probationer's or community controlees expense.
- (d) you shall not have any contact with the victim, directly or indirectly, including through a third person, unless approved by the victim, the therapist and sentencing court.
- (e) (if the victim was under the age of 18 years) you shall not, until you successfully attend and complete the sex offender program, have any unsupervised contact with a child under the age of 18 years, unless authorized by the sentencing court, without an adult present who is responsible for the child's welfare and which adult has been advised of the crime and is approved by the sentencing court.
- (f) (if the victim was under the age of 18 years) you shall not work for pay or as a volunteer in any school, day care center, park, playground, or other place where children regularly congregate.
- (g) Unless otherwise indicated in the treatment plan provided by the sexual offender treatment program, you shall not view, own, or possess any obscene, pornographic or sexually stimulating visual or auditory material, including telephone, electronic media, computer programs or computer services that are relevant to your deviant behavior pattern.
- (h) You shall submit two specimens of blood to the Florida Department of Law Enforcement to be registered with the DNA Data Bank.
- (i) You shall make restitution to the victim as ordered by this court pursuant to F.S. 775.089 for all necessary medical and related professional services relating to the physical, psychiatric and psychological care of the victim.
- (j) You shall submit to a warrantless search by your probation officer or community control officer of your person, residence, or vehicle.

(g) Defendant to have contact with his ^{community control} ~~probation~~ officer at a minimum one time a week.

(h) Defendant to work @ Florida Science Foundation, 250 Australian Ave n100 FI.

SEX OFFENDER PROBATION AND COMMUNITY CONTROL STANDARD CONDITIONS:

(duplicate)

- (a) you shall submit to a mandatory curfew from 10:00 PM to 6:00 AM (if the victim was under the age of 18 years) you shall not live within 1000 feet of a school, day care center, park, playground, or other place where children regularly congregate.
- (c) you shall enter, actively participate in, and successfully complete a sex offender treatment program with a therapist particularly trained to treat sex offender, at probationer's or community controllee's expense.
- (d) you shall not have any contact with the victim; directly or indirectly, including through a third person, unless approved by the victim, the therapist and sentencing court.
- (e) (if the victim was under the age of 18 years) you shall not, until you successfully attend and complete the sex offender program, have any unsupervised contact with a child under the age of 18 years, unless authorized by the sentencing court, without an adult present who is responsible for the child's welfare and which adult has been advised of the crime and is approved by the sentencing court.
- (f) (if the victim was under the age of 18 years) you shall not work for pay or as a volunteer in any school, day care center, park, playground, or other place where children regularly congregate.
- (g) Unless otherwise indicated in the treatment plan provided by the sexual offender treatment program, you shall not view, own, or possess any obscene, pornographic or sexually stimulating visual or auditory material, including telephone, electronic media, computer programs or computer services that are relevant to your deviant behavior pattern.
- (h) You shall submit two specimens of blood to the Florida Department of Law Enforcement to be registered with the DNA Data Bank.
- (i) You shall make restitution to the victim as ordered by this court pursuant to F.S. 775.089 for all necessary medical and related professional services relating to the physical, psychiatric and psychological care of the victim.
- (j) You shall submit to a warrantless search by your probation officer or community control officer of your person, residence, or vehicle.
- (k) you shall, as part of a treatment program, participate once/twice annually in polygraph examination to obtain information necessary for risk management and treatment and to reduce your denial mechanisms. Your polygraph examinations must be conducted by a polygrapher trained specifically in the use of polygraph for monitoring sex offenders and it shall be paid by you. The results of the polygraph examinations shall not be used as evidenced in court to prove that a violation of community supervision occurred.
- (l) You shall maintain a driving log, you shall not drive a motor vehicle while alone without prior approval of your supervising officer.
- (m) (if there was sexual contact) you shall submit to, at probationer's or community controllee's expense, an HIV test with the results to be released to the victim, or the victim's parents or guardian.
- (n) You will not obtain or use a Post Office Box without the prior approval of the supervising officer.
- (o) You will submit to electronic monitoring when deemed necessary by the community control or probation officer and his or her supervisor, and ordered by the court at the recommendation of the Department of Corrections.

Other: _____

THE COURT RESERVES THE RIGHT TO RESCIND, MODIFY, OR REVOKE SUPERVISION TO THE EXTENT PROVIDED BY LAW DONE AND ORDERED AT West Palm Beach, Palm Beach County, Florida, this 30 day of June 2005. Nunc Pro Tunc: 10/5/2005.

