

KIRKLAND & ELLIS LLP
AND AFFILIATED PARTNERSHIPS

Jay P. Lefkowitz, P.C.
To Call Writer Directly:

www.kirkland.com

Facsimile:

October 28, 2010

By E-mail and By Hand

CONFIDENTIAL

Jennifer Gaffney, Esq.
Deputy Bureau Chief, Sex Crimes Unit
New York District Attorney's Office
One Hogan Place
New York, NY 10013

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Assistant District Attorney, Sex Crimes Unit / Trial Bureau 40
New York District Attorney's Office
One Hogan Place
New York, NY 10013

Re: SORA Determination for Jeffrey E. Epstein, NYSID # OSI909,
Supreme Court Case # 30129-2010

Dear ADA Gaffney and ADA Egan:

As you know, we represent Jeffrey E. Epstein, who is scheduled to appear in New York Supreme Court, Part 66, on Tuesday, November 9, 2010 for a hearing before the Honorable Ruth Pickholz pursuant to New York's Sex Offender Registration Act (SORA), N.Y. Correction Law § 168 *et seq.* (McKinney 2008).

To follow up on our conversation in your office on October 13, and as you have requested, we are providing you with a select sampling of materials that we believe expose the stark contrast between the inflammatory, speculative case summary presented by the Board of Examiners in its recommendation for Mr. Epstein, and the actual evidence that exists concerning the alleged conduct for which New York seeks to require Mr. Epstein to register under SORA. We believe that these materials validate our position that Mr. Epstein should most appropriately be designated as a Level 1 offender. Not only is the Board's Level 3 recommendation absurd, given that the offense triggering the registration requirement would most likely have been a *non-registerable misdemeanor* if committed in New York instead of Florida, but as laid bare by the attached sampling of transcript excerpts and other evidence, the Board's purported calculation is also unsupportable under the applicable "clear and convincing evidence" standard.

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First, as we attempted to explain during our meeting with you, the specific conduct which formed the basis of Mr. Epstein's conviction requiring registration under Florida law -- a conviction for Procuring a Person Under 18 for Prostitution, in violation of Fla. Stat. § 796.03¹ -- was a consensual arrangement in which Mr. Epstein received massages and engaged in sexual touching in exchange for money with [REDACTED], a young woman who was over New York's age of consent when the offense cited in the Information allegedly occurred. And as made abundantly clear by the attached excerpts from [REDACTED]'s [REDACTED], [REDACTED] was certainly [REDACTED] by the time events "escalated" from massages to sexual conduct:

- Exhibit A, [REDACTED] Tr. 2:5-15 ([REDACTED]), stating that her date of birth is [REDACTED], which would have made her [REDACTED] when she was interviewed by Det. [REDACTED].
- Exhibit A, [REDACTED] Tr. 3:15-20 ([REDACTED]), stating that she first heard about Epstein from a friend "about a year ago").
- Exhibit A, [REDACTED] Tr. 5:14-23 ([REDACTED]), stating that after meeting Epstein for the first time, she "didn't go again for about two months or so").
- Exhibit A, [REDACTED] Tr. 6:13-22 ([REDACTED]), telling [REDACTED] that she saw Epstein approximately 15 times in total, and "things escalated" as time went on).

Furthermore, the record is undisputed that [REDACTED] was at least [REDACTED] and over New York's age of consent during the one time that she engaged in consensual sexual intercourse with Mr. Epstein:

- Exhibit A, [REDACTED] Tr. 8:17-9:23 ([REDACTED]), stating that she [REDACTED].
- Exhibit A, [REDACTED] Tr. 15:12-17 ([REDACTED]), stating that all of her conduct with Epstein [REDACTED].²

¹ As previously noted, Jeffrey Epstein concurrently pleaded guilty to an Indictment charging him with one count of Felony Solicitation for Prostitution, Fla. Stat. § 796.07(2)(f), (4)(c), which is *not* a registerable offense under Florida or New York law. See Fla. Stat. § 943.0435; N.Y. Correction Law § 168-a(2)(a).

² Notably, in a Probable Cause Affidavit which he signed under oath and filed with the court in order to obtain an arrest warrant for Jeffrey Epstein, Det. [REDACTED], in discussing allegations involving [REDACTED], omitted the material fact that [REDACTED] clearly stated that her decision to engage in intercourse with Epstein was consensual.

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- See also Exhibit B, [REDACTED] Dep. 418:14-419:5 ([REDACTED] testifying that [REDACTED] told him [REDACTED] before their interview, when [REDACTED] was [REDACTED] and nearly [REDACTED].

