

To be Argued By:
JAY P. LEFKOWITZ

New York County Clerk's Index No. 30129/2010

New York Supreme Court

APPELLATE DIVISION—FIRST DEPARTMENT

PEOPLE OF THE STATE OF NEW YORK,

Respondent,

—against—

JEFFREY E. EPSTEIN,

Defendant-Appellant.

BRIEF FOR DEFENDANT-APPELLANT

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SUPREME COURT FOR THE STATE OF NEW YORK
COUNTY OF NEW YORK

PEOPLE OF THE STATE OF NEW YORK,

Plaintiff-Respondent,

- against -

JEFFREY E. EPSTEIN,

Defendant-Appellant.

Index No.: 30129-2010

PRE-ARGUMENT STATEMENT

1. TITLE OF ACTION: As set forth in caption.
2. FULL NAMES OF ORIGINAL PARTIES AND ANY CHANGE IN THE PARTIES:
As set forth in caption. There has been no change in the parties.
3. NAME, ADDRESS, AND TELEPHONE NUMBER OF COUNSEL FOR APPELLANT OR PETITIONER:

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4. NAME, ADDRESS, AND TELEPHONE NUMBER OF COUNSEL FOR RESPONDENT:

Cyrus R. Vance, Jr.
NEW YORK DISTRICT ATTORNEY'S OFFICE
One Hogan Place
New York, NY 10013
Telephone: (212) 335-9000

5. COURT AND COUNTY, OR ADMINISTRATIVE BODY, FROM WHICH APPEAL IS TAKEN: New York Supreme Court (Criminal Term), New York County.
6. THE NATURE AND OBJECT OF THE CAUSE OF ACTION OR SPECIAL PROCEEDING: Sex Offender Registration Act (SORA) hearing, pursuant to Article 6-C of the Correction Law.
7. RESULT REACHED IN THE COURT OF ADMINISTRATIVE BODY BELOW: Supreme Court, New York County, adjudged appellant Jeffrey E. Epstein to be a Level 3 sexual offender, without additional designation.
8. GROUNDS FOR SEEKING REVERSAL, ANNULMENT, OR MODIFICATION: The Court's designation of appellant Jeffrey E. Epstein as a Level 3 sexual offender was an abuse of

discretion and constituted reversible legal error based, in part, on the following: (1) the Court improperly relied on untrustworthy double and triple hearsay contained in the recommendation of the Board of Examiners of Sex Offenders, even though the District Attorney, as the party appearing on behalf of the State, rejected much of the Board's recommendation as not constituting clear and convincing evidence to support a Level 3 designation where such hearsay allegations were rejected as a basis for state prosecution; (2) the Court failed to provide the parties with an opportunity to present evidence on contested issues, as required by statute, and instead relied wholesale upon the recommendation of the Board, over the objection of the District Attorney, without any inquiry; (3) the Court did not apply the guidelines established by the Board, as required by statute; and (4) the Court failed to set forth the findings of fact and conclusions of law on which its determinations in support of a Level 3 designation were based, as required by statute.

9. THERE IS NO RELATED ACTION OR PROCEEDING NOW PENDING IN ANY COURT OF THIS OR ANY OTHER JURISDICTION.

10. THERE IS NO ADDITIONAL APPEAL PENDING IN THIS ACTION.

Dated: February 9, 2011



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