

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY
FLORIDA, CRIMINAL DIVISION W

FILED

2009 MAY 12 PM 12:17

SHARON R. BOYD, CLERK
PALM BEACH COUNTY, FL
CIRCUIT CRIMINAL

STATE OF FLORIDA,

vs.

Case Nos. 2006-CF9454 AXX

JEFFREY EPSTEIN,

2008-9381CF AXX

Defendant.

NONPARTY [REDACTED] MOTION TO VACATE ORDER SEALING RECORDS AND UNSEAL RECORDS

[REDACTED], a nonparty, moves pursuant to the Rules of Judicial Administration Rule 2.420(d)(5) to vacate the order sealing records and unseal two documents in these files on the following grounds:

1. [REDACTED] is a victim of sexual abuse by defendant who was convicted of procuring a person under 18 for prostitution and felony solicitation of prostitution. See attached judgments of conviction (Exhibit "A"). [REDACTED] presently has a pending civil action in this court against defendant for damages. Case number 502008CA028058XXXXMB AB.
2. On June 30, 2008 and August 25, 2008, this Court sealed two documents, a non-prosecution agreement and an addendum to non-prosecution agreement. See attached copies of envelopes containing the sealed documents and also an Agreed Order Sealing Document In Court File entered July 2, 2008 (Exhibit "B").
3. The sealing of these documents was done without written motion required by Rule 2.420(d)(1) or notice to the public, the media, the record newspaper and the victims of defendant required by Rule 2.420(d)(2). The Agreed Order does not set forth the

grounds set forth in Rule 2.420(d)(3). The clerk of court did not post a copy of the notice of the order as required by Rule 2.420(d)(4).

4. The sealing of these documents was also done contrary to the Administrative Orders of this Court, AO 2.104, 2.032, 2.303 and 11.046.

5. The request to seal the first document was made orally at the plea hearing on June 30, 2008. A copy of the relevant portion of the transcript is attached (see pages 38-40) (Exhibit "C".)

6. It is against public policy for these documents to have been sealed and hidden from public scrutiny. As a member of the public, [REDACTED] has a right to have these documents unsealed. Furthermore, these documents are relevant and material to [REDACTED] civil action against defendant. As stated in the plea colloquy, they were an inducement for defendant to enter into his guilty pleas. They are proper objects of discovery. However, unless they are unsealed, [REDACTED] is unable to obtain them or utilize them in her case.

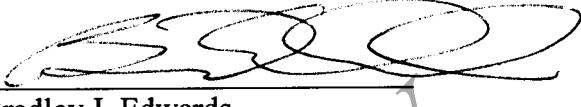
7. Pursuant to Rule 2.420(d)(5), the Court must hold a hearing on this motion in open court.

WHEREFORE movant requests the Court vacate the order sealing records and unseal the two documents.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via U.S. Mail and Facsmile this 12 day of May, 2009 to: Jack Alan Goldberger, Esq., Atterbury Goldberger et al., 250 Australian Ave. South, Suite 1400, West Palm Beach, FL 33401.

ROTHSTEIN ROSENFELDT ADLER
Attorneys for Plaintiff
401 East Las Olas Blvd., Suite 1650
Fort Lauderdale, Florida 33394
Telephone (954) 522-3456
Telecopier (954) 527-8663

By: 

Bradley J. Edwards
Florida Bar No. 542075
bedwards@rra-law.com
William J. Berger
Florida Bar No. 197701
wberger@rra-law.com

NOT A CERTIFIED COPY

8540K

IN THE CRIMINAL DIVISION OF THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT OF FLORIDA.

IN AND FOR PALM BEACH COUNTY

CASE NO.

~~06-CR-0154~~ - ~~AM~~ W

OBTS NUMBER

2006 CF 9454/AXY

STATE OF FLORIDA

COMMUNITY
CONTROL
VIOLATOR

Jeffrey E. Epstein

PROBATION
VIOLATOR

1/20/53

DEFENDANT

W

GENDER

M

DATE OF BIRTH

RACE

SOCIAL SECURITY NUMBER

JUDGMENT

The above Defendant, being personally before this Court represented by

J. Goldberger

(attorney)

<input type="checkbox"/>	Having been tried and found guilty of the following crime(s):	<input checked="" type="checkbox"/>	Having entered a plea of guilty to the following crime(s):	<input type="checkbox"/>	Having entered a plea of nolo contendere to the following crime(s):
--------------------------	--	-------------------------------------	---	--------------------------	---

