

2009 CA040800

Electronically Filed 10/02/2013 11:50:15 AM ET

From: Bradley J. Edwards  
To: Michele Dargan  
Subject: Epstein  
Date: Wednesday, July 22, 2009 11:22:00 AM

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Hi Michele,

I am sure you heard that Epstein was released this morning (assuming he wasn't released last week). We are hearing that his probation is being transferred so that he can actually spend his house arrest on his island in the Virgin Islands. Anyway, this is the name of Epstein's probation officer. Duane Williams 561 434 3960. Just passing it on in case you wanted to interrogate him and see if he will tell you something. I will have more news for you soon as there are a lot of things starting to happen now.

**Bradley J. Edwards**  
Partner  
Rothstein Rosenfeldt Adler| Attorneys at Law  
Las Olas City Centre  
401 East Las Olas Boulevard, Suite 1850  
Fort Lauderdale, FL 33301  
(954) 522-3456  
(954) 522-8663 - facsimile  
[bedwards@rra-law.com](mailto:bedwards@rra-law.com)

NOT A CERTIFIED COPY

01479

From: Bradley J. Edwards  
To: sswende@nypost.com  
Subject: Epstein  
Date: Friday, May 22, 2009 12:13:00 PM

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The case in which the Non-prosecution agreement was released to the victims and victim's attorneys is Jane Doe v. United States of America, 08-80736. It was released pursuant to protective order which is why I cannot discuss the contents of the Non-Prosecution agreement.

*Bradley J. Edwards*  
Partner  
Rothstein Rosenfeldt Adler| Attorneys at Law  
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401 East Las Olas Boulevard, Suite 1650  
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(954) 315-7273 - direct line  
(954) 522-8663 - facsimile  
[bedwards@rra-law.com](mailto:bedwards@rra-law.com)

NOT A CERTIFIED COPY

From: Rush, George  
To: Bradley J. Edwards  
Subject: Epstein updates  
Date: Tuesday, October 20, 2009 1:01:25 PM

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REDACTED  
WORK PRODUCT

-----  
This transmission is intended only for the use of the addressee and may contain information that is confidential, privileged and/or exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of the information contained herein is strictly unauthorized and prohibited. If you have received this communication in error, please notify the sender immediately and delete this message. Thank you.  
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This transmission is intended only for the use of the addressee and may contain information that is confidential, privileged and/or exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of the information contained herein is strictly unauthorized and prohibited. If you have received this communication in error, please notify the sender immediately and delete this message. Thank you.  
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**From:** Bradley J. Edwards  
**To:** csarnoff1@verizon.net  
**Subject:** FW: Epstein  
**Date:** Wednesday, August 26, 2009 9:56:00 PM

---

Here it is again. I am waiting for your call.

**Bradley J. Edwards**  
Partner  
Rothstein Rosenfeldt Adler| Attorneys at Law  
Las Olas City Centre  
401 East Las Olas Boulevard, Suite 1650  
Fort Lauderdale, FL 33301  
(954) 522-3456  
(954) 522-8663 - facsimile  
[bedwards@rra-law.com](mailto:bedwards@rra-law.com)

---

**From:** Bradley J. Edwards  
**Sent:** Monday, August 24, 2009 7:39 PM  
**To:** 'csarnoff1@verizon.net'  
**Subject:** Epstein

Conchita,

Sorry it took me a couple days. I actually forgot about it. If the link still does not allow you to open it, then I am also giving you all the information so that you can get it from Pacer. It is Jane Doe 102 v. Epstein, case number 09-80656. Let me know if you need anything else from me and also if you hear of anything that would be helpful. I am still working on some things for you.  
<https://ecf.flsd.uscourts.gov/doc1/05116541941>

Sincerely,

**Bradley J. Edwards**  
Partner  
Rothstein Rosenfeldt Adler| Attorneys at Law  
Las Olas City Centre  
401 East Las Olas Boulevard, Suite 1650  
Fort Lauderdale, FL 33301  
(954) 522-3456  
(954) 522-8663 - facsimile  
[bedwards@rra-law.com](mailto:bedwards@rra-law.com)

From: csarnoff1@verizon.net  
To: Bradley J. Edwards  
Subject: Pw: Please can u email the docs  
Date: Monday, September 07, 2009 6:42:46 PM

---

Second attempt  
Sent via BlackBerry from T-Mobile

-----Original Message-----

From: csarnoff1@verizon.net

Date: Mon, 7 Sep 2009 17:37:44

To: Brad Edwards<bedwards@rra-law.com>

Subject: Re: Please can u email the docs

Oh that's too bad Brad! What can u tell me on the record from those docs now? Can u send an email with info? When will u be able to send them ?

Yes, I need Maritza's criminal file and whatever other on the record file pertaining to epstein's trafficking/prostitution crimes

Many thanks

-----Original Message-----

From: Brad Edwards

To: Conchita Sarnoff

Sent: Sep 7, 2009 13:08

Subject: RE: Please can u email the docs

I just found out that we cannot release the docs that were under seal yet (the Non-Prosecution Agreement), until the Judge signs off on it. I will call you later and we will deal with this issue. Don't worry. I am trying to get you Maritza's criminal record today. Anything else you need from me right now.

-----Original Message-----

From: csarnoff1@verizon.net [mailto:csarnoff1@verizon.net]

Sent: Monday, September 07, 2009 1:03 PM

To: Bradley J. Edwards

Subject: Re: Please can u email the docs

Hi Brad,

I'm delighted you're feeling better. As you can imagine I have to meet certain deadlines with my editor. This particular chapter is due pretty soon and I have a lot to write. Please can you see that I have the docs soonest, thank you so much.

Wishing you a Godspeed recovery,

Conchita

-----Original Message-----

From: Brad Edwards

To: Conchita Sarnoff

Sent: Sep 7, 2009 13:01

Subject: RE: Please can u email the docs

I asked my investigator to send it to you, and he apparently didn't. I am going into the office tomorrow for a few hours and will send it personally if you don't get it before then. I am getting better. Thanks.

Brad

-----Original Message-----

From: csarnoff1@verizon.net [mailto:csarnoff1@verizon.net]

Sent: Monday, September 07, 2009 12:39 PM

02595

To: Bradley J. Edwards  
Subject: Please can u email the docs

Hi Brad,  
Hope you're feeling better and enjoying the weekend. Please can you email the docs we discussed.  
Including all unsealed docs

Many thanks,  
Conchita  
Sent via BlackBerry from T-Mobile

Sent via BlackBerry from T-Mobile

Sent via BlackBerry from T-Mobile

From: [csamoff1@verizon.net](mailto:csamoff1@verizon.net)  
To: [Bradley J. Edwards](#)  
Subject: GOD SPEED RECOVERY!!!!  
Date: Monday, August 31, 2009 10:58:33 AM

---

Hi Brad,  
Hope you are well on your way to a Godspeed recovery! Please could you forward the names of the girls in NY, I somehow deleted those emails!!!!  
Many thanks,  
Conchita

Aug 24, 2009 07:38:41 PM, [bedwards@rra-law.com](mailto:bedwards@rra-law.com) wrote:

Conchita,

Sorry It took me a couple days. I actually forgot about it. If the link still does not allow you to open it, then I am also giving you all the information so that you can get it from Pacer. It is Jane Doe 102 v. Epstein, case number 09-80656. Let me know if you need anything else from me and also if you hear of anything that would be helpful. I am still working on some things for you.