Moreover, contrary to a characterization in the Board of Examiner's Case Summary, [REDACTED] was clear in her testimony that she voluntarily [REDACTED] in front of Epstein when she was well over [REDACTED] and nearing her [REDACTED]:

- Exhibit A, [REDACTED] Tr. 12:12-13:12 ([REDACTED] stating the last time that she saw Epstein -- which, based on testimony cited above, was [REDACTED] -- was the week before [REDACTED], and further stating that the one time she was with the female friend was shortly before that, around October 2nd or 3rd).

All of this conduct involving [REDACTED] would have constituted, at most, a *non-registerable misdemeanor* if committed in New York instead of Florida. See N.Y. Penal Law § 230.04 (McKinney 2004).⁴ Because it cannot be proven by "clear and convincing evidence" (or indeed, by any credible evidence) that Mr. Epstein engaged in sexual conduct with [REDACTED] specifically during the time that she was under 17, Mr. Epstein is not guilty of *any* registerable offense under New York law. See N.Y. Correction Law § 168-a(2)(a)(i).

A brief look at the evidence concerning [REDACTED], another woman who appears to play a significant role in the Board's recommendation, similarly demonstrates that Det. [REDACTED] mischaracterized [REDACTED]'s claims to manufacture registerable conduct with respect to [REDACTED]. For example, [REDACTED] could not provide firm or even approximate dates for her earliest interactions with Mr. Epstein:

- Exhibit C, [REDACTED] Tr. 2:24-27 ([REDACTED] stating that her date of birth is [REDACTED], which would have made her nearly [REDACTED] when she was interviewed by Det. [REDACTED] on [REDACTED]).

³ Again, the transcript of [REDACTED]'s interview with Det. [REDACTED] reveals significant prejudicial inaccuracies in [REDACTED] Probable Cause Affidavit. For example, [REDACTED] swore that [REDACTED] claimed that Epstein had [REDACTED] and the [REDACTED]

Significantly, the Florida charge to which Mr. Epstein pleaded guilty criminalizes the prostitution of a person who is under the age of 18 (i.e. 16 and 17 years old), see Fla. Stat. § 796.03, but under New York law, patronizing a prostitute is only a registerable offense where the prostitute is *under the age of 17*, whether under 2004 law or the broader scope of Penal Law § 230.04 in effect today. See Correction Law § 168-a(2)(a)(i) (stating that Patronizing a Prostitute in the Third Degree, N.Y. Penal Law § 230.04, is a registerable offense "where the person patronized is in fact less than seventeen years of age").

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- Exhibit C, [REDACTED] Tr. 3:11-20 ([REDACTED], estimating that her contact with Epstein lasted somewhere between a year and a half and two years).
- Exhibit C, [REDACTED] Tr. 4:12-23 ([REDACTED], guessing about the timing of her first meeting with Epstein and stating that she does not know whether she was [REDACTED] or [REDACTED]).
- Exhibit C, [REDACTED] Tr. 11:42-12:4 ([REDACTED], saying that she cannot keep track of specifically when different events with Epstein took place).

While [REDACTED] could not say with certainty when she first met and massaged Mr. Epstein, [REDACTED] stated definitively and unambiguously that she was 17 years old during their single instance of [REDACTED]

- Exhibit C, [REDACTED] Tr. [REDACTED]:21-33 ([REDACTED], saying that she was “definitely” 17 when [REDACTED] but that she could not recall the specific date of when that took place).
- See also Exhibit B, [REDACTED] Dep. 407:4-411:9 ([REDACTED] testifying that he understood that [REDACTED] was [REDACTED] or [REDACTED] during [REDACTED] for which she could provide no specific date).

In addition to establishing that [REDACTED] was 17 during her interactions with Mr. Epstein (and therefore, Mr. Epstein’s conduct toward her is not reportable), [REDACTED]’s statements to [REDACTED] further reveal that [REDACTED] viewed her interactions with Mr. Epstein (both sexual and non-sexual), as well as her [REDACTED]

- Exhibit C, [REDACTED] Tr. 15:1-21 ([REDACTED], telling [REDACTED] that Epstein would pay her money to spend time with him, relax by the pool, and eat meals, without any sexual activity, and [REDACTED]
- Exhibit C, [REDACTED] Tr. 20:13-20 ([REDACTED], describing that she would not let [REDACTED] unless he [REDACTED]
- Exhibit C, [REDACTED] Tr. 19:13-23 ([REDACTED] [REDACTED]
- Exhibit C, [REDACTED] Tr. 20:35- 46 ([REDACTED]

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- Exhibit C, [REDACTED] Tr. 13:28-41 ([REDACTED]) stating that even after speaking to police, she "didn't [REDACTED]"