COUNT	CRIME	OFFENSE STATUTE NUMBER(S)	DEGREE
1	Felony Solicitation of Prostitution	796.07(2)(f)	30F

and no cause having been shown why the Defendant should not be adjudicated guilty. IT IS ORDERED THAT the Defendant is hereby ADJUDICATED GUILTY of the above crime(s).

and having been convicted or found guilty of, or having entered a plea of nolo contendere or guilty, regardless of adjudication, to attempts or offenses relating to sexual battery (ch. 794), lewd and lascivious conduct (ch. 800), or murder (s. 782.04), aggravated battery (s. 784.045), burglary (s. 810.02), carjacking (s. 812.133), or home invasion robbery (s. 812.135), or any other offense specified in section 943.325, the defendant shall be required to submit blood specimens.

and good cause being shown IT IS ORDERED THAT ADJUDICATION OF GUILT BE WITHHELD.

SENTENCE STAYED The Court hereby stays and withholds imposition of sentence as to count(s) and places the Defendant on
 Probation and/or Community Control under the supervision of the Dept. of Corrections (conditions of probation set forth in separate order).

SENTENCE DEFERRED The Court hereby defers imposition of sentence until _____

The Defendant in Open Court was advised of his right to appeal from the Judgment by filing notice of appeal with the Clerk of Court within thirty days following the date sentence is imposed or probation is ordered pursuant to this adjudication. The defendant was also advised of his right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

DONE AND ORDERED in Open Court at Palm Beach County, Florida, this

30 June 2008
Sharon R. Bock, CLERK & COMPTROLLER
JUL 01 2008 51-11

Debra D. Bock

CIRCUIT COURT JUDGE



954050

IN THE CRIMINAL DIVISION OF THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT OF FLORIDA.
IN AND FOR PALM BEACH COUNTY

CASE NO. 08CF9381-AMB DIV. W

OBTS NUMBER 2008CF9381XXY

STATE OF FLORIDA

COMMUNITY
CONTROL
VIOLATOR

Jeffrey E. Epstein,
DEFENDANT

PROBATION
VIOLATOR

1/20/53 DATE OF BIRTH

W RACE

M GENDER

SOCIAL SECURITY NUMBER

CFN 20080267252
OR BK 22760 PG 0565
RECORDED 07/17/2008 08:06:42
Palm Beach County, Florida
Sharon R. Bock, CLERK & COMPTROLLER
Pg 0565; (1pg)

JUDGMENT

The above Defendant, being personally before this Court represented by J. Goldberger (attorney)

<input type="checkbox"/> Having been tried and found guilty of the following crime(s):	<input checked="" type="checkbox"/> Having entered a plea of guilty to the following crime(s):	<input type="checkbox"/> Having entered a plea of nolo contendere to the following crime(s):
--	--	--

COUNT	CRIME	OFFENSE STATUTE NUMBER(S)	DEGREE
<u>1</u>	<u>Procuring Person Under 18 for Prostitution</u>	<u>794.03</u>	<u>20F</u>

and no cause having been shown why the Defendant should not be adjudicated guilty. IT IS ORDERED THAT the Defendant is hereby ADJUDICATED GUILTY of the above crime(s).

and having been convicted or found guilty of, or having entered a plea of nolo contendere or guilty, regardless of adjudication, to attempts or offenses relating to sexual battery (ch. 794), lewd and lascivious conduct (ch. 800), or murder (s. 782.04), aggravated battery (s. 784.045), burglary (s. 810.02), carjacking (s. 812.133), or home invasion robbery (s. 812.135), or any other offense specified in section 943.325, the defendant shall be required to submit blood specimens.

and good cause being shown: IT IS ORDERED THAT ADJUDICATION OF GUILT BE WITHHELD BY JUDGE.

SENTENCE The Court hereby stays and withholds imposition of sentence as to count(s) and places the Defendant on STAYED Probation and/or Community Control under the supervision of the Dept. of Corrections (conditions of probation set forth in separate order).

SENTENCE DEFERRED The Court hereby defers imposition of sentence until _____.