<https://ecf.flsd.uscourts.gov/doc1/05116541941>

Sincerely,

*Bradley J. Edwards*

Partner

Rothstein Rosenfeldt Adler Attorneys at Law

Las Olas City Centre

401 East Las Olas Boulevard, Suite 1650

Fort Lauderdale, FL 33301

(954) 522-3456

(954) 522-8663 - facsimile

[bedwards@rra-law.com](mailto:bedwards@rra-law.com)

**From:** Spencer Wendel, Susan (CNI-Palm Beach)  
**To:** Bradley J. Edwards  
**Subject:** Out of Office AutoReply: Epstein  
**Date:** Tuesday, July 28, 2009 8:59:44 AM

---

I am currently out of the office, returning Wednesday, July 29.  
If you need to speak to someone in my absence, please contact my editor, Mary Hladky, at 820-4403.  
Or if it is 100% urgent you can call me on my cell. I am in a time zone six hours behind Florida time.  
Thank you.

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03070



From: [csamoff@verizon.net](mailto:csamoff@verizon.net)  
To: Bradley J. Edwards  
Subject: PRIVATE & CONFIDENTIAL  
Date: Monday, September 21, 2009 1:37:44 PM

---

Hi Brad,  
Hope all is going according to plans. Just spoke with Mike. Found a few pieces of info that might help you.

foundation under parent's name is registered at Clinton Global Initiative  
Elissa and Herbert Epstein Philanthropic Fund

working for that foundation are a couple of family members including  
Mark Epstein  
Jill Epstein White (research)  
Debra Epstein (Dir of Finance)

Bon voyage

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From: [csarnoff1@verizon.net](mailto:csarnoff1@verizon.net)  
To: Bradley J. Edwards  
Subject: Re: ?  
Date: Wednesday, October 14, 2009 9:02:09 AM

---

Thanks Brad, good luck!!!

-----Original Message-----

From: Esq Brad Edwards  
To: Conchita Sarnoff  
Sent: 14 Oct 2009 07:39  
Subject: RE: ?

The last email I received from you was weeks ago, so I assume I did not get it. I have a bunch of Epstein things today up in west palm beach. I'll call you on my way home. Take care.

-----Original Message-----

From: [csarnoff1@verizon.net](mailto:csarnoff1@verizon.net) [<mailto:csarnoff1@verizon.net>]  
Sent: Wednesday, October 14, 2009 5:50 AM  
To: Bradley J. Edwards  
Subject: ?

Hi Brad,  
Hope you're feeling better. Did you not receive my previous email ?  
Best,  
Conchita  
Sent via BlackBerry from T-Mobile

Sent via BlackBerry from T-Mobile

NOT A CERTIFIED COPY

From: Bradley J. Edwards  
To: "csarnoff1@verizon.net"  
Subject: RE: ?  
Date: Wednesday, October 14, 2009 7:39:00 AM

---

The last email I received from you was weeks ago, so I assume I did not get it. I have a bunch of Epstein things today up in west palm beach. I'll call you on my way home. Take care.

-----Original Message-----

From: csarnoff1@verizon.net [mailto:csarnoff1@verizon.net]  
Sent: Wednesday, October 14, 2009 5:50 AM  
To: Bradley J. Edwards  
Subject: ?

Hi Brad,  
Hope you're feeling better. Did you not receive my previous email ?  
Best,  
Conchita  
Sent via BlackBerry from T-Mobile

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**From:** Bradley J. Edwards  
**To:** "csarnoff1@verizon.net"  
**Subject:** RE: DOCS  
**Date:** Tuesday, September 08, 2009 11:43:00 AM

---

Conchita,

I haven't forgotten about anything. I'm feeling a little better, which you know can also be a problem because you then think you can do more, and of course I busted a suture out this morning. That delayed me going into work personally, but I will get you things ASAP. I found Evelyn's number, the other lady that worked for MC2 in NY. I think she will be very helpful. She knows everything Marisa knows but is much less sketchy. Also, if you lead on that Marissa already told you this and that, then she will give you more. Her number is 917-648-6433.

Also, Epstein sent his main personal assistant to South Africa to live for good, and I heard it was because he couldn't risk her getting deposed on the trafficking stuff. Her name is Cecilia Stein. I don't know how to go about getting her, but I would like to find her. I will call you later. In fact, I just called and left a message for you.

Brad

---

**From:** csarnoff1@verizon.net [mailto:csarnoff1@verizon.net]  
**Sent:** Tuesday, September 08, 2009 10:47 AM  
**To:** Bradley J. Edwards  
**Subject:** DOCS

Hi Brad,

Hope you're feeling better this morning. Just a reminder please not to forget to send me the docs, thank you

Don't sit down too long and try to lie down as much as possible. even if its on the floor! place towel underneath you and lie down!

:)

From: [csarnoff1@verizon.net](mailto:csarnoff1@verizon.net)  
To: [Bradley J. Edwards](#)  
Cc: [Rence/Carlos Morrison](#)  
Subject: IMPORTANT POTENTIAL MEDIA TACTIC Roman polanski and JE  
Date: Monday, September 28, 2009 8:09:09 AM

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Hi Brad,

The media buzz surrounding polanski's arrest in Zurich based on a 70s warrant for his arrest on charges that he had sex with 13 year old shld be leveraged in epstein's case now!!!!

Maybe mother's in palm beach can create a stir and a vigil against men in power who abuse children?  
What are your thoughts?

Warmly,

Conchita

Sent via BlackBerry from T-Mobile

NOT A CERTIFIED COPY

02913

**From:** Bradley J. Edwards  
**To:** Glasser, Eric (WPTV)  
**Subject:** RE: hey Brad!  
**Date:** Tuesday, June 09, 2009 3:10:00 PM  
**Attachments:** image002.jpg

---

FYI – The motion to unseal the non-prosecution agreement (agreement between Epstein and the government) is in front of Judge Colbath tomorrow morning at 10:30 in courtroom 11F. I know that Tim wanted to have you guys there and we would love that too. Thanks

Bradley J. Edwards  
Partner  
Rothstein Rosenfeldt Adler| Attorneys at Law  
Las Olas City Centre  
401 East Las Olas Boulevard, Suite 1650  
Fort Lauderdale, FL 33301  
(954) 522-3456  
(954) 522-8663 - facsimile  
[bedwards@rra-law.com](mailto:bedwards@rra-law.com)

---

**From:** Glasser, Eric (WPTV) [<mailto:EGlasser@wptv.com>]  
**Sent:** Tuesday, June 02, 2009 10:24 AM  
**To:** Bradley J. Edwards  
**Subject:** hey Brad!

I am working on getting you a copy. Peter OK'd it – so I'll keep you posted.

Email me the address you want it sent to, OK?

Talk soon,

Eric

06655

Mike\_Fisten002338\*MailContent.htm

**From:** Mike Fisten  
**Sent:** Sep 28, 2009 23:45:22  
**To:** 'csarnoff1@verizon.net'  
**Cc:**  
**Bcc:**  
**Subject:** Note

---

Hi Conchita,

Just stopping by to say Hi, hope you had a pleasant trip back North. I'll keep you posted as issues develop. Also I had a long talk with my agent about you and your project this weekend. He seemed very interested. I have been reading a lot lately about trafficking of children. The more I read the more I believe JE has been doing this for some time. Bringing dozens of girls on false immigration documents from Eastern Europe, and Brazil to the US through the modeling agency. Where are all these girls now? Did they sell them? Someone in the news show 60 minutes caught on to this scheme 10 years ago and no one stepped in to stop it ""Karins Models founder Brunel, who's currently a partner in MC2, denied allegations in a 1997 ""60 Minutes"" segment that he took advantage of young models who were high on drugs. Brunel also reportedly left his Trump Tower digs in 1999 after complaints of night carousing, which he also denied. Disgraced former Elite models exec Gerald Marie is also involved with MC2, says our source. Marie was accused of having sex with underage models in a 1999 BBC documentary where he was filmed saying he hoped to seduce contestants in a modeling contest in which the average age of participants was 15. He also dated Linda Evangelista when she was a teen. ""

Hope all is good,

Mike

Mike Fisten, Senior Intelligence Agent

Rothstein Rosenfeldt Adler | Attorneys at Law

401 East Las Olas Boulevard, Suite 1260

Fort Lauderdale, Florida 33301

Telephone: 954-522-3456 | Facsimile: 954-527-8663

Cellular: 954-444-2348

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NOTICE: THE INFORMATION CONTAINED IN THIS TRANSMISSION IS ATTORNEY PRIVILEGED AND CONFIDENTIAL. IT IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPY OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE COLLECT AND DELETE THE MATERIAL FROM ANY COMPUTER. THANK YOU.