- Exhibit C, [REDACTED] Tr. 27:12-27 ([REDACTED]) [REDACTED]

The enclosed excerpts should make clear that [REDACTED] -- inaccurately described in the Board's recommendation as the "16-year old victim" who went to Epstein's home "at least 100 times" -- was not, in fact, a victim of any reportable criminal conduct by Jeffrey Epstein, but rather, was an opportunistic young woman who, at 17 and 18 years of age, repeatedly made conscious decisions [REDACTED]

- Exhibit D, Palm Beach Police Report [REDACTED], for A. [REDACTED]

In short, [REDACTED] was not a victim of Jeffrey Epstein, and accordingly, Mr. Epstein's conduct involving [REDACTED] should not factor into the SORA assessment at all.

In fact, transcripts of police interviews with numerous other women who are cited in the police reports and in the [REDACTED] Probable Cause Affidavit reveal multiple other troubling inaccuracies and exaggerations in the police paperwork on which the Board apparently blindly relied in reaching its unsupportable Level 3 recommendation. The following are just a few examples of several such egregious misstatements and material omissions in the police paperwork:

- Exhibit F, [REDACTED] Tr. 11:25-12:21 ([REDACTED]), who introduced Epstein to several women, telling police that Epstein liked girls who were "between the ages of like 18 and 20" -- a qualification that appears to have been deliberately omitted from [REDACTED] statement in the Probable Cause Affidavit that Epstein told [REDACTED], "The younger, the better").

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- Exhibit G, [REDACTED] Tr. 5:18-23, 11:6-22 (17-year-old woman stating to police that Epstein did not touch her inappropriately, did not try to touch her, and did not masturbate while she gave him a massage, despite allegations in the [REDACTED] Probable Cause Affidavit that Epstein [REDACTED])
- Exhibit H, [REDACTED] Tr. 2:25-3:12, 18:7-20 (woman stating that she was 17 when she first met Epstein and telling police that Epstein never used any sex toys on her and touched her with his hands (as opposed to "something else"), refuting a claim in the [REDACTED] Probable Cause Affidavit that [REDACTED])
- Exhibit I, [REDACTED] Tr. 12:6-12 (woman telling police that she was 17 when she first met Epstein, in contradiction to the [REDACTED] Probable Cause Affidavit which states that this same woman was only 16 when she first met Epstein)
- Exhibit J, [REDACTED] Tr. 4:10-11, 11:4-7 (woman stating that her date of birth is [REDACTED], which would have made her [REDACTED] years and [REDACTED] old during her sole contact with Epstein in [REDACTED] and testifying that her interaction with Epstein was entirely consensual, despite claim in the [REDACTED] Probable Cause Affidavit that she had "just turned [REDACTED]" and suggestion that she was coerced or tricked into interacting with Epstein).
- Exhibit K, [REDACTED] Tr. 3:18-4:1, 5:6-15 (clarifying that woman was [REDACTED] years old during her sole encounter with Epstein, and therefore, any sexual conduct with him described in the police report and [REDACTED] Probable Cause Affidavit should not be scored under SORA and was not even criminal or reportable under the applicable Florida law).

In fact, in a deposition, Det. [REDACTED] himself acknowledged that there were certain other damning allegations contained in his police reports that he failed to correct, to the detriment of Mr. Epstein:

- Exhibit B, [REDACTED] Dep. 423:1-425:17 ([REDACTED] testifying that he knew that Epstein had purchased covert cameras near his desk on the first-floor of his Palm Beach home following a burglary in 2003, a fact that [REDACTED] failed to mention in his police report when noting that [REDACTED] "found" a covert camera located in that very location).
- Exhibit B, [REDACTED] Dep. 458:8-460:18 ([REDACTED] testifying that he knew that certain objects recovered from Epstein's garbage, which had been incorrectly identified as "anal

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- Exhibit L, [REDACTED] Tr. 38:21-39:18 ([REDACTED] telling police that she told Epstein that she was 18 and in twelfth grade because [REDACTED] told her that Epstein would not allow her in his house if she was under 18).
- Exhibit M, [REDACTED] Dep. 32: [REDACTED]-19, 35:19-38:7 ([REDACTED] testifying that she was told that Epstein would not allow her into his house if she was under 18, [REDACTED]
[REDACTED])
- Exhibit N, [REDACTED] Dep. 6:11-20, 7:24-8:8 (woman testifying that she was instructed to tell Epstein that she was 18 if she wanted to give him a massage for money, [REDACTED]
[REDACTED])
- Exhibit O, [REDACTED] Tr. 13:16-22 (woman telling police that Epstein never knew her age, but she was instructed to tell Epstein that she was 18 because women had to be a certain age to massage him).