The Defendant in Open Court was advised of his right to appeal from the Judgment by filing notice of appeal with the Clerk of Court within thirty days following the date sentence is imposed or probation is ordered pursuant to this adjudication. The defendant was also advised of his right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

DONE AND ORDERED in Open Court at Palm Beach County, Florida, this 30 day of June, 2008

IN THE CIRCUIT COURT OF THE FIFTEENTH
JUDICIAL CIRCUIT OF FLORIDA, IN AND FOR
PALM BEACH COUNTY

CASE NO. 2006 CF 009454AX

DIVISION W

STATE OF FLORIDA

vs.

Jeffrey Epstein

ON July 2, 2008,

Psychiatric (Medical, etc.) Report dated _____
from _____

Presentence Investigation Report dated _____
from _____

Other Non-Prosecution Agreement

**SEALED IN COURT FILE, NOT TO BE
OPENED WITHOUT ORDER OF COURT**



AR JUL 03 2008

IN THE CIRCUIT COURT OF THE FIFTEENTH
JUDICIAL CIRCUIT OF FLORIDA, IN AND FOR
PALM BEACH COUNTY

CASE NO. 06CF 009454AXV

DIVISION W

STATE OF FLORIDA

VS.

Jeffrey Epstein

ON 8/25/08,

Psychiatric (Medical, etc.) Report dated _____
from _____

Presentence Investigation Report dated SCANNED
from AUG 30 2008

Other Addendum to the non-prosecution Agreement

**SEALED IN COURT FILE, NOT TO BE
OPENED WITHOUT ORDER OF COURT**

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA

STATE OF FLORIDA

vs.

JEFFREY EPSTEIN.

Defendant.

CASE NO.: 2006CF009454AXX
DIVISON: "W"

AGREED ORDER SEALING DOCUMENT IN COURT FILE

THIS MATTER came before the Honorable Judge Deborah Dale Pucillo on June 30, 2008 during a plea conference in the above-referenced case number. The Court being fully apprised in the circumstances, it is hereby:

ORDERED AND ADJUDGED that the document filed by the Defendant on July 2, 2008 be sealed by the Clerk in the court file.

DONE AND ORDERED in chambers, West Palm Beach, Palm Beach County, Florida this 2 day of July, 2008.

Deborah Dale Pucillo
DEBORAH DALE PUCILLO
Circuit Court Judge

Copies forwarded to:

Jack A. Goldberger, Esq.
Counsel for the Defendant
250 Australian Avenue South, Ste. 1400
West Palm Beach, Florida 33401

Lanna Belohlavek, Esq.
Assistant State Attorney
(interoffice)

AB JUL 03 2008
54

1 on that, Your Honor?

2 THE COURT: It is going to be
3 recorded.

4 MR. GOLDBERGER: That's fine.

5 THE COURT: Defendant needs to
6 approach as well.

7 (Whereupon, there was a conference at
8 the bench.)

9 MR. GOLDBERGER: The reason why I
10 asked to come sidebar, there is a
11 nonprosecution agreement with the United
12 States Attorney's office that triggers as a
13 result of this plea agreement. In other
14 words, they have signed off and said they
15 will not prosecute Mr. Epstein in the
16 Southern District of Florida for any
17 offense upon his successful taking of this
18 plea today. That is a confidential
19 document that the parties have agreed to.
20 Just in an abundance of caution, I wanted
21 to tell the court.

22 THE COURT: I understand, that would
23 also be invalidated should he violate his
24 community control?

25 MR. GOLDBERGER: Absolutely. That

1 nonprosecution agreement --

2 MS. BELOHЛАVEK: They spell all that
3 out.

4 THE COURT: Mr. Epstein needs to come
5 closer.

6 Mr. Epstein, your attorney has
7 told me that in addition to everything, we
8 talked about another Inducement, shall we
9 say, to your taking this plea is that the
10 U.S. Attorney for the Southern District of
11 the State of Florida, federal prosecutor,
12 has agreed to a nonprosecution agreement
13 with you, meaning that if you successfully
14 complete probation and do everything you're
15 supposed to, they have, have agreed not to
16 prosecute you federally, did you understand
17 that?

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: And I would view that as
20 a significant inducement in accepting this
21 plea.

22 MS. BELOHЛАVEK: They are actually in
23 court here today, also.

24 THE COURT: Okay.

25 MR. GOLDBERGER: And the plea

1 agreement very carefully spelled out if
2 there was a breach that would violate this
3 agreement, so we are well aware of it.

