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November 12, 2015

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

New York State Division of
Criminal Justice Services
Sex Offender Registry
80 South Swan Street
Albany, NY 12210

Re: Mr. Jeffrey Epstein - Offender ID 33216

Ladies and Gentlemen:

I am writing to the New York State Division of Criminal Justice Services (the "Division") to respectfully request clarification concerning the New York State sex offender registration requirements for Mr. Jeffrey Epstein, Offender Identification No. 33216, in the event that Mr. Epstein, who is a permanent resident of the United States Virgin Islands, determines to temporarily stay in New York City to undergo spinal surgery at the beginning of 2016 under the conditions described below.

As the Division is aware, in compliance with his obligations both under Federal law and the New York Sex Offender Registration Act ("SORA"), Mr. Epstein initially personally appeared at the Sex Offender Monitoring Unit of the New York City Police Department ("SOMU") in May 2010 to register as a sex offender, has maintained that registration current and has timely completed and returned to the Division Mr. Epstein's Sex Offender Registry Annual Address Verification Form every year through and including 2015. At all times from the end of July 2010 through and including the date of this letter, Mr. Epstein has maintained his permanent residence in the United States Virgin Islands. Although Mr. Epstein does have a vacation home located in New York City, because he has never occupied that vacation home for longer than 9 days at any time since the date that he first appeared at the SOMU and filed his initial sex offender registration, the SOMU has determined, and confirmed to Mr. Epstein by email from Sergeant Andrea Herzberg dated January 28, 2011, that Mr. Epstein's visits to New York for less than 10 days are temporary, and that the SOMU considers Mr. Epstein to be an out of state offender who is not living in New York. Sergeant Herzberg instructed Mr. Epstein to maintain compliance with the travel notification and registration requirements of the jurisdiction of his permanent residence, the United States Virgin Islands, and Mr. Epstein has continuously done so.

This is to confirm that Mr. Epstein has no intention of changing his status as a permanent resident of the United States Virgin Islands. However, as a result of a medical condition, it may become necessary in January 2016 for Mr. Epstein to maintain a temporary stay in New York City for slightly longer than 10 days. Mr. Epstein has been suffering with a lower spine condition and back pain for an extended period of time. He has consulted with his orthopedic surgeon, who is based in New York City, and who has recommended that Mr. Epstein submit to spine surgery in January 2016. The recommended surgery would be performed at _____, located at _____. If Mr. Epstein undergoes this procedure, it would require him to remain in the hospital post operatively for up to two days and then to continue to convalesce for approximately 12 more days before he would be medically cleared to travel. Because Mr. Epstein maintains a vacation home in New York City, it is anticipated that the required convalescence would take place at Mr. Epstein's New York City vacation home. Thus, if all were to go as planned, it might be necessary for Mr. Epstein to remain in New York City for approximately 14 days.

Paragraph 1 of Section 168-k of SORA requires a sex offender to "notify the division of the new address no later than ten calendar days after such sex offender establishes residence in this state." In addition, paragraph 4 of Section 168-f of SORA requires a sex offender to "register with the division no later than ten calendar days after any change of address . . ." In Mr. Epstein's case, he would be in New York solely for the purpose of submitting to surgery. He would have no intention of establishing residence in New York, but would continue to maintain his permanent residence in the United States Virgin Islands. Mr. Epstein would be occupying his vacation home in New York City only for so long as would be necessary for him to recover from his surgery, and he would leave New York as soon as his physician medically cleared him to do so. Moreover, the address of Mr. Epstein's New York City vacation home has already been reported to, and verified year after year, to the SOMU, so there would be no change of address to report. However, if all were to go as planned, as a result of the post operative requirements of this surgical procedure, Mr. Epstein's temporary stay in New York City would extend beyond the 10-day period referenced in Sections 168-f and 168-k of SORA.

In communications between myself on behalf Mr. Epstein and the SOMU in January 2011, Sergeant Herzberg indicated that a stay of 10 days or more at Mr. Epstein's vacation home would trigger his requirement to report his change of address to the SOMU. However, neither I nor Sergeant Herzberg contemplated a temporary stay extending to 10 days or more solely as a result of post-operative spinal surgery medical requirements. Moreover, the number of anticipated excess days occasioned by the surgery would seem to be so minimal as not to justify imposing physical burdens on Mr. Epstein, who will be recovering from spinal surgery, as well as administrative burdens on the SOMU, to require Mr. Epstein to appear personally at the SOMU to temporarily change Mr. Epstein's **permanent** address from the United States Virgin Islands to New York when his stay lasts 10 days and then to change it back again only a few days later to the United States Virgin Islands once he is medically cleared to leave New York. It would seem unreasonable to interpret SORA to require a post-operative out-of-state surgical patient of a New York City hospital convalescing in New York for an extremely limited period of time to undergo physical burdens of appearing to change such registration information when both his permanent residence address and the address of his vacation home are already on file with the SOMU, and he has no intention whatsoever of changing his permanent residence. It is also important to note that if Mr. Epstein does travel to New York to undergo spinal surgery as described above, he will timely provide notice of his temporary stay in New York to the

jurisdiction of his permanent residence, the United States Virgin Islands, in accordance with the requirements of that jurisdiction.

For the foregoing reasons, we would respectfully request your confirmation that if Mr. Epstein were to undergo spine surgery in January 2016 under the circumstances described above, provided that Mr. Epstein timely complied with the travel notification and registration requirements of the United States Virgin Islands, Mr. Epstein would continue to be classified by the State of New York as an out of state offender, and would not be required under SORA to report a change of residence or address to the SOMU, .

If you require any further information in order to provide the requested confirmation, please feel free to contact the undersigned. Thank you for your consideration.

Respectfully,

Darren Indyke