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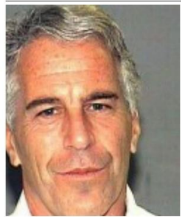
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Attorneys Say Miami Prosecutors Violated Crime Victims' Rights Act

Stephanie Woodrow | March 22, 2011 11:52 am

Two attorneys for two girls who contend they were assaulted by billionaire and convicted sex offender **Jeffrey Epstein** filed court papers on Monday claiming the U.S. Attorney's office violated the Crime Victims' Rights Act by signing a nonprosecution agreement with Epstein without notifying them, the Palm Beach Daily News reported.

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Jeffrey Epstein (gov)

Epstein served 13 months in jail from June 2008 to July 2009 for one state count of soliciting an underage girl for prostitution. As a result, he is required to register as a sex offender. While he wasn't prosecuted for additional charges, more than 40 girls under the age of 18 say they came to his home and gave him massages. During the massages, they say, he masturbated and sexually assaulted them.

Brad Edwards and **Paul Cassell**, attorneys representing two of his alleged victims, say in the filing that the U.S. Attorney's office for the Southern District of Florida deliberately misled the victims by telling them there was an ongoing investigation into their claims. However, they say, the office was concealing the fact that they already had signed a nonprosecution deal with Epstein.

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

The attorneys want a court hearing during which they will ask that the agreement be invalidated because it violated the victims' rights. In the motion, the attorneys claim the agreement is illegal because the government did not protect the constitutionally mandated rights of victims before it entered this agreement.

If the judge grants the request, Epstein could be charged by the U.S. Attorney's office. If he were charged and convicted on all charges, he could be sentenced to 10 years to life for each charge.

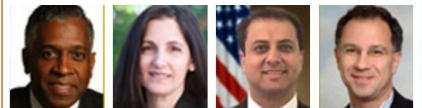
According to the motion, "The only reason that the (U.S. Attorney's office) concealed the existence of the non-prosecution agreement from the victims was not to comply with some legal restriction, but rather to avoid a firestorm of public controversy that would have erupted if the sweetheart plea deal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

John Valle, special counsel for the U.S. Attorney's Office Southern District of Florida, in an email to the newspaper that the 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."

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By **MICHELE DARGAN**

DAILY NEWS STAFF WRITER

Updated: 9:41 a.m. Wednesday, March 23, 2011

Posted: 7:21 p.m. Monday, March 21, 2011

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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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Palm Beach Daily News (FL)

JUDGE RECEIVES EPSTEIN TAPE RULING PENDING

MICHELE DARGAN, Daily News Staff Writer

Published: May 5, 2010

NEW YORK -- A Manhattan federal judge Tuesday took into custody a tape-recorded conversation between veteran newspaper reporter George Rush and convicted sex offender Jeffrey Epstein. But U.S. District Judge Lawrence M. McKenna reserved ruling on whether the recording will be released to attorneys representing young women who were sexually abused by Epstein as minors. McKenna didn't listen to the recording during the hearing. Fort Lauderdale attorney Brad Edwards and Utah attorney and law professor Paul Cassell are fighting to obtain the 22-minute tape on behalf of Epstein victim Jane Doe. She has filed one of a dozen pending civil cases in federal court in West Palm Beach against Epstein. A status check is set for Thursday in those cases before U.S. District Judge Kenneth Marra. Doe could have settled the lawsuit for \$50,000 but is asking for \$50 million in damages, Cassell said Tuesday. "Jane Doe was repeatedly sexually assaulted over a lengthy period of time by this wealthy and powerful man," Cassell said.

Epstein, 57, is currently under house arrest in his Palm Beach home after serving 13 months of an 18-month state sentence for soliciting a minor for prostitution and soliciting prostitution. Nearly two dozen young women have filed lawsuits against the billionaire money manager -- some already settled -- all alleging Epstein sexually abused them as minors at his El Brillo Way home.

Cites reporter's protected privilege

Rush, of the New York Daily News, was present in the courtroom, but did not have to testify Tuesday. Neither did Fort Lauderdale private investigator Michael Fisten, also in the courtroom. Working on behalf of Epstein victims, Fisten discovered the existence of the tape and had a conversation with Rush about its contents.

Representing Rush and the newspaper, Washington attorney Laura Handman and New York Daily News attorney Anne Carroll argued the tape should not be released under any circumstances, citing reporter's protected privilege. Rush told Epstein the conversation was "off the record" and has never published any portion of that conversation. But even if portions had been printed, the unpublished portions would still be protected, Handman said.

Handman cited cases where interviews were conducted in the presence of other people and privilege was not waived.

In addition, Handman argued that Rush should not have to testify in court.

The ability for reporter's privilege to be protected is crucial in culling sources and gathering information for news stories, Handman said. Reporting is all about give and take between the reporter and the source; that's what reporters have to do, Handman said.