Honorable Sandra K. McSorley
Judge, Circuit Court

I have received a copy of the terms and conditions of my supervision. I have read and understand these conditions and agree to report to the Department of Corrections Probation Office for further instructions. Also, I hereby consent to the disclosure of my alcohol and drug abuse patient records, the confidentiality of which is federally regulated under 42CFR, Part II, for the duration of my supervision.

DEFENDANT
AP 10/11/2005

DATE

INSTRUCTED BY

948.101 Terms and conditions of community control and criminal quarantine community control.--

(1) The court shall determine the terms and conditions of community control. Conditions specified in this subsection do not require oral pronouncement at the time of sentencing and may be considered standard conditions of community control.

(a) The court shall require intensive supervision and surveillance for an offender placed into community control, which may include but is not limited to:

1. Specified contact with the parole and probation officer.
2. Confinement to an agreed-upon residence during hours away from employment and public service activities.
3. Mandatory public service.
4. Supervision by the Department of Corrections by means of an electronic monitoring device or system.
5. The standard conditions of probation set forth in s. 948.03.

(b) For an offender placed on criminal quarantine community control, the court shall require:

1. Electronic monitoring 24 hours per day.
2. Confinement to a designated residence during designated hours.

(2) The enumeration of specific kinds of terms and conditions does not prevent the court from adding thereto any other terms or conditions that the court considers proper. However, the sentencing court may only impose a condition of supervision allowing an offender convicted of s. 794.011, s. 800.04, s. 827.071, or s. 847.0145 to reside in another state if the order stipulates that it is contingent upon the approval of the receiving state interstate compact authority. The court may rescind or modify at any time the terms and conditions theretofore imposed by it upon the offender in community control. However, if the court withholds adjudication of guilt or imposes a period of incarceration as a condition of community control, the period may not exceed 364 days, and incarceration shall be restricted to a county facility, a probation and restitution center under the jurisdiction of the Department of Corrections, a probation program drug punishment phase I secure residential treatment institution, or a community residential facility owned or operated by any entity providing such services.

(3) The court may place a defendant who is being sentenced for criminal transmission of HIV in violation of s. 775.0877 on criminal quarantine community control. The Department of Corrections shall develop and administer a criminal quarantine community control program emphasizing intensive supervision with 24-hour-per-day electronic monitoring. Criminal quarantine community control status must include surveillance and may include other measures normally associated with community control, except that specific conditions necessary to monitor this population may be ordered.



'943.0435 Sexual offenders required to register with the department; penalty.--

(1) As used in this section, the term:

(a)1. "Sexual offender" means a person who meets the criteria in sub-subparagraph a., sub-subparagraph b., sub-subparagraph c., or sub-subparagraph d., as follows:

a.(I) Has been convicted of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor and the defendant is not the victim's parent or guardian; s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(4); s. 847.0137; s. 847.0138; s. 847.0145; or s. 985.701(1); or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this sub-sub-subparagraph; and

(II) Has been released on or after October 1, 1997, from the sanction imposed for any conviction of an offense described in sub-sub-subparagraph (I). For purposes of sub-sub-subparagraph (I), a sanction imposed in this state or in any other jurisdiction includes, but is not limited to, a fine, probation, community control, parole, conditional release, control release, or incarceration in a state prison, federal prison, private correctional facility, or local detention facility;

b. Establishes or maintains a residence in this state and who has not been designated as a sexual predator by a court of this state but who has been designated as a sexual predator, as a sexually violent predator, or by another sexual offender designation in another state or jurisdiction and was, as a result of such designation, subjected to registration or community or public notification, or both, or would be if the person were a resident of that state or jurisdiction, without regard to whether the person otherwise meets the criteria for registration as a sexual offender;

c. Establishes or maintains a residence in this state who is in the custody or control of, or under the supervision of, any other state or jurisdiction as a result of a conviction for committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes or similar offense in another jurisdiction: s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor and the defendant is not the victim's parent or guardian; s. 794.011, excluding s. 794.011(10); s. 794.05; s. 796.03; s. 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(4); s. 847.0137; s. 847.0138; s. 847.0145; or s. 985.701(1); or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this sub-subparagraph; or

d. On or after July 1, 2007, has been adjudicated delinquent for committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction when the juvenile was 14 years of age or older at the time of the offense:

(I) Section 794.011, excluding s. 794.011(10);

(II) Section 800.04(4)(b) where the victim is under 12 years of age or where the court finds sexual activity by the use of force or coercion;

(III) Section 800.04(5)(c)1. where the court finds molestation involving unclothed genitals; or

(IV) Section 800.04(5)(d) where the court finds the use of force or coercion and unclothed genitals.