**From:** Michele Dargan  
**To:** Bradley J. Edwards  
**Subject:** Re: Epstein filing  
**Date:** Wednesday, July 15, 2009 1:22:54 PM

---

No problem Brad. I totally understand being short staffed. No worries.  
I just want to be the story as complete as possible and, of course, to have your voice in it since you propelled this whole process.  
Michele

On 7/15/09 1:17 PM, "Bradley J. Edwards" <bedwards@rra-law.com> wrote:

I'm sorry Michele. My secretary is out, so I forwarded the instruction to another lawyer in the firm and it was delegated to another secretary. I hope you get it today, but like I said we are a person down right now staff-wise, so I will do my best to follow up and get you the response.

*Bradley J. Edwards*  
Partner  
Rothstein Rosenfeldt Adlerj Attorneys at Law  
Las Olas City Centre  
401 East Las Olas Boulevard, Suite 1650  
Fort Lauderdale, FL 33301  
(954) 522-3456  
(954) 522-8663 - facsimile  
bedwards@rra-law.com <mailto:bedwards@rra-law.com>

---

**From:** Michele Dargan [mailto:mdargan@pbdailynews.com]  
**Sent:** Wednesday, July 15, 2009 12:59 PM  
**To:** Bradley J. Edwards  
**Subject:** Epstein filing

Hi Brad,

I hate to be a pain, but I'm bumping up on deadline for tomorrow's paper and haven't received your e-mail filing yet and I definitely want to include your position in my story.

If you can e-mail me that pleading soon, I will be able to include your position in my story.

Thanks in advance,  
Michele

--  
Michele Dargan, staff writer  
Palm Beach Daily News  
(561) 820-3863 phone  
(561) 655-4594 fax

**From:** Bradley J. Edwards  
**To:** Michele Dargan  
**Subject:** RE: Epstein filing  
**Date:** Wednesday, July 15, 2009 1:17:00 PM

---

I'm sorry Michele. My secretary is out, so I forwarded the instruction to another lawyer in the firm and it was delegated to another secretary. I hope you get it today, but like I said we are a person down right now staff-wise, so I will do my best to follow up and get you the response.

**Bradley J. Edwards**  
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(954) 522-3456  
(954) 522-8683 - facsimile  
[bedwards@rra-law.com](mailto:bedwards@rra-law.com)

---

**From:** Michele Dargan [mailto:[mdargan@pbdailynews.com](mailto:mdargan@pbdailynews.com)]  
**Sent:** Wednesday, July 15, 2009 12:59 PM  
**To:** Bradley J. Edwards  
**Subject:** Epstein filing

Hi Brad,

I hate to be a pain, but I'm bumping up on deadline for tomorrow's paper and haven't received your e-mail filing yet and I definitely want to include your position in my story.

If you can e-mail me that pleading soon, I will be able to include your position in my story.

Thanks in advance,  
Michele

--  
Michele Dargan, staff writer  
Palm Beach Daily News  
(561) 820-3863 phone  
(561) 655-4594 fax

From: Spencer Wendel, Susan (CNI-Palm Beach)  
To: Bradley J. Edwards  
Subject: RE: Epstein  
Date: Friday, May 22, 2009 12:21:43 PM

---

10-4. Thank you.

Susan Spencer-Wendel  
Courts Reporter  
Palm Beach Post  
561-820-4575 (o)  
561-820-4407 (f)

-----Original Message-----

From: Bradley J. Edwards [<mailto:bedwards@rra-law.com>]  
Sent: Fri 5/22/2009 12:13 PM  
To: Spencer Wendel, Susan (CNI-Palm Beach)  
Subject: Epstein

The case in which the Non-prosecution agreement was released to the victims and victim's attorneys is Jane Doe v. United States of America, 08-80736. It was released pursuant to protective order which is why I cannot discuss the contents of the Non-Prosecution agreement.

Bradley J. Edwards

Partner

Rothstein Rosenfeldt Adler | Attorneys at Law

Las Olas City Centre

401 East Las Olas Boulevard, Suite 1650

Fort Lauderdale, FL 33301

(954) 315-7273 - direct line

(954) 522-8663 - facsimile

[bedwards@rra-law.com](mailto:bedwards@rra-law.com) <<mailto:bedwards@rra-law.com>>

**From:** Malloy, Timothy (WPTV)  
**To:** Bradley J. Edwards  
**Subject:** RE: Epstein  
**Date:** Tuesday, May 26, 2009 5:33:30 PM

---

Have called your office, we're good tomorrow if you are Tim 561 718 5953

---

**From:** Bradley J. Edwards [mailto:bedwards@rra-law.com]  
**Sent:** Tuesday, May 26, 2009 4:58 PM  
**To:** Malloy, Timothy (WPTV)  
**Subject:** Epstein

Hi Tim,

I was able to reach my client, and we would be able to arrange for an interview tomorrow. Please contact me at your earliest chance.

**Bradley J. Edwards**  
Partner  
Rothstein Rosenfeldt Adler| Attorneys at Law  
Las Olas City Centre  
401 East Las Olas Boulevard, Suite 1650  
Fort Lauderdale, FL 33301  
(954) 315-7273 - direct line  
(954) 522-8663 - facsimile  
[bedwards@rra-law.com](mailto:bedwards@rra-law.com)

**From:** Spencer Wendel, Susan (CNI-Palm Beach)  
**To:** Bradley J. Edwards  
**Subject:** RE: Epstein  
**Date:** Thursday, May 28, 2009 2:13:21 PM

---

Dear Mr. Edwards:

Would you have a moment to give me a call?  
561-307-3067 cell.

Was the young woman you represent interviewed by Channel 5? And did she/you touch on the sealing issues with 5? Please advise .. as we at the Post do not want to be beat to the punch.

Many thanks,

Susan Spencer-Wendel  
Courts Reporter  
Palm Beach Post  
561-820-4575 (o)  
561-820-4407 (f)

-----Original Message-----

**From:** Bradley J. Edwards [<mailto:bedwards@rra-law.com>]  
**Sent:** Fri 5/22/2009 12:13 PM  
**To:** Spencer Wendel, Susan (CNI-Palm Beach)  
**Subject:** Epstein

The case in which the Non-prosecution agreement was released to the victims and victim's attorneys is Jane Doe v. United States of America, 08-80736. It was released pursuant to protective order which is why I cannot discuss the contents of the Non-Prosecution agreement.

Bradley J. Edwards

Partner

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[bedwards@rra-law.com](mailto:bedwards@rra-law.com) <<mailto:bedwards@rra-law.com>>

05161

**From:** Bradley J. Edwards  
**To:** Michele Dargan  
**Subject:** RE: epstein  
**Date:** Tuesday, June 23, 2009 1:16:00 PM

---

I sent the request to my secretary and she will send you those docs today.