In fact, [REDACTED], the sole 14-year-old cited in the Board's write-up, had [REDACTED]
[REDACTED]

- Exhibit P, [REDACTED]'s MySpace Page (portraying [REDACTED] to be age 18 in [REDACTED], when she [REDACTED]
[REDACTED])
- Exhibit M, [REDACTED] Dep. 68:12-69:18 ([REDACTED] [REDACTED]
her MySpace page).
- Exhibit M, [REDACTED] Dep. 108:7-110:1 ([REDACTED] [REDACTED]
[REDACTED])
- Exhibit M, [REDACTED] Dep. 121:3-21 ([REDACTED] [REDACTED]
she was 14, before she ever met Epstein).

This evidence represents just a small sampling of the materials generated during the lengthy investigation and prosecution of Jeffrey Epstein (as well as during the case's aftermath), but we believe it exposes the allegations cited in the Board's case summary as being unsubstantiated and utterly unreliable. The glaring discrepancies between the accounts of various women and the mischaracterization of their claims in the police paperwork, the lack of reliable evidence that

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certain women were underage at the time of their encounters with Mr. Epstein, and the questionable credibility and self-interest of many of the women cited all support the conclusion of the Palm Beach prosecutor that there were no victims here. Moreover, these facts cannot support by "clear and convincing evidence" the grossly inflated SORA risk assessment calculation offered by the Board. For all of the reasons set forth herein and in our letter of October 11, 2010, therefore, we ask you to reject the Board's recommendation outright and advocate for a more reasonable Level 1 designation, in line with what several other jurisdictions have already done.

Finally, on a separate but related point, we note that upon further consideration and investigation, our current view is that *Jeffrey Epstein should not be required to register in New York at all.*⁵ Mr. Epstein maintains his primary residence in the U.S. Virgin Islands and does not actually live, work, or attend school in New York, the three measures which determine whether someone needs to register under SORA. See N.Y. Correction Law § 168-a(14), (15), § 168-k. Indeed, the New York State Department of Taxation has not recognized Mr. Epstein as a domiciliary of New York since 1992, despite the fact that he has maintained a vacation home in New York since that time:

- Exhibit Q, State of New York Department of Taxation and Finance, 3/1/1996 Statement of Personal Income Tax Audit Changes, at 1.

Mr. Epstein has already registered as a sex offender in the jurisdiction of his residence -- the U.S. Virgin Islands. And the other states where he owns secondary residences -- Florida (the state of his offense) and New Mexico -- have determined either that he should only be subject to that jurisdiction's *lowest reporting obligations* or that he is *not required to register at all*. Yet even in New Mexico, where he is not required to register, Mr. Epstein has *chosen to maintain his registration*, again, to ensure his compliance with federal law. Because it is our view that Jeffrey Epstein should not be *required* to register in New York at all, given the short temporary visits he makes to the state, should he be designated as anything other than a Level 1 offender, we would likely be compelled to challenge the initial determination of the Board concerning his obligation to register in New York in the first instance by filing an Article 78 proceeding.

Thank you again for meeting with us two weeks ago and for giving us the opportunity to provide you with these materials. We hope that these excerpts and other documents have

⁵ Of course, as we discussed in our meeting, Jeffrey Epstein intends to register in New York under SORA, whether required to or not, in order to ensure his compliance with the federal Sexual Offender Registration and Notification Act (SORNA), 42 U.S.C.A. § 16901 *et seq.*, and indeed, he has voluntarily been registered with the N.Y.P.D.'s Sex Offender Monitoring Unit (SOMU) since May 20, 2010.

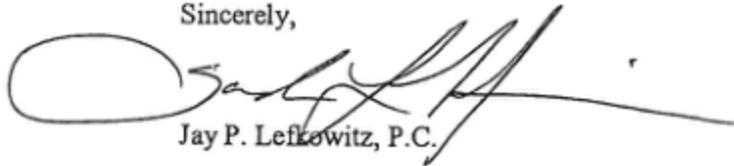
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demonstrated to you that the Board's recommendation was based on an imprecise analysis of a flawed presentation of allegations. The evidence that we have presented reveals that the Board failed to scrutinize, or even consider individually, the allegations contained in the police reports, and as a consequence, the Board came up with a recommendation that deviates dramatically from the findings of the prosecutor who investigated and evaluated this case, as well as every other jurisdiction that has considered Mr. Epstein's registration obligations. For all of these reasons, we ask you to reject the unfounded recommendation of the Board of Examiners, which cannot be supported by clear and convincing evidence, and instead, defer to the discretion of the states that have a more direct nexus to Mr. Epstein and his offense by designating Mr. Epstein as a Level 1 under SORA.

