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**HEADLINE:** EPSTEIN PLEA DEAL TO REMAIN SEALED FOR NOW

**BYLINE:** DAVID ROGERS, DAVID ROGERS, Daily News Staff Writer

**BODY:**

The plea deal that part-time Palm Beacher Jeffrey Epstein agreed to several months ago to avoid federal charges will remain sealed for the time being.

Lawyers for The Palm Beach Post and a woman who claimed Epstein solicited and procured her for sex at his El Brillo Way home while she was underage asked Palm Beach County Circuit Judge Jeffrey Colbath Wednesday morning to unseal the plea documents immediately.

Instead, Colbath decided to leave the documents sealed and give Jack Goldberger, the attorney representing Epstein, until 1 p.m. Friday to file papers showing why the records should remain out of public view.

Colbath agreed to let the Post and "E.W." have standing in the case and set a hearing on whether the documents should be unsealed for 1:30 p.m. June 25.

Epstein agreed in September 2007 to plead to state charges to avoid federal prosecution, Goldberger told County Judge Deborah Pucillo at Epstein's plea conference last year.

The sealing of the records in question was said to be a "significant inducement" for Epstein, who is serving 18 months in the Palm Beach County Stockade -- with daytime release -- and is facing several civil lawsuits in state and federal courts by more than a dozen alleged victims.

Colbath said, "I don't see where any of the proper procedures to seal the documents were ever followed ..." but that he would give Epstein's legal team the ability to "jump through the hoops to seal the documents if they are entitled in fact to be sealed."

The sealing of court documents in Florida is unusual and lawyers typically have to prove a significant reason for it, such as protecting trade secrets or a compelling government interest.

Goldberger said after the hearing there is no rush to unseal the plea deal.

"I think the records clearly need to be sealed and continue to be sealed but I think the ruling by Judge Colbath was a very well-reasoned practical decision," Goldberger said. "He is not getting special treatment."

Brad Edwards, of the law firm of Rothstein Rosenfeldt Adler of Fort Lauderdale, said the plea deal should be a public record. His firm represents the woman, now 20, who was identified only as E.W.

Whether procedure was followed is not the issue, he said.

"Certainly it should be unsealed regardless. I mean this is a very unusual circumstance where a document like this would be sealed," Edwards said. "None of the other criminal defendants in there (Judge Colbath's courtroom) had their plea bargains, plea agreements, their non-prosecution agreements, sealed."

Edwards said his firm represents three women who claim they were procured for sex with Epstein when they were underage. The three are outraged that the document is under wraps, Edwards said.

Deanna Shullman, the attorney representing the Post, said the public and the press have a constitutional right of access to public records in Florida.

"Fortunately, the status quo is openness. So I think the judge has the idea that the initial closure was done without any adherence to those procedures but was inclined to give Mr. Epstein's lawyers additional time to prove that they should be sealed in accordance with these procedures," Shullman said.

"It's a little disappointing in that we would have liked to see the judge unseal the record because that's what should be the status quo in a situation like this," Shullman said.

-- drogers

@pbdailynews.com

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