**Bradley J. Edwards**  
Partner  
Rothstein Rosenfeldt Adler| Attorneys at Law  
Las Olas City Centre  
401 East Las Olas Boulevard, Suite 1650  
Fort Lauderdale, FL 33301  
(954) 522-3456  
(954) 522-8663 - facsimile  
[bedwards@rra-law.com](mailto:bedwards@rra-law.com)

---

**From:** Michele Dargan [mailto:[mdargan@pbdailynews.com](mailto:mdargan@pbdailynews.com)]  
**Sent:** Tuesday, June 23, 2009 1:11 PM  
**To:** Bradley J. Edwards  
**Subject:** Re: epstein

Brad,  
Thanks for the link. I appreciate it!  
Also, would you e-mail those documents that we talked about - your motion to unseal - and the Posts' atty if she has a separate one and also the Epstein attorney document that was filed on Friday.  
Thanks so much!  
Michele

On 6/23/09 12:52 PM, "Bradley J. Edwards" <[bedwards@rra-law.com](mailto:bedwards@rra-law.com)> wrote:

<http://www.radaronline.com/exclusives/2009/06/exclusive-jeffrey-epstein-he-released-prison-early>

**Bradley J. Edwards**  
Partner  
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--  
Michele Dargan, staff writer  
Palm Beach Daily News  
(561) 820-3863 phone  
(561) 655-4594 fax

**From:** Bradley J. Edwards  
**To:** Michele Dargan  
**Subject:** RE: epstein  
**Date:** Tuesday, June 23, 2009 2:31:00 PM

---

I have not seen anyone else report anything similar to the Radar report anywhere. Does that media channel not share with others? I am pretty curious how Radar got the info...

**Bradley J. Edwards**  
Partner  
Rothstein Rosenfeldt Adler| Attorneys at Law  
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Fort Lauderdale, FL 33301  
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[bedwards@rra-law.com](mailto:bedwards@rra-law.com)

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**From:** Michele Dargan [<mailto:mdargan@pbdailynews.com>]  
**Sent:** Tuesday, June 23, 2009 1:27 PM  
**To:** Bradley J. Edwards  
**Subject:** Re: epstein

Thanks!

On 6/23/09 1:16 PM, "Bradley J. Edwards" <[bedwards@rra-law.com](mailto:bedwards@rra-law.com)> wrote:

I sent the request to my secretary and she will send you those docs today.

**Bradley J. Edwards**  
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[bedwards@rra-law.com](mailto:bedwards@rra-law.com) <<mailto:bedwards@rra-law.com>>

---

**From:** Michele Dargan [<mailto:mdargan@pbdailynews.com>]  
**Sent:** Tuesday, June 23, 2009 1:11 PM  
**To:** Bradley J. Edwards  
**Subject:** Re: epstein

Brad,  
Thanks for the link. I appreciate it!  
Also, would you e-mail those documents that we talked about - your motion to unseal - and the Posts' atty if she has a separate one and also the Epstein attorney document that was filed on Friday.  
Thanks so much!  
Michele

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**Bradley J. Edwards**  
Partner  
**Rothstein Rosenfeldt Adler| Attorneys at Law**  
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(954) 522-8663 - facsimile  
bedwards@rra-law.com <<mailto:bedwards@rra-law.com>>

--  
Michele Dargan, staff writer  
Palm Beach Daily News  
(561) 820-3863 phone  
(561) 655-4594 fax



**From:** Bradley J. Edwards  
**To:** Michele Dargan  
**Subject:** RE: epstein  
**Date:** Tuesday, June 23, 2009 5:22:00 PM

---

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---

**From:** Michele Dargan [<mailto:mdargan@pbdailynews.com>]  
**Sent:** Tuesday, June 23, 2009 4:37 PM  
**To:** Bradley J. Edwards  
**Subject:** Re: epstein

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**From:** Michele Dargan [<mailto:mdargan@pbdailynews.com>]  
**Sent:** Tuesday, June 23, 2009 1:11 PM  
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**Bradley J. Edwards**

Partner

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--  
Michele Dargan, staff writer

Palm Beach Daily News

(561) 820-3863 phone

(561) 655-4594 fax

**From:** Bradley J. Edwards  
**To:** Michele Dargan  
**Subject:** RE: epstein  
**Date:** Wednesday, June 24, 2009 9:39:00 AM

---

[http://www.businessweek.com/bwdaily/dnflash/content/jul2007/db20070710\\_434383.htm](http://www.businessweek.com/bwdaily/dnflash/content/jul2007/db20070710_434383.htm)

This was a story from 2007 already naming Epstein as the mysterious investor from a source other than Radar. Just thought I'd share.

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(954) 522-8863 - facsimile  
[bedwards@rra-law.com](mailto:bedwards@rra-law.com)

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**From:** Michele Dargan [<mailto:mdargan@pbdailynews.com>]  
**Sent:** Tuesday, June 23, 2009 4:37 PM  
**To:** Bradley J. Edwards  
**Subject:** Re: epstein

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(561) 820-3863 phone  
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From: Michele Dargan  
To: Bradley J. Edwards  
Subject: Re: epstein  
Date: Tuesday, June 23, 2009 1:13:17 PM

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**From:** Michele Dargan  
**To:** Bradley J. Edwards  
**Subject:** Re: epstein  
**Date:** Tuesday, June 23, 2009 1:29:20 PM

---

Thanks!

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*Bradley J. Edwards*  
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**From:** Michele Dargan [mailto:mdargan@pbdailynews.com]  
**Sent:** Tuesday, June 23, 2009 1:11 PM  
**To:** Bradley J. Edwards  
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NOT A CERTIFIED COPY

**From:** Michele Dargan  
**To:** Bradley J. Edwards  
**Subject:** Re: epstein  
**Date:** Tuesday, June 23, 2009 2:41:42 PM

---

I also noticed that Radar is the only one to report that info. Newspapers have a higher standard than online publications and bloggers etc. and newspapers, generally, have to confirm that the info is in fact true. However, we may be able to cite Radar as a source....Believe me, I've been making umpteen calls trying to verify the info.

On 6/23/09 2:31 PM, "Bradley J. Edwards" <bedwards@rra-law.com> wrote:

I have not seen anyone else report anything similar to the Radar report anywhere. Does that media channel not share with others? I am pretty curious how Radar got the info...

Bradley J. Edwards  
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**From:** Michele Dargan [mailto:mdargan@pbdailynews.com]  
**Sent:** Tuesday, June 23, 2009 1:27 PM  
**To:** Bradley J. Edwards  
**Subject:** Re: epstein

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<mailto:mdargan@pbdailynews.com%5d>  
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05324



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Michele Dargan, staff writer  
Palm Beach Daily News  
(561) 820-3863 phone  
(561) 655-4594 fax

From: Michele Dargan  
To: Bradley J. Edwards  
Subject: Re: epstein  
Date: Tuesday, June 23, 2009 4:39:33 PM

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**From:** Michele Dargan  
**To:** Bradley J. Edwards  
**Subject:** Re: epstein  
**Date:** Tuesday, June 23, 2009 5:28:53 PM

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Thanks so much.

I am going to continue to pursue the Bear Stearns angle tomorrow. But, as for now, I will run two graphs citing Radar as the source. It should be up on the web within the hour at [www.palmbeachdailynews.com](http://www.palmbeachdailynews.com)

On 6/23/09 5:22 PM, "Bradley J. Edwards" <[bedwards@rra-law.com](mailto:bedwards@rra-law.com)> wrote:

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Michele Dargan, staff writer  
Palm Beach Daily News  
(561) 820-3863 phone  
(561) 655-4594 fax

From: Bradley J. Edwards  
To: Michele Dargan  
Subject: Epstein applicable statutes  
Date: Friday, September 18, 2009 2:55:00 PM  
Attachments: image001.gif  
image002.gif

---

I did not pull the conspiracy version, and convictions of conspiracy would add some amount of time, how much I don't know. I hope this helps.