We are happy to meet again or schedule a call should you require additional information or wish to discuss this matter further. In any event, we look forward to speaking with you about this matter and your position on the SORA hearing in advance of our scheduled court date on November 9th.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay P. Lefkowitz", written over a horizontal line.

Jay P. Lefkowitz, P.C.

Sandra Lynn Musumeci

JPL/slm

Attachments

EXHIBIT A

IN RE: JEFFREY EPSTEIN

VIDEOTAPED INTERVIEW OF [REDACTED]

Sandy Rossi
Notary Public, State of Florida
Conzor and Associates
Phone - [REDACTED]

J. Consor & Associates Reporting & Transcription
561.682.0905

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3

5 Q Okay. I forgot my stuff was already here
6 Ashley, right?

7 A Yes.

8 Q You have any identification with you?

9 A In my car.

10 Q In your car?

11 A Yeah.

12 Q Okay. What's your middle name?

13 A [REDACTED]

14 Q [REDACTED] And your date of birth?

15 A [REDACTED]

15 Q Okay. Why don't you start from the beginning and
16 I'll ask you questions along the way.

17 A Okay. About a year ago --

18 Q Uh-huh.

19 A -- a friend of mine told me about Jeffrey. She

20 said [REDACTED] like she was helping him find girls.

14 Q Okay. This all happened the first time you went
15 or how many times have you gone?

16 A I've been -- I went the first time and then I
17 didn't go again for about two months or so. And then it was
18 about once a month after that for a little while. But I
19 haven't talked to them -- I don't know when I talked to them
20 last actually. The last time I talked to the girl, one of
21 the girls that stay at the house, they were out of town. I
22 don't know where they were. And I haven't heard from them
23 since.

2 (Pages 2 to 5)

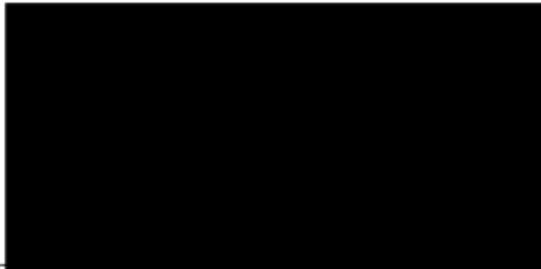
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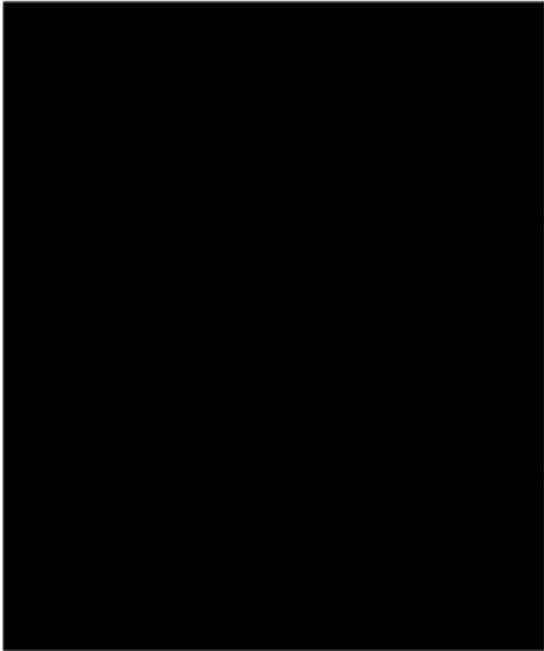
13 Q Okay. So in total how many times have you gone to
14 the house?



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3 (Pages 6 to 9)

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25 A Her name is -- my mind went completely blank. I

1 can't remember her name. I know she's from Czechoslovakia
2 Q Okay.
3 A But I cannot remember her name.
4 Q What happened during that time?
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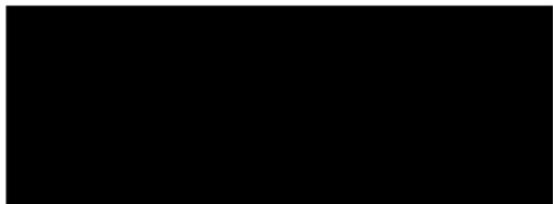
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4 (Pages 10 to 13)

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b (Pages 14 to 17)

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EXHIBIT B

1 IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
2 IN AND FOR PALM BEACH COUNTY, FLORIDA
3 CASE NO. [REDACTED] AB

4 [REDACTED]
5 Plaintiff,

6 -vs- VOLUME III OF IV
7 JEFFREY EPSTEIN
8 AND [REDACTED]