4 THE COURT: Okay. I would request
5 that a sealed copy of that -- Mr. Epstein
6 has signed that document?

7 MR. GOLDBERGER: Yes, I would like to
8 seal the copy.

9 THE COURT: I want a sealed copy of
10 that filed in this case. That is the only
11 other condition of the agreement that is
12 influencing this defendant to make this
13 decision?

14 MR. GOLDBERGER: Absolutely. I think
15 that's the right idea.

16 (Return to open court.)

17 THE COURT: Mr. Epstein, is there
18 anything else?

19 THE DEFENDANT: No, ma'am.

20 THE COURT: Because I don't take
21 these pleas unless they are freely and
22 voluntarily made.

23 THE DEFENDANT: I understand that.

24 THE COURT: I also don't want
25 somebody or anybody coming back a year,

EFFECTIVE JULY 1, 2007

4050

IN THE COUNTY COURT OF THE FIFTEENTH
JUDICIAL CIRCUIT, CRIMINAL DIVISION,
IN AND FOR PALM BEACH COUNTY, FLORIDA.

CASE NO: 2666CF 9454AXY

STATE OF FLORIDA

vs. *Defendant*

Defendant:

Social Security No.:

Date of Birth: 11/20/53

RECORDER'S SPACE

ORDER ASSESSING ADDITIONAL CHARGES, COSTS AND FINES AND ENTERING JUDGMENT (IF INDICATED)

The Defendant is hereby ordered to Pay and a judgment is hereby entered on behalf of Palm Beach County, Palm Beach County Administrative Complex, Palm Beach County, Florida 33401 and the State of Florida, Florida Department of Financial Services, Tallahassee, Florida 32399 in the following sums as indicated:

INITIAL

IF WAIVED

1. \$ _____

Total of fines assessed in sentence.

2. \$ _____

(Crimes Compensation Trust Fund) pursuant to Section 938.04, Florida Statutes (statutorily mandated 5% surcharge/cost on any fine entered in line 1).

3. \$ _____

(Crime Stoppers Trust Fund) \$20.00 pursuant to Section 938.06(1), Florida Statutes (statutorily mandated cost to be added if any fine imposed).

4. \$ 50.00

(County Crime Prevention Fund) pursuant to Section 775.083(2), Florida Statutes (statutorily mandated). Strike out if not a negotiated settlement and not imposed by the Court.

5. \$ 3.00

(Additional Court Cost Clearing Trust Fund) pursuant to section 938.01(1), Florida Statutes (statutorily mandated).

6. \$ 50.00

(Crimes Compensation Trust Fund) pursuant to Section 938.03(1), Florida Statutes (statutorily mandated).

7. \$ 2.00

(Criminal Justice Education by Municipalities and Counties) pursuant to Section 938.15, Florida Statutes to be paid to:

[] Palm Beach County, Florida. (statutorily mandated where locally authorized).

[] the City/Town/Village of _____, Florida. (Statutorily mandated where locally authorized).

8. \$ 200.00

(Additional Court Costs) pursuant to Section 938.05(1), Florida Statutes (statutorily mandated).

9. \$ 65.00

(Additional Court Costs for local requirements and other County funded programs) pursuant to Section 939.185(1)(a), Florida Statutes (statutorily mandated where locally authorized).

10. \$ 3.00

(Teen Court) pursuant to Section 938.19(2), Florida Statutes (statutorily mandated where locally authorized).

11. \$ 40.00

Discretionary or Specific Offense/Required Costs

(Public Defender Application Fee) pursuant to Sections 27.52(2)(a) and 938.29, Florida Statutes (a \$40.00 fee shall be imposed if not previously collected or waived). Strike out if previously paid or represented by private counsel.

12. \$ 150.00

(Public Defender's Fees and Costs) pursuant to Section 938.29, Florida Statutes and Fla. R. Crim. P. 3.720(d)(1) and Local Administrative Order. (Minimum fee of \$150.00 is statutorily mandated following notice of imposition and right to contest amount, additional amount is discretionary). Strike out if represented by private counsel.

13. \$ 50.00

(Additional fees and costs of publicly appointed counsel) pursuant to Section 938.29, Florida Statutes and Fla. R. Crim. P. 3.720(d)(1) (notice of imposition and right to contest amount required).