2. For all qualifying offenses listed in sub-subparagraph (1)(a)1.d., the court shall make a written finding of the age of the offender at the time of the offense.

For each violation of a qualifying offense listed in this subsection, the court shall make a written finding of the age of the victim at the time of the offense. For a violation of s. 800.04(4), the court shall additionally make a written finding indicating that the offense did or did not involve sexual activity and indicating that the offense did or did not involve force or coercion. For a violation of s. 800.04(5), the court shall additionally make a written finding that the offense did or did not involve unclothed genitals or genital area and that the offense did or did not involve the use of force or coercion.

(b) "Convicted" means that there has been a determination of guilt as a result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld, and includes an adjudication of delinquency of a juvenile as specified in this section. Conviction of a similar offense includes, but is not limited to, a conviction by a federal or military tribunal, including courts-martial conducted by the Armed Forces of the United States, and includes a conviction or entry of a plea of guilty or nolo contendere resulting in a sanction in any state of the United States or other jurisdiction. A sanction includes, but is not limited to, a fine, probation, community control, parole, conditional release, control release, or incarceration in a state prison, federal prison, private correctional facility, or local detention facility.

(c) "Permanent residence" and "temporary residence" have the same meaning ascribed in s. 775.21.

(d) "Institution of higher education" means a career center, community college, college, state university, or independent postsecondary institution.

(e) "Change in enrollment or employment status" means the commencement or termination of enrollment or employment or a change in location of enrollment or employment.

(f) "Electronic mail address" has the same meaning as provided in s. 668.602.

(g) "Instant message name" means an identifier that allows a person to communicate in real time with another person using the Internet.

(2) A sexual offender shall:

(a) Report in person at the sheriff's office:

1. In the county in which the offender establishes or maintains a permanent or temporary residence within 48 hours after:

a. Establishing permanent or temporary residence in this state; or

b. Being released from the custody, control, or supervision of the Department of Corrections or from the custody of a private correctional facility; or

2. In the county where he or she was convicted within 48 hours after being convicted for a qualifying offense for registration under this section if the offender is not in the custody or



control of, or under the supervision of, the Department of Corrections, or is not in the custody of a private correctional facility.

Any change in the sexual offender's permanent or temporary residence, name, any electronic mail address and any instant message name required to be provided pursuant to paragraph (4)(d), after the sexual offender reports in person at the sheriff's office, shall be accomplished in the manner provided in subsections (4), (7), and (8).

(b) Provide his or her name, date of birth, social security number, race, sex, height, weight, hair and eye color, tattoos or other identifying marks, occupation and place of employment, address of permanent or legal residence or address of any current temporary residence, within the state and out of state, including a rural route address and a post office box, any electronic mail address and any instant message name required to be provided pursuant to paragraph (4)(d), date and place of each conviction, and a brief description of the crime or crimes committed by the offender. A post office box shall not be provided in lieu of a physical residential address.

1. If the sexual offender's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual offender shall also provide to the department through the sheriff's office written notice of the vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If the sexual offender's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual offender shall also provide to the department written notice of the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

2. If the sexual offender is enrolled, employed, or carrying on a vocation at an institution of higher education in this state, the sexual offender shall also provide to the department through the sheriff's office the name, address, and county of each institution, including each campus attended, and the sexual offender's enrollment or employment status. Each change in enrollment or employment status shall be reported in person at the sheriff's office, within 48 hours after any change in status. The sheriff shall promptly notify each institution of the sexual offender's presence and any change in the sexual offender's enrollment or employment status.

When a sexual offender reports at the sheriff's office, the sheriff shall take a photograph and a set of fingerprints of the offender and forward the photographs and fingerprints to the department, along with the information provided by the sexual offender. The sheriff shall promptly provide to the department the information received from the sexual offender.

(3) Within 48 hours after the report required under subsection (2), a sexual offender shall report in person at a driver's license office of the Department of Highway Safety and Motor Vehicles, unless a driver's license or identification card that complies with the requirements of s. 322.141(3) was previously secured or updated under s. 944.607. At the driver's license office the sexual offender shall:

(a) If otherwise qualified, secure a Florida driver's license, renew a Florida driver's license, or secure an identification card. The sexual offender shall identify himself or herself as a sexual offender who is required to comply with this section and shall provide proof that the sexual offender reported as required in subsection (2). The sexual offender shall provide any of the information specified in subsection (2), if requested. The sexual offender shall submit to the taking of a photograph for use in issuing a driver's license, renewed license, or identification card, and for use by the department in maintaining current records of sexual offenders.

