

"Sweetheart deal!" So goes the attack on the resolution of the more than a decade ago federal investigation involving our client Jeffrey Epstein. The attack is profoundly misplaced, supported neither by the law nor the facts. Moreover, it is inaccurately leveled at President Trump's current Secretary of Labor, Alex Acosta, who was then the United States Attorney in south Florida. In actuality, the disposition of a federal criminal case against Jeffrey in the form of a Non-Prosecution Agreement ("NPA") was negotiated on both sides at arms-length between several prosecutors in the United States Attorney's Office for the Southern District of Florida, the largest and one of the most respected of the nation's prosecutorial arms of the Department of Justice, and a group of equally well-respected criminal defense attorneys with impeccable reputations for integrity and professionalism.

Although the pundits and critics would have the public believe that Secretary Acosta was solely responsible for the resolution of Jeffrey's case, as confirmed in a recent Miami Herald op ed piece by Jeffrey Sloman, then Alex Acosta's second in command in the Southern District and actively involved in the case, the truth is that decision-making within the DOJ was widely shared by a number of respected and experienced career federal prosecutors. Numerous federal prosecutors knew about, participated in, and approved the negotiated resolution. Moreover, because of the unprecedented nature of a federal prosecution of the state offenses alleged against Jeffrey and the unusual and onerous conditions imposed in the NPA by the U.S. Attorney's Office, Jeffrey sought DOJ review of the NPA by the Criminal Division as well as the Office of the Deputy Attorney General. Far from some secretly negotiated sweetheart deal, the federal resolution of Jeffrey's case received more scrutiny at multiple levels of the DOJ than virtually any case involving an individual of which we are aware. The implication that any one of the highly accomplished attorneys on either side of this case would sacrifice a lifetime of superlative professional work to participate in base unethical behavior in order to curry favor with a single wealthy man accused of sexual misconduct is preposterous. It reflects a fundamental misunderstanding of the federal statutory and constitutional laws and existing Department of Justice policies at issue when the NPA was negotiated, as well as what actually transpired during those negotiations.

Equally as inaccurate is the continued irresponsible mischaracterization of Mr. Epstein's case as a trafficking case. The true facts of Mr. Epstein's case bear no resemblance to that distorted and exaggerated narrative. Despite repeated suggestions to the contrary in the media, the allegations against Mr. Epstein did not involve sex trafficking. Mr. Epstein, a successful self-made businessman with no prior criminal history, engaged in conduct that was thoroughly investigated during a fifteen-month period by the Palm Beach State Attorney's Office. No one turned a blind eye to potential offenses to the public order. To the contrary, the evidence assembled during that intensive investigation was carefully reviewed and evaluated by an experienced sex crimes prosecutor, the Chief of Palm Beach County's sex crimes division, who presented that evidence to a state Grand Jury. There was simply no evidence to support any of the current claims of sex trafficking and there were no such findings by the state Grand Jury, which issued a single count indictment for solicitation of prostitution.

Nor in Mr. Epstein's case were there any of the allegations typical to sex trafficking offenses. There were no allegations that coercion, violence, alcohol, drugs or the like were involved in Mr. Epstein's case. And although the women who interacted with Mr. Epstein included persons under the age of 18, Mr. Epstein was not targeting minors, and, in fact, many were adults. The actual ages of the women involved have been inaccurately described by Plaintiffs' lawyers and unquestioningly accepted by the media without proper journalistic objectivity. Their ages have been misrepresented by photographs taken at times that do not comport with the relevant timeframes of the events in this case. Photos taken years before some of these women even met Mr. Epstein have been irresponsibly published by the media, along with uncorroborated stories of sex parties that Mr. Epstein never hosted. In fact, those who know Mr. Epstein can confirm that he rarely hosted any parties at all. And the story that seems to have gained so much traction about President Clinton visiting Mr. Epstein's Island was a total fabrication.

All of that being said, Mr. Epstein's conduct was wrong and the resolution of his case after months of negotiations by well-respected attorneys on both sides was a balanced resolution that weighed the seriousness of the allegations against Mr. Epstein. However, it also properly considered the significant evidentiary challenges that prosecutors faced in this case, including sworn testimony from many that they lied about being eighteen years old to be allowed into Mr. Epstein's home. And perhaps most importantly, it reflected a realistic assessment of the significant problem that a federal prosecution of Mr. Epstein would have required novel and untested applications of federal law to what would typically be considered a quintessentially local criminal matter in south Florida.

The conduct alleged involved a classic state offense and was treated exactly that way by able and honest prosecutors in Palm Beach County. Nevertheless, without any request from or consultation with those prosecutors, the federal government intervened. The United States Attorney's Office extensively and aggressively investigated whether Mr. Epstein had engaged in a commercial human trafficking ring, targeted minors, or used the internet or traveled interstate in the process. But that's not what this was, that's not what really happened and that is precisely

why the federal authorities' ultimate decision to defer prosecution to the state was the right one. There was not one scintilla of proof that Mr. Epstein had given young women to his friends. Not one.

Despite the substantial issues that the government faced if it chose to prosecute Mr. Epstein, the federal prosecutors insisted on various unorthodox requirements that Mr. Epstein's experienced defense team had never seen imposed on any defendant anywhere. Under the federally-forced deal, Mr. Epstein was required to request that the state prosecutors demand the imposition of a thirty-month sentence that included both jail time and the strictest condition of probation: lifetime sex-offender registration. Those draconian measures were far more than warranted by the state grand jury's indictment and would not have otherwise been required under the previously agreed-upon state disposition. As part of this highly unusual deal, the government required Jeffrey to pay for a highly experienced group of attorneys to bring claims against him on behalf of a government list of asserted victims. Jeffrey was required to waive the right to challenge those claims without being provided the asserted victim's identities by the government until after he was incarcerated. Now, more than a decade later, without understanding anything about what actually transpired, many are criticizing this deal for not going far enough. Importantly, the government's decision to decline prosecution in deference to the state in exchange for these extraordinary requirements was reviewed and approved at the multiple levels of the U.S. Department of Justice.

Jeffrey took full responsibility and complied with the government's demands. He served his sentence, and in the process was subject to the same conditions concerning his time served and work release as any other state-incarcerated individual. His conduct while in custody was exemplary, and so characterized by the state custodial authorities. Jeffrey has paid his debt to society and strictly abided by the terms of the NPA, paying restitution to asserted victims who collectively received many millions from him.

Our nation faces vitally important challenges, many involving the treatment of women and basic human dignity. Voices are rightly being raised speaking truth to power, especially about women in the workplace. But Jeffrey's offenses of yesteryear, which were entirely outside of the workplace, have long since been redressed by the criminal justice system. He fully and faithfully has performed every promise and obligation required of him by state and federal authorities. In the spirit of the bedrock American belief in second chances and fundamental fairness, that chapter in Jeffrey's otherwise-productive and charitable life should be allowed to close once and for all.