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Local News Greater Palm Beaches and Treasure Coast

Palm Beach sex offender's secret plea deal: Possible co-conspirators not charged, presses victims to settle civil suits

By **SUSAN SPENCER-WENDEL**

Palm Beach Post Staff Writer

Friday, September 18, 2009

WEST PALM BEACH — Billionaire financier sex offender Jeffrey Epstein's secret non-prosecution agreement he struck with federal prosecutors was unsealed Friday, offering the first public look at the deal Epstein's high-powered legal counsel brokered on his behalf.

According to the agreement, the Federal Bureau of Investigation and the U.S. Attorney's Office investigated Epstein for various federal crimes, including prostitution, some punishable by a minimum of 10 years up to life in prison.

But federal prosecutors backed down and agreed to recall grand jury subpoenas, if Epstein pleaded guilty to prostitution-related felonies in state court, which he ultimately did. He received an 18-month jail sentence, of which he served 13.

A former federal prosecutor of 15 years, Mark Johnson of Stuart, said the disparity in the potential sentences was unusual.

The United States Attorney's Office also agreed not to charge any of Epstein's possible co-conspirators [REDACTED] Lesley Groff and [REDACTED].

The agreement was negotiated in part by New York heavyweight criminal defense attorney Gerald Lefcourt.

On its first draft in September 2007, it required that Epstein pay an attorney - tapped by the U.S. Attorney's Office and approved by Epstein - to represent some of the victims in civil suits they had filed against Epstein. That attorney is prominent Miami lawyer Bob Josefsberg.

Former prosecutor Johnson said he has never seen a provision like that before.

But an addendum to the agreement signed the following month struck Epstein's duty to pay Josefsberg if he and the victims did not accept a settlement and instead pursued litigation.

The agreement, signed by Assistant U.S. Attorney [REDACTED] does not expressly state whether any victims were contacted or consulted before the deal was made.

Attorney Brad Edwards of Fort Lauderdale, who represents three of the young women, believes that none of the between 30 and 40 woman identified as victims in the federal investigation were told of the deal. Edwards said his clients were still receiving letters in the mail months afterwards saying the U.S. Attorney's Office assuring them Epstein would be prosecuted.

"Never consulting the victims is probably the most outrageous aspect of it..." Edwards said. "It taught them that someone with money can buy his way out of anything. It's outrageous and embarrassing for United States Attorney's Office and the State Attorneys Office."

Epstein now faces many civil lawsuits filed by the women, who are represented by a variety attorneys. In many, the facts alleged are the same: that Epstein had a predilection for teenage girls, identified poor, vulnerable ones and lured them to his home via other young women. The teens describe ascending a staircase lined with nude photographs of young girls and to the spa room where Epstein would appear in a small towel.

Former Circuit Judge Bill Berger, who represents one of the victims, and The Palm Beach Post sought the unsealing of the agreement. Berger refers to it as a "sweetheart deal."

"Why was it so important for the government to make this deal?" Berger asked rhetorically. "We have not yet had honest explanation by any public official as to why it was made ... and why the victim's were sold down the river."

Former federal prosecutor Ryon McCabe described the agreement as "very unorthodox." Such agreements, he said, are usually reserved for corporations, not individuals.

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"It's very, very rare. I've never seen or heard of the procedure that was set up here." said McCabe, who has no involvement in any Epstein litigation and is now a securities litigation attorney.

"He's essentially avoiding federal prosecution because he can afford to pay that many lawyers to help those victims review their cases.... If a person has no money he couldn't be able to strike a deal like this and avoid federal prosecution."

The back-room deal with federal prosecutors all the more interesting in light of the legal heavyweights who have worked for Epstein, including Harvard professor Alan Dershowitz and Kenneth Starr of Clinton impeachment fame. Lefcourt is a past president of the National Association of Criminal Defense Lawyers.

Epstein's local defense attorney, Jack Goldberger, issued a statement Friday saying he had fought the release of the sealed agreement to protect the third parties named there. "Mr. Epstein has fully abided by all of its terms and conditions. He is looking forward to putting this difficult period in his life behind him. He is continuing his long standing history of science philanthropy..."

Epstein ended up avoiding federal charges, and pleaded guilty in state court to felony solicitation of prostitution and procuring a person under the age of 18 for prostitution. In July 2008, he was sentenced to 18 months in jail, and later allowed out up to six days a week on work release.

Epstein left the jail in late July 2009 after serving not quite 13 months of the sentence, having earned gain time for good behavior.

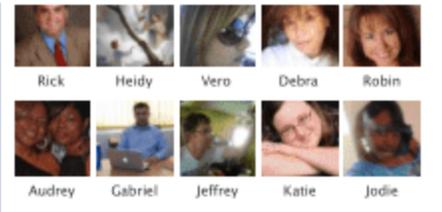
Palm Beach Police began investigating the "international moneymen of mystery," as the New York magazine dubbed him, after they received a complaint from a relative of a 14-year-old girl who had given Epstein a naked massage at his home on the Intracoastal Waterway.

Police sought and found in poor neighborhoods a variety of tall, thin, model-like young women, who told stories of begin recruiting, then going to Epstein's home and massaging and stimulating him. They walked away with between \$200 and \$1,000.

The investigation triggered tensions between police and prosecutors, with then-Chief [redacted] saying in a May 2006 letter to then-State Attorney [redacted] that the chief prosecutor should disqualify himself.

"I continue to find your office's treatment of these cases highly unusual," [redacted] wrote. He then asked for and got the federal investigation that ended in the sealed deal.

"The Jeffrey Epstein matter was an experience of what a many-million-dollar defense can accomplish," [redacted] told the Palm Beach Daily News upon his retirement.



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