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Attorneys want Jeffrey Epstein agreement thrown out

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By **MICHELE DARGAN**
DAILY NEWS STAFF WRITER

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Court papers filed Monday say the U.S. Attorney's Office violated the Crime Victims' Rights Act by signing a nonprosecution agreement with sex offender Jeffrey Epstein without notifying his victims.

Attorneys Brad Edwards and Paul Cassell, representing Jane Doe #1 and Jane Doe #2, want a court hearing, where they will ask that the agreement be invalidated because, they say, the victims' rights were violated. If that happens, it could open up the 58-year-old Palm Beach billionaire to a slew of federal charges involving sex crimes with minors that were set aside by the agreement.

The motion, filed Monday in federal court in West Palm Beach, accuses the U.S. Attorney's Office of deliberately misleading the victims by telling them the investigation was ongoing, while concealing they had already signed a deal with Epstein.

According to the motion, the U.S. Attorney's Office sent "false notification" letters in January 2008 and May 2008 to the victims saying "(t)his case is currently under investigation" after the government had signed the agreement with Epstein in September 2007.

"The only reason that the (U.S. Attorney's Office) concealed the existence of the non-prosecution agreement from the victims was not to comply with some legal restriction, but rather to avoid a firestorm of public controversy that would have erupted if the sweetheart plea deal with a politically connected billionaire had been revealed," the motion says.

If Epstein were found guilty on federal charges, statutory penalties ranged from 10 years to life.

Instead, the sealed pact was part and parcel of Epstein's acceptance of a state plea deal, where he received an 18-month sentence for soliciting a minor for prostitution and soliciting prostitution. He served 13 months segregated in a vacant wing of the county stockade and was let out on work release six days a week for up to 16 hours a day.

Edwards and other attorneys fought in court for a year before successfully getting the agreement unsealed in September 2009. More than 30 minor girls were identified as Epstein's victims in the pact.

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Doe 1 and 2, who were 14 and 13, respectively, at the time of the incidents, received monetary settlements in civil cases. They are among more than two-dozen underage girls who filed lawsuits or settled claims against Epstein, alleging they were lured to his Palm Beach mansion to give him sexually charged massages and/or sex in exchange for money.

The motion filed Monday says the agreement is illegal because the government did not protect the "Congressionally mandated rights of victims before it entered this agreement."

Alicia Valle, special counsel for the U.S. Attorney's Office Southern District of Florida, said in an e-mail that the U.S. Attorney's Office will respond in court filings.

"However, as we stated more than two years ago in July 2008 in our response to the plaintiffs' then-emergency petition for enforcement of the Crime Victim Rights Act, the CVRA was not violated because no federal charges were ever filed in the Southern District of Florida," Valle said. "Because the matter remains pending in court, it would be inappropriate at this time to provide additional comment on the merits of the current motion."

The attorneys reference e-mails and letters from the federal office to Epstein's lawyers acknowledging the government's legal obligation to inform victims about the pact. The e-mails are redacted in the motion because they are under seal. The attorneys filed a separate motion Monday to unseal the correspondence.

"The reasonable inference from the evidence is that the U.S. Attorney's Office wanted to keep the agreement a secret to avoid intense criticism that would surely ensued had the victims and the public learned that a billionaire sex offender with political connections had arranged to avoid federal prosecution for numerous felony sex offenses against minor girls," the motion says. "As part of this pattern of deception, the U.S. Attorney's Office discussed victim notification with the defendant sex offender and, after he raised objections, stopped making notifications."

Epstein sought "a higher level of review" within the Department of Justice, the motion says. "A reasonable inference from the evidence is that Epstein used his significant political and social connections to lobby the Justice Department to avoid significant federal prosecution," the motion states.

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