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EMAIL ADDRESSES:



NIGHT EMERGENCY:



July 28, 2010

Michelle Harrington  
New York State Division of Criminal Justice Services  
4 Tower Place  
Albany, NY 12203

**RE: Jeffrey E Epstein: New York State and SORNA registration notification**

Dear Ms. Harrington:

Jeffrey Epstein, d/o/b January 20, 1953, when in New York, resides at 9 E 71<sup>st</sup> Street, New York, New York 10021. In June of 2008 he plead guilty to two criminal charges brought by the State Attorney for Palm Beach County, one of which required him to register as a sex offender in the State of Florida. Accordingly, he is registered as a sex offender in the State of Florida. Because his primary residence is in the Virgin Islands, he has also registered as a sex offender in that jurisdiction.

Mr. Epstein's State of Florida offenses were solicitation of prostitution, between August 1, 2004 and October 31, 2005 in violation of Florida Statute 796.07(1)(Indictment 06-9454CF) and Procuring a Person Under 18 for Prostitution in violation of Florida Statute 796.03 (Information No 08CF9381). Only the latter required, as a matter of Florida state law, sex offender registration. It was based on conduct occurring between August 1, 2004 and October 9, 2005 with a person, A.D. who turned 18 on October 10, 2005 (*i.e.*, the conduct as alleged occurred when A.D. was between 16 years 9+ months and 17 years 364 days old).

Mr. Epstein entered his plea on June 30, 2008. His sentence, which consisted of a period of incarceration and a consecutive period of community control, concluded on July 21, 2010. Mr. Epstein, even before concluding his Florida sentence, filled out and presented the registration forms to Detective Rodriguez at the Sex Offender Monitoring Unit of the New York Police Department at 314 West 40<sup>th</sup> Street in New York City (SOMU) on May 20, 2010 because of his New York City home, his Florida conviction, and the standards for "residence" contained in the SORNA guidelines for sex offender registration.

On July 19, 2010, prior to Mr. Epstein's concluding his sentence and prior to his leaving the State of Florida, my colleague, Kimberly Homan Esq, spoke briefly with you regarding Mr. Epstein, and ascertained that the State of New York has not yet adopted the Adam Walsh Act SORNA guidelines, including, specifically, the guideline imposing certain notification responsibilities on a registered offender when his travel, away from his primary residence exceeds 7 days. Upon arriving in New York for a short stay, Mr. Epstein, accompanied by attorney Darren K. Indyke, met with Sergeant Andrea Herzberg and P.O. Williams at SOMU on July 22, 2010 in the morning. Mr. Epstein was informed by Sergeant Herzberg during that meeting that Mr. Epstein was not, in her opinion, obligated to report to the New York SOMU each time he traveled for more than 7 days, as he already was reporting his travels to the registration office in the jurisdiction of his primary residence (*i.e.* the Virgin Islands), but was required to report any relocation of residence if that should occur. Mr. Epstein was also informed at that meeting that the Division of Criminal Justice Services in Albany had Mr. Epstein in its system, and that it had requested that his counsel advise the Division regarding how frequently Mr. Epstein intended to be at his New York City home more than ten days at a time. As a result, Mr. Epstein requested that I communicate in writing with you to determine whether his part-time residence and intention to stay in New York for periods not to exceed 10 days at a time require registration under the state Sex Offender Registration Act. It is Mr. Epstein's intention to be in New York for no more that ten days at a time in the coming year (July 27, 2010-July 26, 2011). If Mr. Epstein is determined by you to not meet the criteria for state registration under the present circumstances, Mr. Epstein would nevertheless maintain a detailed log of each day he was in New York and if on any occasion while in New York the days exceeded 10 he would immediately present himself for registration.

Independent of the decision whether he qualifies for state registration, Mr. Epstein is cognizant of the separate obligations to register under SORNA. He would therefore request that the State of New York maintain his current registration so that he would be registered in New York (even if not required as a matter of state law) in such a manner that he would be in full compliance with his federal obligations.

Finally, we would request that you confirm what Mr. Epstein understood to be Sergeant Herzberg's view that New York State does not currently require that he provide any notification for travel, including travel that exceeds 7 days. Mr. Epstein does understand that he is required to notify the State of New York, as instructed, of any change of internet account and of any change of name, employment, or residence (including notification if he remains at his part-time residence for more than 10 days on any single occasion). If New York does in fact require any form of 7-day travel notification, we would ask that it be by email.

Yours truly,



Martin G. Weinberg