 10

(b) Pay the costs assessed by the Department of Highway Safety and Motor Vehicles for issuing or renewing a driver's license or identification card as required by this section. The driver's license or identification card issued must be in compliance with s. 322.141(3).

(c) Provide, upon request, any additional information necessary to confirm the identity of the sexual offender, including a set of fingerprints.

(4)(a) Each time a sexual offender's driver's license or identification card is subject to renewal, and, without regard to the status of the offender's driver's license or identification card, within 48 hours after any change in the offender's permanent or temporary residence or change in the offender's name by reason of marriage or other legal process, the offender shall report in person to a driver's license office, and shall be subject to the requirements specified in subsection (3). The Department of Highway Safety and Motor Vehicles shall forward to the department all photographs and information provided by sexual offenders. Notwithstanding the restrictions set forth in s. 322.142, the Department of Highway Safety and Motor Vehicles is authorized to release a reproduction of a color-photograph or digital-image license to the Department of Law Enforcement for purposes of public notification of sexual offenders as provided in this section and ss. 943.043 and 944.606.

(b) A sexual offender who vacates a permanent residence and fails to establish or maintain another permanent or temporary residence shall, within 48 hours after vacating the permanent residence, report in person to the sheriff's office of the county in which he or she is located. The sexual offender shall specify the date upon which he or she intends to or did vacate such residence. The sexual offender must provide or update all of the registration information required under paragraph (2)(b). The sexual offender must provide an address for the residence or other location that he or she is or will be occupying during the time in which he or she fails to establish or maintain a permanent or temporary residence.

(c) A sexual offender who remains at a permanent residence after reporting his or her intent to vacate such residence shall, within 48 hours after the date upon which the offender indicated he or she would or did vacate such residence, report in person to the agency to which he or she reported pursuant to paragraph (b) for the purpose of reporting his or her address at such residence. When the sheriff receives the report, the sheriff shall promptly convey the information to the department. An offender who makes a report as required under paragraph (b) but fails to make a report as required under this paragraph commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) A sexual offender must register any electronic mail address or instant message name with the department prior to using such electronic mail address or instant message name on or after October 1, 2007. The department shall establish an online system through which sexual offenders may securely access and update all electronic mail address and instant message name information.

(5) This section does not apply to a sexual offender who is also a sexual predator, as defined in s. 775.21. A sexual predator must register as required under s. 775.21.

(6) County and local law enforcement agencies, in conjunction with the department, shall verify the addresses of sexual offenders who are not under the care, custody, control, or supervision of the Department of Corrections in a manner that is consistent with the provisions of the federal Adam Walsh Child Protection and Safety Act of 2006 and any other federal standards applicable to such verification or required to be met as a condition for the receipt of federal funds by the state. Local law enforcement agencies shall report to the department any failure by a sexual offender to comply with registration requirements.



(7) A sexual offender who intends to establish residence in another state or jurisdiction other than the State of Florida shall report in person to the sheriff of the county of current residence within 48 hours before the date he or she intends to leave this state to establish residence in another state or jurisdiction. The notification must include the address, municipality, county, and state of intended residence. The sheriff shall promptly provide to the department the information received from the sexual offender. The department shall notify the statewide law enforcement agency, or a comparable agency, in the intended state or jurisdiction of residence of the sexual offender's intended residence. The failure of a sexual offender to provide his or her intended place of residence is punishable as provided in subsection (9).

(8) A sexual offender who indicates his or her intent to reside in another state or jurisdiction other than the State of Florida and later decides to remain in this state shall, within 48 hours after the date upon which the sexual offender indicated he or she would leave this state, report in person to the sheriff to which the sexual offender reported the intended change of residence, and report his or her intent to remain in this state. The sheriff shall promptly report this information to the department. A sexual offender who reports his or her intent to reside in another state or jurisdiction but who remains in this state without reporting to the sheriff in the manner required by this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(9)(a) A sexual offender who does not comply with the requirements of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A sexual offender who commits any act or omission in violation of this section may be prosecuted for the act or omission in the county in which the act or omission was committed, the county of the last registered address of the sexual offender, or the county in which the conviction occurred for the offense or offenses that meet the criteria for designating a person as a sexual offender.