9 Defendants.
10 _____

11 DEPOSITION OF
12 DETECTIVE [REDACTED]

13
14 Tuesday, April 27, 2010
15 10:03 - 5:23 p.m.
16 505 South Flagler Drive
17 Suite 1100
18 West Palm Beach, Florida 33401

19
20
21
22 Reported By:
23 Jeana Ricciuti, RPR, FPR, CLR
24 Notary Public, State of Florida
25 Prose Court Reporting
Job No.: 1509

2 (Pages 320 to 323)

(561) 832-7500 PROSE COURT REPORTING AGENCY, INC. (561) 832-7506

Electronically signed by Jeana Ricciuti (601-280-428-9381)
Electronically signed by Jeana Ricciuti (601-280-428-9381)

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4 Q. Let me see if I can find this for you. At the
 5 bottom of page 10 of that affidavit, on September 11,
 6 2005, WPAH, DOB, [REDACTED] was arrested by the Palm
 7 Beach Police Department. That's the same [REDACTED]
 8 that we're talking about, correct? It's the very last
 9 line. I'm only pointing out the date of birth.

10 A. Yes.

11 Q. So she was [REDACTED] as of December [REDACTED],
 12 correct?

13 A. What page was that, I'm sorry?

14 Q. This is the bottom of page 10.

15 A. She would have been [REDACTED] yes, in [REDACTED]

16 Q. And she didn't give you a date on this one.

17 A. [REDACTED]

18 Q. [REDACTED]. And when you interviewed Ms. Jane Doe
 19 [REDACTED] on October 10th and October 11th, and she told you
 20 about this one event where there was momentary
 21 [REDACTED]

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A. I can't recall if she did or she didn't.

Q. If she gave you a date, it would be in the

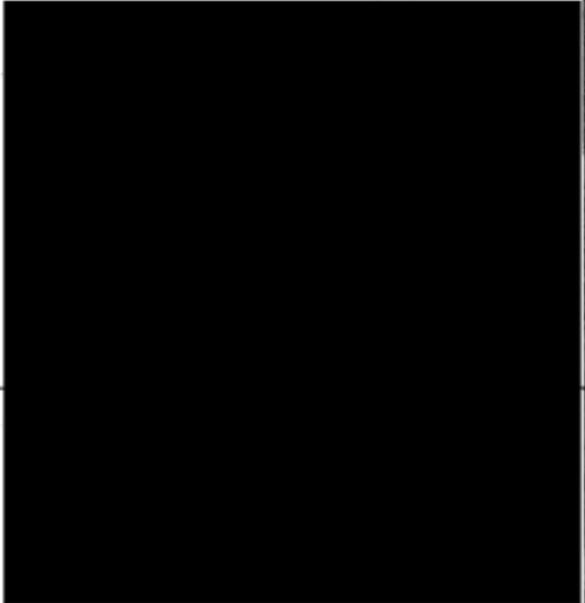
1 report --
 2 A. Yes, sir.
 3 Q. -- and if she didn't, either she didn't
 4 remember or she wasn't asked; is that right?
 5 MS. ARBOUR: Form.
 6 THE WITNESS: No, I know that I would have
 7 asked her.
 8 BY MR. WEINBERG:
 9 Q. So if we don't have a date in the report as to
 10 how long before October 10 and 11, 2005 that single
 11 event occurred, then she didn't remember; is that right?
 12 MS. ARBOUR: Form.
 13 THE WITNESS: Can you ask that question one
 14 more time?
 15 BY MR. WEINBERG:
 16 Q. Sure. If there's no date for that --
 17 A. Then she did not recall that specific date.
 18 Q. And therefore, since she was seeing
 19 Mr. Epstein, according to what she told you, over some
 20 extensive period of time, it could have occurred while
 21 she was -- before [REDACTED] or it could have
 22 occurred after [REDACTED] we just have no way of
 23 knowing?
 24 A. It would have been before because one of the
 25 last times that she met with him was when she provided

1 about [REDACTED]
 2 [REDACTED]
 3 A. I'm trying to recall, because I do remember
 4 her stating that she was going less and less. I'm
 5 trying to recall, because I know she was going less and
 6 less to his residence.
 7 Q. Do you recall writing in this probable cause
 8 affidavit that events -- that Jane Doe [REDACTED] advised you
 9 that her relationship continued to escalate during the
 10 period she saw Mr. Epstein?
 11 A. From the beginning, yes.
 12 [REDACTED]
 13 [REDACTED]
 14 [REDACTED]
 15 [REDACTED]
 16 [REDACTED]
 17 [REDACTED]
 18 [REDACTED]
 19 Q. And it's fair to say that some subset of those
 20 couple of years occurred after she turned 18, and a
 21 significant part of it was before she turned 18,
 22 correct?
 23 A. The significant part, I would say --
 24 [REDACTED]
 25 [REDACTED]