I cut the statutes straight from Westlaw:

**18 U.S.C.A. § 2422**

United States Code Annotated Currentness  
Title 18. Crimes and Criminal Procedure (Refs & Annos)  
Part I. Crimes (Refs & Annos)  
Chapter 117. Transportation for Illegal Sexual Activity and Related Crimes (Refs & Annos)  
§ 2422. Coercion and enticement

(a) Whoever knowingly persuades, induces, entices, or coerces any individual to travel in interstate or foreign commerce, or in any Territory or Possession of the United States; to engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title or imprisoned not more than 20 years, or both.

(b) Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States knowingly persuades, induces, entices, or coerces any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title and imprisoned not less than 10 years or for life.

**18 U.S.C.A. § 2423**

United States Code Annotated Currentness  
Title 18. Crimes and Criminal Procedure (Refs & Annos)  
Part I. Crimes (Refs & Annos)  
Chapter 117. Transportation for Illegal Sexual Activity and Related Crimes (Refs & Annos)  
§ 2423. Transportation of minors

(a) **Transportation with intent to engage in criminal sexual activity.**--A person who knowingly transports an individual who has not attained the age of 18 years in interstate or foreign commerce, or in any commonwealth, territory or possession of the United States, with intent that the individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, shall be fined under this title and imprisoned not less than 10 years or for life.

(b) **Travel with intent to engage in illicit sexual conduct.**--A person who travels in interstate commerce or travels into the United States, or a United States citizen or an

alien admitted for permanent residence in the United States who travels in foreign commerce, for the purpose of engaging in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years, or both.

**(c) Engaging in illicit sexual conduct in foreign places.**--Any United States citizen or alien admitted for permanent residence who travels in foreign commerce, and engages in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years, or both.

**(d) Ancillary offenses.**--Whoever, for the purpose of commercial advantage or private financial gain, arranges, induces, procures, or facilitates the travel of a person knowing that such a person is traveling in interstate commerce or foreign commerce for the purpose of engaging in illicit sexual conduct shall be fined under this title, imprisoned not more than 30 years, or both.

**(e) Attempt and conspiracy.**--Whoever attempts or conspires to violate subsection (a), (b), (c), or (d) shall be punishable in the same manner as a completed violation of that subsection.

**(f) Definition.**--As used in this section, the term "illicit sexual conduct" means (1) a sexual act (as defined in section 2246) with a person under 18 years of age that would be in violation of chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States; or (2) any commercial sex act (as defined in section 1591) with a person under 18 years of age.

**(g) Defense.**--In a prosecution under this section based on illicit sexual conduct as defined in subsection (f)(2), it is a defense, which the defendant must establish by a preponderance of the evidence, that the defendant reasonably believed that the person with whom the defendant engaged in the commercial sex act had attained the age of 18 years.

18 U.S.C.A. § 1591

United States Code Annotated Currentness

Title 18. Crimes and Criminal Procedure (Refs & Annos)

Part I. Crimes (Refs & Annos)

Chapter 77. Peonage, Slavery, and Trafficking in Persons (Refs & Annos)

**§ 1591. Sex trafficking of children or by force, fraud, or coercion**

**(a) Whoever knowingly--**

**(1)** in or affecting interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, recruits, entices, harbors, transports, provides, obtains, or maintains by any means a person; or

**(2)** benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in violation of paragraph (1),

knowing, or in reckless disregard of the fact, that means of force, threats of force, fraud, coercion described in subsection (e)(2), or any combination of such means will be used to cause the person to engage in a commercial sex act, or that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act, shall be punished as provided in subsection (b).

(b) The punishment for an offense under subsection (a) is--

(1) If the offense was effected by means of force, threats of force, fraud, or coercion described in subsection (e)(2), or by any combination of such means, or if the person recruited, enticed, harbored, transported, provided, or obtained had not attained the age of 14 years at the time of such offense, by a fine under this title and imprisonment for any term of years not less than 15 or for life; or

(2) If the offense was not so effected, and the person recruited, enticed, harbored, transported, provided, or obtained had attained the age of 14 years but had not attained the age of 18 years at the time of such offense, by a fine under this title and imprisonment for not less than 10 years or for life.

(c) In a prosecution under subsection (a)(1) in which the defendant had a reasonable opportunity to observe the person so recruited, enticed, harbored, transported, provided, obtained or maintained, the Government need not prove that the defendant knew that the person had not attained the age of 18 years.

(d) Whoever obstructs, attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be fined under this title, imprisoned for a term not to exceed 20 years, or both.

(e) In this section:

(1) The term "abuse or threatened abuse of law or legal process" means the use or threatened use of a law or legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed, in order to exert pressure on another person to cause that person to take some action or refrain from taking some action.

(2) The term "coercion" means--

(A) threats of serious harm to or physical restraint against any person;

(B) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or

(C) the abuse or threatened abuse of law or the legal process.

(3) The term "commercial sex act" means any sex act, on account of which anything of value is given to or received by any person.

(4) The term "serious harm" means any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing commercial sexual activity in order to avoid incurring that harm.

(5) The term "venture" means any group of two or more individuals associated in fact, whether or not a legal entity.

Twelfth, Section 206 of the Adam Walsh Act added 18 U.S.C. 1591 to the list of offenses for which a defendant is to be sentenced to life under 18 U.S.C. 3559(e)(2)(A). The amendment adds 18 U.S.C. 1591 to the list of instant offenses of convictions that are



covered sex crimes under § 4B1.5.

USSG, Ch. TWO, Pt. A, Refs & Annos, 18 U.S.C.A.

United States Code Annotated Currentness

Federal Sentencing Guidelines

Chapter Two. Offense Conduct

Part A. Offenses Against the Person

3. Criminal Sexual Abuse and Offenses Related to Registration as a Sex Offender

#### HISTORICAL NOTES

##### 2007 Amendments

Chapter Two, Part A, Subpart Three, is amended in the heading by adding at the end "AND OFFENSES RELATED TO REGISTRATION AS A SEX OFFENDER".

*Reason for Amendment:* This amendment responds to the Adam Walsh Child Protection and Safety Act of 2006 (the "Adam Walsh Act"), Pub.L. 109-248, which contained a directive to the Commission, created new sexual offenses, and enhanced penalties for existing sexual offenses. The amendment implements the directive by creating two new guidelines, §§ 2A3.5 (Criminal Sexual Abuse and Offenses Related to Registration as a Sex Offender) and 2A3.6 (Aggravated Offenses Relating to Registration as a Sex Offender). It further addresses relevant provisions in the Adam Walsh Act by making changes to Chapter Two, Part A, Subpart 3 (Criminal Sexual Abuse) and Part G (Offenses Involving Commercial Sex Acts, Sexual Exploitation of Minors, and Obscenity), § 2J1.2 (Obstruction of Justice), § 3D1.2 (Groups of Closely Related Counts), § 4B1.5 (Repeat and Dangerous Sex Offender Against Minors), § 5B1.3 (Conditions of Probation), § 5D1.2 (Term of Supervised Release), § 5D1.3 (Conditions of Supervised Release) and Appendix A (Statutory Index).

First, section 206 of the Adam Walsh Act amended 18 U.S.C. 2241(c) to add a new mandatory minimum term of imprisonment of 30 years for offenses related to the aggravated sexual abuse of a child under 12 years old, or of a child between 12 and 16 years old if force, threat, or other means was used. In response to the new mandatory minimum for these offenses, the amendment increases the base offense level at § 2A3.1 (Criminal Sexual Abuse; Attempt to Commit Criminal Sexual Abuse) from level 30 to level 38. The base offense level of 30 has been retained for all other offenses. At least one specific offense characteristic applied to every conviction under 18 U.S.C. 2241(c) sentenced under § 2A3.1 in fiscal year 2006. Accordingly, the mandatory minimum 360 months' imprisonment is expected to be reached or exceeded in every case with a base offense level of 38.