(c) An arrest on charges of failure to register when the offender has been provided and advised of his or her statutory obligations to register under subsection (2), the service of an information or a complaint for a violation of this section, or an arraignment on charges for a violation of this section constitutes actual notice of the duty to register. A sexual offender's failure to immediately register as required by this section following such arrest, service, or arraignment constitutes grounds for a subsequent charge of failure to register. A sexual offender charged with the crime of failure to register who asserts, or intends to assert, a lack of notice of the duty to register as a defense to a charge of failure to register shall immediately register as required by this section. A sexual offender who is charged with a subsequent failure to register may not assert the defense of a lack of notice of the duty to register.

(d) Registration following such arrest, service, or arraignment is not a defense and does not relieve the sexual offender of criminal liability for the failure to register.

(10) The department, the Department of Highway Safety and Motor Vehicles, the Department of Corrections, the Department of Juvenile Justice, any law enforcement agency in this state, and the personnel of those departments; an elected or appointed official, public employee, or school administrator; or an employee, agency, or any individual or entity acting at the request or upon the direction of any law enforcement agency is immune from civil liability for damages for good faith compliance with the requirements of this section or for the release of information under this section, and shall be presumed to have acted in good faith in compiling, recording, reporting, or releasing the information. The presumption of good faith is not overcome if a technical or clerical error is made by the department, the Department of Highway Safety and Motor Vehicles, the Department of Corrections, the Department of Juvenile

Justice, the personnel of those departments, or any individual or entity acting at the request or upon the direction of any of those departments in compiling or providing information, or if information is incomplete or incorrect because a sexual offender fails to report or falsely reports his or her current place of permanent or temporary residence.

(11) Except as provided in s. 943.04354, a sexual offender must maintain registration with the department for the duration of his or her life, unless the sexual offender has received a full pardon or has had a conviction set aside in a postconviction proceeding for any offense that meets the criteria for classifying the person as a sexual offender for purposes of registration. However, a sexual offender:

(a)1. Who has been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 25 years and has not been arrested for any felony or misdemeanor offense since release, provided that the sexual offender's requirement to register was not based upon an adult conviction:

a. For a violation of s. 787.01 or s. 787.02;

b. For a violation of s. 794.011, excluding s. 794.011(10);

c. For a violation of s. 800.04(4)(b) where the court finds the offense involved a victim under 12 years of age or sexual activity by the use of force or coercion;

d. For a violation of s. 800.04(5)(b);

e. For a violation of s. 800.04(5)c.2. where the court finds the offense involved unclothed genitals or genital area;

f. For any attempt or conspiracy to commit any such offense; or

g. For a violation of similar law of another jurisdiction,

may petition the criminal division of the circuit court of the circuit in which the sexual offender resides for the purpose of removing the requirement for registration as a sexual offender.

2. The court may grant or deny relief if the offender demonstrates to the court that he or she has not been arrested for any crime since release; the requested relief complies with the provisions of the federal Adam Walsh Child Protection and Safety Act of 2006 and any other federal standards applicable to the removal of registration requirements for a sexual offender or required to be met as a condition for the receipt of federal funds by the state; and the court is otherwise satisfied that the offender is not a current or potential threat to public safety. The state attorney in the circuit in which the petition is filed must be given notice of the petition at least 3 weeks before the hearing on the matter. The state attorney may present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied. If the court denies the petition, the court may set a future date at which the sexual offender may again petition the court for relief, subject to the standards for relief provided in this subsection.

3. The department shall remove an offender from classification as a sexual offender for purposes of registration if the offender provides to the department a certified copy of the court's written findings or order that indicates that the offender is no longer required to comply with the requirements for registration as a sexual offender.

(b) As defined in sub-subparagraph (1)(a)1.b. must maintain registration with the department for the duration of his or her life until the person provides the department with an order issued by the court that designated the person as a sexual predator, as a sexually violent predator, or by another sexual offender designation in the state or jurisdiction in which the order was issued which states that such designation has been removed or demonstrates to the department that such designation, if not imposed by a court, has been removed by operation of law or court order in the state or jurisdiction in which the designation was made, and provided such person no longer meets the criteria for registration as a sexual offender under the laws of this state.

(12) The Legislature finds that sexual offenders, especially those who have committed offenses against minors, often pose a high risk of engaging in sexual offenses even after being released from incarceration or commitment and that protection of the public from sexual offenders is a paramount government interest. Sexual offenders have a reduced expectation of privacy because of the public's interest in public safety and in the effective operation of government. Releasing information concerning sexual offenders to law enforcement agencies and to persons who request such information, and the release of such information to the public by a law enforcement agency or public agency, will further the governmental interests of public safety. The designation of a person as a sexual offender is not a sentence or a punishment but is simply the status of the offender which is the result of a conviction for having committed certain crimes.