1 [REDACTED]
 2 [REDACTED]
 3 Q. And when was that; a high school transcript?
 4 The high school year ends in the spring?
 5 A. It would have been, yes.
 6 Q. And not in December?
 7 A. Correct.
 8 Q. And so if she [REDACTED] that
 9 would have been in the middle of her senior year in high
 10 school?
 11 A. Correct.
 12 Q. And therefore, she continued to see
 13 Mr. Epstein after she was 18 and up to the period
 14 immediately before her graduation in the spring of 2005,
 15 correct?
 16 Let me date it another way. She was a
 17 freshman at college when [REDACTED]
 18 [REDACTED]
 19 A. Correct.
 20 Q. Therefore, she was a senior in high school up
 21 [REDACTED]
 22 A. Correct.
 23 [REDACTED]
 24 [REDACTED]
 25 [REDACTED]

1 of it when she was 18 [REDACTED]
 2 [REDACTED] and part of it was before she was 18,
 3 correct?
 4 A. I would assume so.
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
 9 A. Correct.

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1 Q. You were a participant in the investigation
 2 burglary when Mr. Epstein was the victim, correct?
 3 A. Correct.
 4 Q. As part of your assistance, you brought
 5 certain cameras into Mr. Epstein's home; is that
 6 correct?
 7 A. Correct.
 8 Q. And do you recall that Mr. Epstein shared with
 9 you that he, himself, attempting to identify who was
 10 stealing money from him, had gone out and for the
 11 purpose of making that identification, had purchased
 12 certain cameras himself?
 13 A. I believe so, yes.
 14 Q. And that he installed them so that the camera
 15 was poking out of a camera on the first floor of his
 16 residence, directed towards his desk area where he left
 17 a bag that commonly had United States currency, correct?
 18 A. I wasn't sure if it was the bag or the drawer,
 19 but it was focused on the desk area.
 20 Q. Camera, first floor directed to the desk area?
 21 A. Yes. It was a bookshelf behind. It was like
 22 an L bookshelf.
 23 Q. And that you came in and supplemented those
 24 cameras to try to help Mr. Epstein identify this thief,
 25 correct?

27 (Pages 420 to 423)

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1 A. Correct.

2 Q. And you, thereafter, took out your cameras
3 when the thief was identified by Mr. Epstein, correct?

4 A. Correct.

5 Q. And the thief was identified through
6 photographs of this desk area on the first floor of
7 Mr. Epstein's residence, correct?

8 A. I believe so, yes.

9 Q. And you never saw a camera in the massage room
10 on the second floor of Mr. Epstein's residence during
11 this 2003 period, correct?

12 A. I never went upstairs.

13 Q. None of the girls said that the massages was a
14 videoed or a photographed event, did they?

15 A. One of the girls recalled having their
16 photograph taken while in a tub.

17 But no, I never went upstairs during that
18 investigation, so I don't know if there was any covert
19 cameras up there, so...

20 Q. You don't know that there was one, correct?

21 A. Correct.

22 Q. And the only covert camera you knew of was the
23 one that Mr. Epstein disclosed to you, correct?

24 A. Correct.

25 Q. And he disclosed it to you in saying he

1 purchased it, correct?

2 A. Yes.

3 Q. And he purchased it from a spy store, a store
4 that sold such covert cameras, correct?

5 A. Yes.

6 Q. And he told you, you as a law enforcement
7 officer, that he had done so for a specific purpose,
8 correct?

9 A. It was for that case, yes.

10 Q. Right. To identify someone who was
11 responsible for the theft of currency from the desk area
12 on the first floor?

13 A. I believe it was currency and a gun, if I'm
14 not mistaken.

15 Q. And he never told you he had ever, on any
16 other occasion, purchased a covert camera, correct?

17 A. Not that I'm aware of, no.

8 Q. Do you recall that trash pulls were occurring
9 during this March and April of 2005 period?

10 A. I did read that, yes.

11 Q. Do you recall that within the trash pulls,
12 there was some references to a belief amongst the
13 officers that there were sex utensils or sex objects
14 that were being identified and pulled out of the trash?

15 A. Yes.

16 MS. ARBOUR: Form.

17 THE WITNESS: I recall the incident, the thing
18 you're talking about, which was later turned out to
19 be a handle of a -- utensils.