The amendment provides a new application note that precludes application of the specific offense characteristic at § 2A3.1(b)(1) regarding conduct described in 18 U.S.C. 2241(a) or (b) if the conduct that forms the basis for a conviction under 18 U.S.C. 2241(c) is that the defendant engaged in conduct described in 18 U.S.C. 2241(a) or (b) (force, threat, or other means). The amendment also precludes application of the specific offense characteristic for the age of a victim at § 2A3.1(b)(2) if the defendant was convicted under section 2241(c). The heightened base offense level of 38 takes into account the age of the victim. These instructions, therefore, avoid unwarranted double counting.

Second, section 207 of the Adam Walsh Act increased the statutory maximum term of imprisonment under 18 U.S.C. 2243(b) from 5 years to 15 years for the sexual abuse of a person in official detention or under custodial authority. In response to increased penalty,

the amendment increases the base offense level from 12 to 14 in § 2A3.3 (Criminal Sexual Abuse of a Ward or Attempt to Commit Such Acts). The amendment also adds a new definition of "minor" consistent with how this term is defined elsewhere in the guidelines manual. In addition, the amendment includes an application note precluding application of § 3B1.3 (Abuse of Position of Trust or Use of Special Skill) for these offenses because an abuse of position of trust is assumed in all such cases and, therefore, is built into the base offense level.

Third, section 206 of the Adam Walsh Act created a new subsection at 18 U.S.C. 2244. Section 2244(a)(5) provides a penalty of any term of years if the sexual conduct would have violated 18 U.S.C. 2241(c) had the contact been a sexual act. Section 2241(c) conduct involves the aggravated sexual abuse of a child under 12 years old or of a child between 12 and 16 years old if force, threat, or other means was used, as defined in 18 U.S.C. 2241(a) and (b). Prior to the Adam Walsh Act, the penalty for offenses involving children under 12 years old was "twice that otherwise provided," and the penalty for sexual contact involving behavior described in 18 U.S.C. 2241 was a statutory maximum term of imprisonment of 10 years.

The amendment addresses this new offense by increasing the minimum offense level in the age enhancement in subsection (b)(1) of § 2A3.4 (Abusive Sexual Contact or Attempt to Commit Abusive Sexual Contact) from level 20 to level 22.

Fourth, section 141 of the Adam Walsh Act created a new offense under 18 U.S.C. 2250(a) for the failure to register as a sex offender. The basic offense carries a statutory maximum term of imprisonment of 10 years. Section 141 also included a directive to the Commission that when promulgating guidelines for the offense, to consider, among other factors, the seriousness of the sex offender's conviction that gave rise to the requirement to register; relevant further offense conduct during the period for which the defendant failed to register; and the offender's criminal history.

The amendment creates a new guideline, § 2A3.5 (Failure to Register as a Sex Offender), to address the directive. The new guideline provides three alternative base offense levels based on the tiered category of the sex offender: level 16 if the defendant was required to register as a Tier III offender; level 14 if the defendant was required to register as a Tier II offender; and level 12 if the defendant was required to register as a Tier I offender.

The amendment also provides two specific offense characteristics. First, subsection (b)(1) provides a tiered enhancement to address criminal conduct committed while the defendant is in a failure to register status. Specifically, § 2A3.5(b)(1) provides a six-level increase if, while in a failure to register status, the defendant committed a sex offense against an adult, a six-level increase if the defendant committed a felony offense against a minor, and an eight-level increase if the defendant committed a sex offense against a minor. Second, § 2A3.5(b)(2) provides a three-level decrease if the defendant voluntarily corrected the failure to register or voluntarily attempted to register but was prevented from registering by uncontrollable circumstances, and the defendant did not contribute to the creation of those circumstances. The reduction covers cases in which (1) the defendant either does not attempt to register until after the relevant registration period has expired but subsequently successfully registers, thereby correcting the failure to register status, or (2) the defendant, either before or after the registration period has expired, attempted to register but circumstances beyond the defendant's control prevented the defendant from successfully registering. An application note specifies that the voluntary attempt to register or to correct the failure to register must have occurred prior to the time the defendant knew or reasonably should have known a jurisdiction had detected the failure to register. The application note also provides that the reduction does not apply if the enhancement for committing one of the enumerated offenses in § 2A3.5(b)(1) applies.

Additionally, the amendment adds § 2A3.5 to the list of offenses that are considered groupable under § 3D1.2(d) because the failure to register offense is an ongoing and continuous offense.

Fifth, section 141 of the Adam Walsh Act created two new aggravated offenses relating to the registration as a sex offender. Section 141 of the Act created 18 U.S.C. 2250(c), which carries a mandatory minimum term of imprisonment of 5 years and a statutory maximum term of imprisonment of 30 years if a defendant commits a crime of violence while in a failure to register status, with the sentence to be consecutive to the punishment provided for the failure to register. Section 702 of the Adam Walsh Act created a new offense at 18 U.S.C. 2260A that prohibits the commission of various enumerated offenses while in a failure to register status. The penalty for this offense is a mandatory term of imprisonment of 10 years to be imposed consecutively to the underlying offense.

The amendment creates a new guideline at § 2A3.6 (Aggravated Offenses Relating to Registration as a Sex Offender) to address these new offenses. The new guideline provides that for offenses under section 2250(c), the guideline sentence is the minimum term of imprisonment required by statute, and for offenses under section 2260A, the guideline sentence is the term of imprisonment required by statute. Chapters Three and Four are not to apply. This is consistent with how the guidelines treat other offenses that carry both a specified term of imprisonment and a requirement that such term be imposed consecutively. See §§ 3D1.1 (Procedure for Determining Offense Level on Multiple Counts) and 5G1.2 (Sentencing on Multiple Counts of Conviction).

The guideline includes an application note that provides an upward departure stating that a sentence above the minimum term required by section 2250(c) is an upward departure from the guideline sentence. An upward departure may be warranted, for example, in a case involving a sex offense committed against a minor or if the offense resulted in serious bodily injury to a minor.

Sixth, section 208 of the Adam Walsh Act added a new mandatory minimum term of imprisonment of 15 years under 18 U.S.C. 1591(b)(1) for sex trafficking of an adult by force, fraud, or coercion. In response, the amendment provides a new base offense level of 34 in § 2G1.1 (Promoting a Commercial Sex Act or Prohibited Sexual Conduct with an Individual Other than a Minor) if the offense of conviction is 18 U.S.C. 1591(b)(1), but retains a base offense level of 14 for all other offenses. In addition, the amendment limits application of the specific offense characteristic at § 2G1.1(b)(1) that applies if the offense involved fraud or coercion only to those offenses receiving a base offense level of 14. Offenses under 18 U.S.C. 1591(b)(1) necessarily involve fraud and coercion and, therefore, such conduct is built into the heightened base offense level of 34. This limitation thus avoids unwarranted double counting.

Seventh, section 208 of the Adam Walsh Act added a new mandatory minimum term of imprisonment of 15 years under 18 U.S.C. 1591(b)(1) for sex trafficking of children under 14 years of age and added a new mandatory minimum term of imprisonment of 10 years and increased the statutory maximum term of imprisonment from 40 years to life under 18 U.S.C. 1591(b)(2) for sex trafficking of children who had attained the age of 14 years but had not attained the age of 18 years. Further, the Adam Walsh Act increased the mandatory minimum term of imprisonment from 5 years to 10 years and increased the statutory maximum term of imprisonment from 30 years to life under both 18 U.S.C. 2422(b), for persuading or enticing any person who has not attained the age of 18 years to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, and 18 U.S.C. 2423(a), for transporting a person who has not attained the age of 18 years in interstate or foreign commerce, with the intent that the person engage in prostitution, or in any sexual activity for which any person can be charged with

a criminal offense.