(13) Any person who has reason to believe that a sexual offender is not complying, or has not complied, with the requirements of this section and who, with the intent to assist the sexual offender in eluding a law enforcement agency that is seeking to find the sexual offender to question the sexual offender about, or to arrest the sexual offender for, his or her noncompliance with the requirements of this section:

(a) Withholds information from, or does not notify, the law enforcement agency about the sexual offender's noncompliance with the requirements of this section, and, if known, the whereabouts of the sexual offender;

(b) Harbors, or attempts to harbor, or assists another person in harboring or attempting to harbor, the sexual offender; or

(c) Conceals or attempts to conceal, or assists another person in concealing or attempting to conceal, the sexual offender; or

(d) Provides information to the law enforcement agency regarding the sexual offender that the person knows to be false information,

commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(14)(a) A sexual offender must report in person each year during the month of the sexual offender's birthday and during the sixth month following the sexual offender's birth month to the sheriff's office in the county in which he or she resides or is otherwise located to reregister.

(b) However, a sexual offender who is required to register as a result of a conviction for:

1. Section 787.01 or s. 787.02 where the victim is a minor and the offender is not the victim's parent or guardian;



2. Section 794.011, excluding s. 794.011(10);
3. Section 800.04(4)(b) where the court finds the offense involved a victim under 12 years of age or sexual activity by the use of force or coercion;
4. Section 800.04(5)(b);
5. Section 800.04(5)(c)1. where the court finds molestation involving unclothed genitals or genital area;
6. Section 800.04(5)c.2. where the court finds molestation involving unclothed genitals or genital area;
7. Section 800.04(5)(d) where the court finds the use of force or coercion and unclothed genitals or genital area;
8. Any attempt or conspiracy to commit such offense; or
9. A violation of a similar law of another jurisdiction,

must reregister each year during the month of the sexual offender's birthday and every third month thereafter.

(c) The sheriff's office may determine the appropriate times and days for reporting by the sexual offender, which shall be consistent with the reporting requirements of this subsection. Reregistration shall include any changes to the following information:

1. Name; social security number; age; race; sex; date of birth; height; weight; hair and eye color; address of any permanent residence and address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; any electronic mail address and any instant message name required to be provided pursuant to paragraph (4)(d); date and place of any employment; vehicle make, model, color, and license tag number; fingerprints; and photograph. A post office box shall not be provided in lieu of a physical residential address.
2. If the sexual offender is enrolled, employed, or carrying on a vocation at an institution of higher education in this state, the sexual offender shall also provide to the department the name, address, and county of each institution, including each campus attended, and the sexual offender's enrollment or employment status.
3. If the sexual offender's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual offender shall also provide the vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If the sexual offender's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual offender shall also provide the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel or houseboat.
4. Any sexual offender who fails to report in person as required at the sheriff's office, or who fails to respond to any address verification correspondence from the department within 3 weeks of the date of the correspondence or who fails to report electronic mail addresses or



instant message names, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) The sheriff's office shall, within 2 working days, electronically submit and update all information provided by the sexual offender to the department in a manner proscribed by the department.

A handwritten signature or mark consisting of a large, stylized '2' followed by a horizontal line and a small upward stroke.

RULE 3.992(a) CRIMINAL PUNISHMENT CODE SCORESHEET

1. DATE OF SENTENCE 6/30/08	2. PREPARER'S NAME <input type="checkbox"/> DC <input checked="" type="checkbox"/> SAO Belohlavek Palm Beach	3. COUNTY Palm Beach	4. SENTENCING JUDGE Fucillo
5. NAME (LAST, FIRST, MI.) Epstein, Jeffrey E.	6. DOB 1/20/53	8. RACE <input type="checkbox"/> B <input checked="" type="checkbox"/> W <input type="checkbox"/> OTHER	10. PRIMARY OFF. DATE
	7. DC#	9. GENDER <input checked="" type="checkbox"/> M <input type="checkbox"/> F	11. PRIMARY DOCKET # 08-9381
			12. PLEA <input checked="" type="checkbox"/> TRIAL <input type="checkbox"/>

I. PRIMARY OFFENSE: If Qualifier, please check A S C R (A=Attempt, S=Solicitation, C=Conspiracy, R=Reclassification) **2006PF9454 AX**

FELONY DEGREE	F.S.#	DESCRIPTION	OFFENSE LEVEL	POINTS
2^oF	794.03	Procuring Person Under 18 for Prostitution	07	156