14. \$ 50.00

(County Alcohol and Other Drug Abuse Trust Fund) pursuant to Sections 938.21 and 938.23, Florida Statutes (may be imposed for any criminal violation of s.316.193, s.856.011, s.856.015, or Chapters 562, 567, 568, or 893, but may not exceed the amount of any fine imposed for the offense).

15. \$ _____

(DUI Court Cost) \$135.00 pursuant to Section 938.07, Florida Statutes for any violation of Sections 316.193 or 327.35 (statutorily mandated).

16. \$ _____

(Child Advocacy Center) \$101.00 pursuant to Section 938.10, Florida Statutes for any violation of Sections 784.085, 796.03, 800.04, 847.0145, 985.4045, or Chapters 787, 794, or 827, Florida Statutes (statutorily mandated).

17. \$ _____

(Domestic Violence Surcharge) \$201.00 pursuant to Section 938.08, Florida Statutes for any violation of Sections 784.011, 784.021, 784.03, 784.041, 784.045, 784.048, 784.07, 784.08, 784.081, 784.082, 784.083, 784.085, 794.011, and any offense of Domestic Violence as described in Section 741.28, Florida Statutes (statutorily mandated).

18. \$ _____

(Rape Crisis Center Trust Fund) \$151.00 pursuant to Section 938.085, Florida Statutes for any violation of Sections 784.011, 784.021, 784.03, 784.041, 784.045, 784.048, 784.07, 784.08, 784.081, 784.082, 784.083, 784.085, or 794.011.

19. \$ 50.00

(Operating Trust Fund of the FDLE) \$100.00 pursuant to Section 938.25, Florida Statutes (may be imposed for any criminal violation of s. 893.13 if the court finds defendant has ability to pay and will not be prevented thereby from being rehabilitated or from making restitution).

20. \$ 50.00

(Prosecution/Investigative Costs) The Court having considered the financial resources of the Defendant, the financial needs and ability of the Defendant, and other factors which this Court has deemed appropriate, a sum pursuant to 938.27, Florida Statutes (may be imposed where agency entitled to costs of prosecution requests and documents specific costs).

21. \$ _____

(State Agency Law Enforcement Radio System Trust Fund) \$3.00 pursuant to Sections 318.18 (17), Florida Statutes (statutorily mandated for violations of: fleeing/eluding; leave scene of crash; DUI; reckless driving; making false crash reports; failure/refusal to comply with lawful order; refusal to weigh vehicle; racing on highway; refusal to submit to breath/blood/urine test).

22. \$ 473.00

Other:

Other Charges

Total: \$ 473.00

Payment of charges, costs, and fines are:

a condition of probation

to be paid IN FULL TODAY: Defendant to proceed immediately to the Clerk and Comptroller's Office to pay the full amount due. If payment is not made today, then

LET EXECUTION ISSUE and this Judgment shall bear interest at the rate prescribed by law until satisfied.

due immediately; hence, FOR WHICH LET EXECUTION ISSUE. This Judgment shall bear interest at the rate prescribed by law until satisfied.

due within _____ days/months/year and is to be paid through the Clerk and Comptroller's Office pursuant to a COLLECTIONS AGREEMENT established TODAY.

\$ _____ will be paid today to the Clerk and Comptroller's Office as a down payment on the collections agreement. If the Collection Agreement is not established

today, then LET EXECUTION ISSUE and this Judgment shall bear interest at the rate prescribed by law until satisfied.

to be paid by the Defendant performing: (circle one) community service or AA/NA meetings, at a rate of \$ _____/per hour/meeting, due within _____ days/months/years

in lieu of actual payment.

JUN 30

FAILURE TO PAY YOUR FINES AND COURT COSTS WILL RESULT IN YOUR DRIVER'S LICENSE BEING SUSPENDED AND/OR A JUDGMENT BEING ENTERED AGAINST YOU AND/OR YOUR DELINQUENT ACCOUNT BEING REFERRED TO A COLLECTION AGENCY AND/OR A WARRANT BEING ISSUED FOR YOUR ARREST.
DONE AND ORDERED in Open Court of Palm Beach County, Florida.

this 10 day of June 2007

CIRCUIT JUDGE

c: GOLD: State Attorney

YELLOW: Probation

BLUE: Administrative Office of the Court

PINK: Defense Counsel

GREEN: Defendant

Form Circuit (Rev 7/2007)