In response, the amendment provides alternative base offense levels in § 2G1.3 (Promoting a Commercial Sex Act or Prohibited Sexual Conduct with a Minor; Transportation of Minors to Engage in a Commercial Sex Act or Prohibited Sexual Conduct; Travel to Engage in Commercial Sex Act or Prohibited Sexual Conduct with a Minor; Sex Trafficking of Children; Use of Interstate Facilities to Transport Information about a Minor) based on the statute of conviction and the conduct described in that conviction. For convictions under 18 U.S.C. 1591(b)(1), the base offense level is 34. For convictions under 18 U.S.C. 1591(b)(2), the base offense level is 30.

The amendment further provides a base offense level of 28 for convictions under 18 U.S.C. 2422(b) and 2423(a). The two-level enhancement for the use of a computer at § 2G1.3(b)(3) applied to 95 percent of offenders convicted under 18 U.S.C. 2422(b) and sentenced under § 2G1.3 in fiscal year 2006. In addition, the two-level enhancement for the offense involving a sexual act or sexual contact at § 2G1.3(b)(4) applied to 95 percent of offenders convicted under 18 U.S.C. 2423(a) and sentenced under this guideline in fiscal year 2006. With application of either enhancement, the mandatory minimum term of imprisonment of 120 months will be reached in the majority of convictions under 18 U.S.C. 2422(b) and 2423(a), before application of other guidelines adjustments.

Further, the amendment addresses the interaction of two specific offense characteristics with the alternative base offense levels. First, every conviction under 18 U.S.C. 1591 necessarily involves a commercial sex act. With the base offense levels being determined based on the statute of conviction, the amendment clarifies that § 2G1.3(b)(4)(B), which provides a two-level enhancement if the offense involved a commercial sex act, does not apply if the defendant is convicted under 18 U.S.C. 1591. Second, the amendment precludes application of the age enhancement in § 2G1.3(b)(5) if the base offense level is determined under subsection (a)(1) of § 2G1.3 for a conviction under 18 U.S.C. 1591(b)(1). The base offense level provided by subsection (a)(1) of § 2G1.3 takes into account the age of the victim and, therefore, limitations on application of subsections (b)(4)(B) and (b)(5) of § 2G1.3 avoid unwarranted double counting.

Eighth, section 503 of the Adam Walsh Act created a new section, 18 U.S.C. 2257A, adopting new recordkeeping obligations for the production of any book, magazine, periodical, film, videotape, or digital image that contains a visual depiction of simulated sexually explicit conduct. Section 2257A has a statutory maximum of one year imprisonment for the failure to comply with the recordkeeping requirements and a statutory maximum term of imprisonment of five years if the violation was to conceal a substantive offense that involves either causing a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction or trafficking in material involving the sexual exploitation of a minor. The new offense is similar to 18 U.S.C. 2257, which is referenced to § 2G2.5 (Recordkeeping Offenses Involving the Production of Sexually Explicit Materials; Failure to Provide Required Marks in Commercial Electronic Mail). Accordingly, the amendment refers the new offense to § 2G2.5.

Ninth, section 701 of the Adam Walsh Act created a new offense in 18 U.S.C. 2252A(a) that prohibits engaging in child exploitation enterprises, defined as violating 18 U.S.C. 1591, 1201 (if the victim is a minor), chapter 109A (involving a minor victim), chapter 110 (except for 18 U.S.C. 2257 and 2257A), or chapter 117 (involving a minor victim), as part of a series of felony violations constituting three or more separate incidents and involving more than one victim, and committing those offenses in concert with three or more other people. The statute provides a mandatory minimum term of imprisonment of 20 years.

The amendment creates a new guideline at § 2G2.6 (Child Exploitation Enterprises) to cover this new offense. The guideline provides a base offense level of 35 and four specific

offense characteristics. The Commission anticipates these offenses typically will involve conduct encompassing at least one of the specific offense characteristics, resulting in an offense level of at least level 37. Thus, the mandatory minimum term of imprisonment of 240 months typically is expected to be reached or exceeded, before application of other guideline adjustments.

Tenth, section 206 of the Adam Walsh Act increased the statutory maximum term of imprisonment from 4 years to 10 years under 18 U.S.C. 2252B(b) for knowingly using a misleading domain name with the intent to deceive a minor into viewing material harmful to minors on the Internet. In addition, section 703 of the Act created a new section, 18 U.S.C. 2252C, that carries a statutory maximum term of imprisonment of 10 years for knowingly embedding words or digital images into the source code of a Web site with the intent to deceive a person into viewing material constituting obscenity. Section 2252C(b) carries a statutory maximum term of imprisonment of 20 years for knowingly embedding words or digital images into the source code of a Web site with the intent to deceive a minor into viewing material harmful to minors on the Internet.

In response to the new offense, the amendment expands the scope of subsection (b)(2) of § 2G3.1 (Importing, Mailing, or Transporting Obscene Matter; Transferring Obscene Matter to a Minor; Misleading Domain Names) by adding to this enhancement "embedded words or digital images into the source code on a Web site."

Eleventh, section 141 of the Adam Walsh Act added a new provision in 18 U.S.C. 1001 that carries a statutory maximum term of imprisonment of 8 years for falsifying or covering up by any scheme or making materially false or fraudulent statements or making or using any false writings or documents that relate to offenses under chapters 109A, 109B, 110, and 117, and under section 1591 of chapter 77. The amendment adds a new specific offense characteristic at subsection (b)(1)(A) of § 2J1.2 (Obstruction of Justice) enhancing the offense level by four levels if the defendant was convicted under 18 U.S.C. 1001 and the statutory maximum term of 8 years' imprisonment applies because the matter relates to sex offenses. The amendment also added language to Application Note 4 stating an upward departure may be warranted under the guideline in a case involving a particularly serious sex offense.

Twelfth, section 206 of the Adam Walsh Act added 18 U.S.C. 1591 to the list of offenses for which a defendant is to be sentenced to life under 18 U.S.C. 3559(e)(2)(A). The amendment adds 18 U.S.C. 1591 to the list of instant offenses of convictions that are covered sex crimes under § 4B1.5.

Thirteenth, section 141 of the Adam Walsh Act amended 18 U.S.C. 3563 and 3583. The amendment adds a new subdivision to (a)(9) of § 5B1.3 and to (a)(7) of § 5D1.3 to require a defendant to comply with the new registration requirements provided by the Adam Walsh Act. The amendment also modifies the language in §§ 5B1.3(a)(9) and 5D1.3(a)(7) relating to defendants convicted of a sexual offense described in 18 U.S.C. 4042(c)(4). Not all states have implemented the new requirements, continuing to register sex offenders pursuant to the sex offender registry in place prior to July 27, 2006, the date of enactment of the Adam Walsh Act. Thus, it is necessary to maintain the language in the guidelines providing for conditions of probation and supervised release for those offenders.

Fourteenth, section 141 of the Act amended 18 U.S.C. 3583(k), which provides that the authorized term of supervised release for any offense under enumerated sex offenses is any term of years or life. In response, the amendment adds offenses under chapter 109B and sections 1201 and 1591 of title 18 United States Code or 18 U.S.C. 1201 and 1591 to the definition of sex offense under § 5D1.2(b)(2) for which the length of the term of supervised release shall be not less than the minimum term of years specified for the offense and may be up to life.