20 BY MR. WEINBERG:

21 Q. Of an eating utensil?

22 A. Yeah.

23 Q. And do you recall within the incident report
24 there was a reference to this so-called object as one
25 that was consistent with use of anal sex?

1 A. Yes. They thought originally it was an anal
2 wand.

3 (Mr. Garcia entered the room.)

4 BY MR. WEINBERG:

5 Q. And do you recall that, even after your search
6 on October 20, 2005, wherein you saw lots of similar
7 utensils in the kitchen that clearly were designed for
8 eating; that there was no amendment to the incident
9 report that reflected the discoveries of October 20 in
10 that the believed sex toys were, in fact, kitchen
11 utensils?

12 MS. ARBOUR: Form.

13 (Ms. Finnigan exits the proceedings.)

14 BY MR. WEINBERG:

15 Q. That was a terribly-worded question.

16 A. I was just going to say.

17 Q. Let me reword it.

18 The incident report contained the beliefs of
19 the officers, that what they were picking out of the
20 garbage were sexual mechanisms that --

21 A. Right, they thought they were anal wands.

22 Q. -- they thought were anal wands.

23 A. Right.

24 Q. That on October 20th, when you went to
25 Mr. Epstein's residence, you realized as a professional

1 law enforcement officer that that conclusion was
2 mistaken.

3 A. Correct.

4 Q. That these objects taken out of the garbage
5 were, in fact, parts of eating utensils, correct?

6 A. Correct.

7 Q. Was there ever an amendment to the incident
8 report that reflected the knowledge that what had
9 previously believed to have been a sex utensil was, in
10 fact, an eating utensil?

11 MS. ARBOUR: Form.

12 THE WITNESS: It might have been referenced in
13 the report. I'm not 100 percent certain on that.

14 BY MR. WEINBERG:

15 Q. If it wasn't in the report, then there wasn't
16 an amendment to the report, fair to say?

17 MS. ARBOUR: Form.

18 THE WITNESS: Fair to say.

21 Q. Which Assistant State attorney do you recall
22 talking to?

23 A. Lanna Belohlavek.

24 Q. Do you recall any conversation with
25 Ms. Belohlavek wherein you discussed whether or not your

1 witnesses were or were not victims?

2 MS. ARBOUR: Form.

3 THE WITNESS: I recall her picking and
4 choosing who she wanted to refer to as a victim.
5 Most of my conversations with her I know were
6 documented in the report.

7 BY MR. WEINBERG:

8 Q. Do you recall words to the effect that you
9 were frustrated with her because one of her opinions
10 were that there was no victims in this case?

11 MS. ARBOUR: Form.

12 THE WITNESS: I did recall that conversation,
13 yes.

1 IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
2 IN AND FOR PALM BEACH COUNTY, FLORIDA
3 CASE No. [REDACTED] AB

4 [REDACTED]
5 Plaintiff,

6 -vs- VOLUME IV OF IV
7 JEFFREY EPSTEIN
8 AND [REDACTED]

9 Defendants.
10 _____/

11 DEPOSITION OF
12 DETECTIVE [REDACTED]

13
14 Friday, March 19, 2010
15 10:03 - 5:23 p.m.
16 505 South Flagler Drive
17 Suite 1100
18 West Palm Beach, Florida 33401

19
20
21
22 Reported By:
23 Jeana Ricciuti, RPR, FPR, CLR
24 Notary Public, State of Florida
25 Prose Court Reporting

2 (Pages 500 to 503)

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18 Q. Lanna was an experienced State attorney,
19 correct?

20 MS. ARBOUR: Form.

21 THE WITNESS: I know she had been there for
22 some time.

23 BY MR. WEINBERG:

24 Q. And you knew she had been a prosecutor for sex
25 offense cases for some time, correct?

1 A. She did a lot of crimes against children.

2 Q. And she, on other occasions, advocated
3 prosecution of people on felony charges, correct?

4 A. I hadn't had many dealings with her so I don't
5 know. You know, I knew of her. She was actually at the
6 office, State Attorney's office, when I was employed
7 there many years ago.

8 Q. And that was how many years ago?

9 A. I've been with Palm Beach almost 19 years.

10 Q. So we're talking about at least 20 years ago?

11 A. Yeah.

12 Q. And she had been there, to your knowledge,
13 continuously from the time that you knew she was there
14 20 years ago?

15 A. Yeah.

16 Q. And you knew her specialty to be charging
17 people that were -- for offenses that dealt with
18 violations of underaged people, correct?

19 MS. ARBOUR: Form.

20 THE WITNESS: I believe so. I believe so.
21 Like I said, I didn't have many dealings with her.

3 (Pages 504 to 507)