"This is so critical to news gathering," Handman said. "Mr. Rush could find himself testifying in [many] cases just because he had the temerity to do some reporting on a very important story."

There is nothing helpful to Doe's case on the tape and "Jane Doe is not referred to once in that tape," Handman said.

Cassell argued that the tape is "critical in showing Epstein's lack of remorse."

Cassell described Epstein as a pitiless sexual abuser to Jane Doe and at least 30 other minor girls. Even though Jane Doe is not referred to by name on the tape, Epstein refers to his victims as "the girls" and makes disparaging remarks about them on the tape, Cassell said.

Tape played for others

Cassell said privilege does not apply because it was waived when Rush played the tape for three people and verbally divulged its contents to two others, including Fisten and Edwards, who also represents two other victims. But even if there is "qualified privilege," Cassell says, it is outweighed by Doe's inability to obtain the information anywhere else and the jury's need to hear Epstein's own words about his lack of remorse.

Since Epstein has exercised his Fifth Amendment right during questioning by victims' attorneys, the jury

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THE INSIDER BLOG

by
Shannon Donnelly



will have no other way to hear Epstein's words in his own voice, Cassell said.
Deadline for discovery in the Doe case is May 31, with the trial set for July 14.
-- mdargan@pbdailynews.com

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Palm Beach Daily News (FL)**LAWYER: EPSTEIN MADE ADMISSIONS ON TAPE**

MICHELE DARGAN, Daily News Staff Writer

Published: April 29, 2010

A tape recorded interview between a reporter and convicted sex offender Jeffrey Epstein contains "damning admissions by Epstein," which includes Epstein saying he had come "close to crossing a line" concerning sex with underage girls.

Those and other revelations about the 22-minute interview by New York Daily News reporter George Rush with Epstein are contained in a 24-page court filing by attorneys Brad Edwards and Paul Cassell on behalf of Jane Doe. Edwards represents Doe and two other Epstein victims. Edwards and Cassell are fighting to obtain the tape to further their case of sexual abuse by Epstein when Doe was a minor.

Epstein, 57, was released from jail in July after serving 13 months of an 18-month state sentence for soliciting a minor for prostitution and soliciting prostitution. Nearly two dozen young women have filed lawsuits against Epstein -- some already settled -- all alleging Epstein sexually abused them as minors at his El Brillo Way home, where he is now serving house arrest.

The New York Daily News is seeking to keep the tape confidential, citing reporter's protected privilege. In response, Cassell says the newspaper waived its protected privilege when Rush played the recording for three people and described its contents to two others, including Edwards.

In addition, Cassell writes that privilege can't be applied in this situation because it doesn't involve an issue related to a confidential source. The person on the tape is Epstein.

Even if there is "qualified privilege," Cassell maintains it is outweighed by Doe's inability to obtain the information anywhere else and her "compelling need to obtain Jeffrey Epstein's own words about his sexual abuse and lack of remorse."

When reached by phone Wednesday, Anne Carroll, attorney for the New York Daily News, said she will answer Cassell in a court filing. Both the New York Daily News and Doe have asked a federal court judge in Manhattan to listen to the tape in chambers to help determine whether privilege applies.

Epstein and others who helped him procure minor girls for massages and sex acts have taken the Fifth Amendment in their depositions, stymieing Doe and the other victims suing Epstein, the documents say.

Michael Fisten, an investigator working for Doe, discovered the existence of the tape in fall 2009. An author who had listened to the tape told Fisten that Rush had a tape recording of Epstein "discussing the sexual abuse of minor girls."

According to a sworn affidavit by Fisten, he called Rush, who confirmed he interviewed Epstein and made a tape. According to Fisten, Rush told him that he compiled negative information from Epstein about his exploits with underage girls and how he eluded the justice system. But Fisten said that Rush told him that his publisher, who knows Epstein, killed it after receiving a call from Epstein.

Fisten said Rush told him, among other things, that the following information was contained on the tape: That Epstein said he went to jail in Florida for no reason and if the sexual abuse of minors had happened in New York, he would have only received a \$200 fine.

That L.M., one of Edwards' clients who sued Epstein for sexual abuse as a minor, came to him as a prostitute and a drug user (meaning she came to him for sex, rather than him pursuing her).

That all the girls suing him are only trying to get a meal ticket.

That the only thing he might have done wrong was to maybe cross the line a little too closely.

In a sworn deposition, Edwards states that Rush disclosed much of the information contained on the tape to him in a conversation.

Edwards said in his statement that the Rush interview is "unique and not otherwise obtainable from other witnesses because it can be used to prove perjury -- a federal crime.

Edwards said Epstein testified in a deposition that he did not recognize the name George Rush from the New York Daily News "despite the fact that he gave a personal interview that we all now know to have been tape recorded."

-- mdargan@pbdailynews.com

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