(Level - Points: 1=4, 2=10, 3=16, 4=22, 5=28, 6=36, 7=56, 8=74, 9=92, 10=116)
Prior capital felony triples Primary Offense points

II. ADDITIONAL OFFENSE(S): Supplemental page attached

DOCKET#	FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY	COUNTS	POINTS	TOTAL
06-9454	3^oF	796.07	07	A S C R	1 X	.7	.7
		Felony Solicitation of Prostitution		□□□□	X		

(Level - Points: M=0.2, 1=0.7, 2=1.2, 3=2.4, 4=3.6, 5=5.4, 6=18, 7=28, 8=37, 9=46, 10=58)
Prior capital felony triples Additional Offense points

Supplemental page points **56.7**

III. VICTIM INJURY:

	Number	Total		Number	Total
2 ^o Degree Murder	240 X	=	Slight	4 X	=
Death	120 X	=	Sex Penetration	80 X	=
Severe	40 X	=	Sex Contact	40 X	=
Moderate	18 X	=			

IV. PRIOR RECORD: Supplemental page attached

JUN 30 2008

FEL/MM DEGREE	F.S.#	OFFENSE LEVEL	QUALIFY	DESCRIPTION	NUMBER	POINTS	TOTAL
			□□□□		X		
			□□□□		X		
			□□□□		X		
			□□□□		X		
			□□□□		X		

(Level - Points: M=0.2, 1=0.5, 2=0.8, 3=1.6, 4=2.4, 5=3.6, 6=9, 7=14, 8=19, 9=23, 10=29)
Supplemental page points _____

Page 1 Subtotal:

IV 56.7
17 51F
11/11/08

Jeffrey Epstein

Page 1 Subtotal 56.7
 V. _____
 VI. _____

- V. Legal Status violation = 4 Points
- VI. Community Sanction violation before the court for sentencing
 6 points x each successive violation OR
 New felony conviction = 12 points x each successive violation
- VII. Firearm/Semi-Automatic or Machine Gun = 18 or 25 Points
- VIII. Prior Serious Felony = 30 Points

Subtotal Sentence Points 56.7

IX. Enhancements (only if the primary offense qualifies for enhancement)

Law Enforcement Protection ___ x 1.5 ___ x 2.0 ___ x 2.5	Drug Trafficking ___ x 1.5	Grand Theft Motor Vehicle ___ x 1.5	Street Gang (offenses committed on or after 10-1-98) ___ x 1.5	Domestic Violence (offenses committed on or after 10-1-97) ___ x 1.5
---	-------------------------------	--	--	--

Enhanced Subtotal Sentence Points IX. 56.7
TOTAL SENTENCE POINTS 56.7

SENTENCE COMPUTATION

If total sentence points are less than or equal to 44, the lowest permissible sentence is any non-state prison sanction.

If total sentence points are greater than 44:
56.7 total sentence points minus 28 = 28.7 x .75 = 21.5
 lowest permissible prison sentence in months

The maximum sentence is up to the statutory maximum for the primary and any additional offenses as provided in s. 775.082, F.S., unless the lowest permissible sentence under the code, exceeds the statutory maximum. Such sentences may be imposed concurrently or consecutively. If total sentence points are greater than or equal to 363, a life sentence may be imposed.
 _____ maximum sentence in years

TOTAL SENTENCE IMPOSED

- State Prison
- County Jail
- Community Control
- Probation
- Life
- Time Served

Years _____ Months 12 Days _____

Solomon

18 months
COMM. Control
12 to months
PBCJ

Please check if sentenced as habitual offender, habitual violent offender, violent career criminal, prison releasee, reoffender, or a mandatory minimum applies.

- Mitigated Departure
- Plea Bargain
- Other Reason _____

JUDGE'S SIGNATURE *David Rubin*

NAME: EPSTEIN, JEFFREY

JACKET #: 0338617 BOOK #: 2008039317

ALIAS NAMES: OVER 8 NAMES:

EPSTEIN, JEFFREY - EPSTEIN, JEFFREY EDWARD -

Monday, June 30, 2008
11:33:12 AM

PALM BEACH SHERIFFS OFFICE
BOOKING CARD



INCARCERATION DATE/TIME 06/30/2008 11:13
PRISONER TYPE: LOCAL CHARGES

BKG.LOC: MOBILE BOOKING
BKG.ID #: 8548
HAIR COLOR: GRY
EYE COLOR: BLU

DOB: 01/20/1953 R/S: W/M
AGE: 55 HEIGHT: 6 ft 0 in
SSN: 090-44-3348 WEIGHT: 200

ADDRESS: 358 EL BRILLO WY CITY: PALM BEACH STATE: FL ZIP: 33480 CITIZEN COUNTRY: USA

ID #: 20080630061 POUCH: 3050 NCIC:
SID #: 06587245 AFIS: 2006036744 DOC #:
ALIEN #: U.S. MARSHAL #: INCIDENT #:
FBI #: 787075K6 OBTS #:

ARREST ADDRESS: 205 N DIXIE HWY (MAIN CT HOUSE) CITY: WPB STATE: FL ZIP:

ARREST DATE: 06/30/2008 ARREST TIME: 10:15
BKG. DATE: 06/30/2008 BKG. TIME: 11:13

WARRANT/CASE#: COURT DIVISION: CURRENT BOND: \$0.00

ARREST OFFICER: D/S DELPLATO ARREST AGENCY: 01 - PBSO
TRANS. OFFICER: D/S MCINTOSH TRANS. AGENCY: 01 - PBSO

CASE TYPE: RECOMMIT-FELONY
NOTE:

STATUTE: CT: DESCRIPTION: CASE FLAG: NO BOND

STATUTE	CT	DESCRIPTION	CASE FLAG	VOFC: B TYPE	CUR. BOND:
9999.0004 (NN)	1	-RE-COMMIT			\$0.00
()	0	FELONY OFFER TO COMMIT PROSTITUTION // CASE: 2006CF009454AXXX // BK#2006036744			\$0.00

HOLDS:

HOLD DATE/TIME: HOLD BY: HOLD DEPT.: HOLD REM. DATE/TIME: HOLD REM. BY: HOLD REM. DEPT:

- 1
- 2
- 3

ALERT DESCRIPTION: ALERT NARRATIVE:
1 31 DNA NOT ON FILE/FELONY CONVICTION

OVER 3 ALERTS:

KEEP SEPARATE FROM:

NONE

OVER 6 NAMES:

FILED
08 JUL - 1 AM 8:41
FILED
08 JUN 31 AM 8:20
CLERK
PALM BEACH COUNTY
CIRCUIT CLERK

ASSIGNED HOUSING: NTA DATE/TIME: NTA LOC:

NCIC INTAKE: NCIC RELEASE: F.P. ENTERED: F.P. CLEAR:

PALMS REL.: PHOTO ID: CLASSIFICATION: MED. CLEAR IN:

MED. CLEAR REL.: RELEASE MOVE:

RELEASE DATE/TIME: RELEASE INFORMATION:

COURT DATE/TIME: COURT LOCATION:

CLERK WARRANTS STATE ATTY CENTRAL RCDS CLASS

DE 19 52
JUL - 1 2008

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

STATE OF FLORIDA

CASE NO.: 2006CF009454AXX

DIVISION: "W"

vs.

JEFFREY EPSTEIN,

Defendant.

FILED
2008 JUL -2 PM 3:40
SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
COURT REPORTER

AGREED ORDER SEALING DOCUMENT IN COURT FILE

THIS MATTER came before the Honorable Judge Deborah Dale Pucillo on June 30, 2008 during a plea conference in the above-referenced case number. The Court being fully apprised in the circumstances, it is hereby:

attached DP

ORDERED AND ADJUDGED that the document filed by the Defendant on July 2, 2008 be sealed by the Clerk in the court file.

DONE AND ORDERED in chambers, West Palm Beach, Palm Beach County, Florida this 2 day of July, 2008.

Deborah Dale Pucillo
DEBORAH DALE PUCILLO
Circuit Court Judge

Copies forwarded to:

Jack A. Goldberger, Esq.
Counsel for the Defendant
250 Australian Avenue South, Ste. 1400
West Palm Beach, Florida 33401

Lanna Belohlavek, Esq.
Assistant State Attorney
(interoffice)

AB JUL 03 2008
2054

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

CASE NO. 2006 CF 009454AXX

DIVISION W

STATE OF FLORIDA

vs.

Jeffrey Epstein

ON July 2, 2008

FILED
2008 JUL -2 PM 3:40
SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
CRIMINAL DIVISION

Psychiatric (Medical, etc.) Report dated _____
from _____

Presentence Investigation Report dated _____
from _____

Other Non-Prosecution Agreement

**SEALED IN COURT FILE, NOT TO BE
OPENED WITHOUT ORDER OF COURT**

21
JUL 03 2008