Finally, the amendment provides a definition of "minor" in relevant guidelines that is consistent with how this term is defined elsewhere in the guidelines. Outdated background commentary also is deleted by this amendment. **The effective date of this amendment is November 1, 2007.**

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Please read this important. I think you can offer a trafficked victim protection, asylum and an incentive for coming forward on the case. Ask your clients if they know of any victims who were foreign so they can tell them about this and assuage their fears! This is a break through for some of the girls, because they'll be able to bring their families into the US on these visas.

According to Acosta some 7000 visas are issued annually and the last time he checked only 1500 -2000 apply annually. That means that the word is NOT out about the visas (on purpose may I add and furthermore, that there is ZERO effort on the part of law enforcement to get it out, fear of having visa abused!!!!

More importantly, How are you feeling? Hope you're healing quickly!!!  
Conchita

Congress passes Violence Against Women Act of 2000  
Immigrants' Rights Update, Vol. 14, No. 6, October 19, 2000

Passed by Congress on Oct. 11, 2000, the Victims of Trafficking and Violence Protection Act of 2000 (H.R. 3244) includes the Violence Against Women Act of 2000 (VAWA 2000), which expands and improves on the protections for battered spouses and children that were originally enacted in the Violence Against Women Act of 1994 (VAWA 1994).

Most notably, VAWA 2000 eliminates the "extreme hardship" requirement for self-petitioners and allows all self-petitioners to adjust their status in the United States. The act also creates two new nonimmigrant visas for victims of trafficking and for victims of certain serious crimes, including victims of crimes against women (see "Congress Creates New "T" and "U" Visas for Victims of Exploitation"). Individuals granted these visas may subsequently adjust to permanent resident status. The bill passed both houses by enormous margins (371-1 in the House and 95-0 in the Senate), and President Bill Clinton has promised to swiftly sign it.

VAWA 1994. The original VAWA included provisions to address the particular problems faced by battered immigrant women and children. Under pre-VAWA immigration law, immigrant spouses and children of U.S. citizens or lawful permanent residents (LPRs) were dependent on the citizen or LPR to petition to immigrate them, and this dependency left them particularly subject to abuse on the part of that relative. The VAWA created a procedure whereby abused spouses and their children or abused children and their parents can "self-petition" to obtain LPR status without the cooperation of the abusing relative. The VAWA also enabled battered spouses and children to obtain suspension of deportation or cancellation of removal if they were present in the U.S. for at least three years rather than

the seven years normally required for suspension or ten years for cancellation.

Obstacles based on family/marital status removed. VAWA 2000 removes a number of obstacles that battered spouses and children have encountered in attempting to use provisions of the VAWA intended to help them. For example, a battered spouse whose marriage is defective because her husband failed to tell her that he was already married is not eligible to immigrate under VAWA 1994. VAWA 2000 corrects this problem by allowing individuals who believed that they were married to a U.S. citizen or LPR to self-petition. VAWA 2000 also allows individuals to self-petition even though they have been divorced from the citizen or LPR, provided that the marriage terminated within the past two years and a connection between the termination of the marriage and the abuse of the immigrant can be shown. These changes also apply to VAWA suspension of deportation and cancellation of removal. Moreover, individuals may self-petition even if the citizen relative has died, provided they petition within two years of the death.

No need to leave U.S. to apply for VAWA visa. The new law allows all VAWA self-petitioners to apply for adjustment of status in the United States, regardless of whether they were inspected when they entered the country or whether they subsequently maintained lawful status.

""Extreme Hardship"" and other requirements for VAWA self-petitioners. The act also eliminates the disparate treatment of self-petitioners who, under prior law, had to meet certain requirements not applied to regular family immigrant visa applicants. Most significantly, self-petitioners no longer need to show that their deportation would cause ""extreme hardship."" This eliminates an enormous evidentiary hurdle from the self-petition procedure. The law also allows abused spouses and children of U.S. employees and military personnel living abroad to self-petition.

Under the new law, if the U.S. citizen or LPR parent or spouse subsequently loses that status for reasons related to their abusive conduct, the loss does not affect the abused immigrant's eligibility to immigrate if they petition within two years. Moreover, abused immigrants with approved self-petitions may remarry without causing the petition to be revoked.

Good moral character. Self-petitioners under the new law still must show that they have ""good moral character."" However, the new law partially exempts them from the bar on establishing good moral character outlined in INA section 101(f). Under that provision, immigrants cannot establish good moral character if they have committed or been convicted of certain criminal acts. The new law removes the bar if the act constitutes a ground of admissibility or deportability that is waivable, and the act was connected to the abuse the applicant suffered. This rule also applies to applicants for VAWA suspension or cancellation.

Children who ""age out."" Under the act, children who have filed a self-petition or are derivative beneficiaries of a parent's petition no longer ""age out,"" or become subject to normal family visa rules, when they become 21 years old. Instead, they are treated as self-petitioners under the appropriate category (as unmarried sons or daughters of U.S. citizens or LPRs, or married sons or daughters of citizens), with the parent's priority date.



**Relaxed continuous physical presence requirement.** The act allows applicants for VAWA cancellation of removal to show that they have three years' continuous physical presence in the U.S., despite a single absence longer than 90 days or cumulative absences exceeding 180 days, if there is a connection between the absence and the abuse perpetrated against the applicant. The act also eliminates application of the "stop-time rule" (under which service of a Notice to Appear stops the accrual of continuous physical presence) in VAWA cancellation and suspension cases. And it requires the attorney general to parole the children or parents of individuals who are granted VAWA suspension or cancellation.

**Motions to reopen.** The act allows individuals who become eligible for VAWA suspension or cancellation because of the changes made by the new law to move to reopen their proceedings. It also amends the INA's time limitations on motions to reopen, allowing individuals to file a motion to reopen to apply for VAWA cancellation within one year of the entry of a final order. The attorney general may also waive the one-year limitation in cases of extraordinary circumstances or extreme hardship to a child.

**New waivers of grounds of inadmissibility and deportability.** The act establishes waivers of certain grounds of inadmissibility for abused immigrants. There is a waiver of the ground of inadmissibility for reentering the U.S. without inspection following a one-year period of unlawful presence or after having been ordered removed. This waiver is available to individuals who can establish a connection between the abuse they suffered and their departure or reentry.

There is also a waiver of the ground of deportability for having a conviction for a crime of domestic violence or for violation of a protective order, if the abused immigrant can show that she was not the primary perpetrator of violence in the relationship. She must also show that she was acting in self-defense or that the crime did not result in serious bodily injury and was connected to the abuse that the immigrant suffered.

The act makes available to abused immigrants the INA's waivers for certain criminal grounds (§ 212(h)), fraud or misrepresentation (§ 212(i)), and health grounds (§ 212(g)). Expanding the availability of these waivers was considered necessary because they had been limited to spouses of U.S. citizens or LPRs. Abused immigrants may no longer have such a relationship.

**Public charge.** The act amends the public charge ground of exclusion to provide that cash or other benefits received pursuant to 8 U.S.C. section 1641(c) (which permits VAWA beneficiaries to obtain cash and other government assistance in connection with their escape from domestic violence) may not be considered in public charge determinations.

**Changes to Cuban Adjustment Act, NACARA, and HRIFA.** The act also amends the Cuban Adjustment Act, the adjustment of status provisions of the Nicaraguan Adjustment and Central American Relief Act (NACARA), and the Haitian Refugee Immigration Fairness Act (HRIFA). These amendments allow abused spouses or children who are dependents of individuals eligible for relief under these laws to adjust their status, without having to reside with the principal or maintain the relationship. Under the act, persons who become LPRs through VAWA may also apply for naturalization after they have resided in the U.S. in LPR status for three years.