

SCANNED

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

STATE OF FLORIDA)
vs)
JEFFREY EPSTEIN)
Defendant.)

CASE NO. 06 CF9454AMB W
08 9381CFAMB

2008 JUL 22 PM 3:12
SHARON R. ENCK, CLERK
PALM BEACH COUNTY FL
CRIMINAL DIVISION

FILED

PLEA CONFERENCE

PRESIDING: HONORABLE DEBORAH DALE PUCILLO

APPEARANCES:

ON BEHALF OF THE STATE:

BARRY E. KRISCHER, ESQUIRE
State Attorney
401 North Dixie Highway
West Palm Beach, Florida 33401
By: LANNA BELOHLAVEK, ESQUIRE
Assistant State Attorney

ON BEHALF OF THE DEFENDANT:

ATTERBURY, GOLDBERGER & WEISS, P.A.
250 Australian Avenue South
Suite 1400
West Palm Beach, Florida 33401
By: JACK GOLDBERGER, ESQUIRE

ORIGINAL

June 30, 2008
Palm Beach County Courthouse
West Palm Beach, Florida 33401
Beginning at 8:40 o'clock, a.m.

PHYLLIS A. DAMES, OFFICIAL COURT REPORTER

EFTA00032238

1 BE IT REMEMBERED that the following
2 proceedings were had in the above-entitled cause
3 before the HONORABLE DEBORAH DALE PUCILLO, one of
4 the judges of the aforesaid court, at the Palm
5 Beach County Courthouse, located in the City of
6 West Palm Beach, State of Florida on June 20, 2008
7 beginning at 8:40 o'clock, a.m. with appearances
8 as hereinbefore noted, to wit:

9 THEREUPON:

10 MR. GOLDBERGER: Good morning, Judge,
11 Jack Goldberger on behalf of Jeffrey
12 Epstein.

13 THE COURT: Good morning.

14 MR. GOLDBERGER: Your Honor, we are
15 here for a plea conference.

16 THE COURT: Raise your right hand.

17 THEREUPON:

18 JEFFREY EPSTEIN,
19 after being called as a witness by the Defense and
20 after being first duly sworn by the Court, was
21 examined and testified as follows:

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: Is this one case or two?

24 MS. BELOHLAVEK: Two.

25 THE COURT: May I see the PC

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1 affidavit in both cases, please?

2 MS. BELOHLAVEK: There are no PC
3 affidavits. There was originally an
4 Indictment, the second charge was filed
5 arising out of the booking. It was all
6 testimony presented to the grand jury.

7 THE COURT: Let me see the Indictment
8 then?

9 I have one Indictment, one
10 Information?

11 MS. BELOHLAVEK: Correct.

12 THE COURT: So one case is charged by
13 Indictment, one is charged by Information?

14 MS. BELOHLAVEK: Correct.

15 THE COURT: In case 2006036744 you
16 are charged with procuring a person under
17 18 for prostitution, a second degree
18 felony, maximum penalty of fifteen years
19 Department of Corrections; minimum, some
20 period of probation. No mandatory minimum
21 apply, is that correct, State?

22 MS. BELOHLAVEK: Correct.

23 THE COURT: And in case number 06
24 9454CF, you are charged with felony
25 solicitation to prostitution, a third

1 degree felony, punishable by a maximum
2 penalty of five years in the Department of
3 Corrections, and a minimum, probation. No
4 mandatory minimums, correct?

5 MS. BELOHLAVEK: Correct.

6 THE COURT: The defendant has no
7 prior criminal record?

8 MS. BELOHLAVEK: Correct.

9 MR. GOLDBERGER: Yes, Your Honor.

10 THE COURT: You checked the NCIC as
11 well as State records?

12 MS. BELOHLAVEK: Yes.

13 THE COURT: And the guideline score
14 sheet I have before me shows 21.5 months in
15 the Department of Corrections as the lowest
16 permissible prison sentence in months.
17 Both sides agree to the preparation of the
18 guideline score sheet?

19 MR. GOLDBERGER: We so agree, Your
20 Honor.

21 MS. BELOHLAVEK: Yes.

22 THE COURT: What is proposed -- it
23 goes on for pages.

24 MR. GOLDBERGER: Your Honor, much of
25 the documentation is acknowledgement by my

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1 client to community control, sex offender
2 status.

3 THE COURT: I understand.
4

5 Okay. What is proposed -- those
6 are the maximums and minimums, Mr. Epstein.
7 What is proposed is that you will be
8 pleading guilty to felony solicitation to
9 prostitution and procuring a person under
10 18 for prosecution. A PSI would be waived,
11 you would be adjudicated guilty of both
12 felonies, is that correct?

13 MS. BELOHLAVEK: Correct.

14 THE COURT: And on 06 9454, the
15 defendant to be sentenced to 12-months in
16 the Palm Beach County -- detention
17 facility? He's going to do time in the
18 jail?

19 MS. BELOHLAVEK: Yes.

20 THE COURT: With credit for one day
21 served. And on 08 9381, he is to be
22 sentenced to six months in the Palm Beach
23 County jail detention facility, with credit
24 for one day served. And the six month
25 sentence is to be served consecutive to the
12 month sentence?

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1 MS. BELOHLAVEK: Correct.

2 THE COURT: Following the six months
3 sentence, the defendant will be placed on
4 12-months of community control one. The
5 conditions of the community control are
6 attached hereto and incorporated herein.

7 As a special condition of
8 community control, he's to have no
9 unsupervised contact with minors and the
10 supervising adult must be approved -- and I
11 would say, pre-approved, approved ahead of
12 time, not after the fact by the Department
13 of Corrections. And you would mean by that
14 his community control officer?

15 MS. BELOHLAVEK: Correct.

16 THE COURT: The defendant is
17 designated as a sexual offender pursuant to
18 Florida Statute 943.0435 and must abide by
19 all the corresponding requirements of the
20 statute, a copy of which is attached hereto
21 and incorporated herein. The defendant
22 must provide a DNA sample in court at the
23 time of this plea. Is this the -- and the
24 attachments are the terms and conditions of
25 community control. There are some

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1 squiggles on the bottom of the page, what
2 would those squiggles be?

3 MR. GOLDBERGER: Thank you, Your
4 Honor, those are my client's signature
5 acknowledging that we have gone over all
6 the conditions.

7 THE COURT: One page after the plea
8 sheet that really spells out the terms and
9 conditions of community control, Florida
10 Statute 948.101, Mr. Epstein, is that
11 squiggle at the bottom your squiggle?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: Would those be your
14 initials?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: Did you read all of that
17 page?

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: Can you read?

20 THE DEFENDANT: Yes, ma'am.

21 THE COURT: How far did you go in
22 school?

23 THE DEFENDANT: High school.

24 THE COURT: That's your highest
25 degree?

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1 THE DEFENDANT: Yes.

2 THE COURT: And is this your
3 signature on the plea sheet that recites
4 the terms of the plea I just read?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: Did you read that
7 document as well?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: You understand once you
10 do your 12 months followed by your six
11 months all in the Palm Beach County jail
12 you will then be put on community control
13 which involves having an electronic monitor
14 attached to you and --

15 MR. GOLDBERGER: Actually Your Honor,
16 the agreement of the parties is to, it's
17 community control one which is not monitor.

18 THE COURT: Oh, community control
19 one, is that spelled out in here?

20 MS. BELOHLAVEK: Yes.

21 MR. GOLDBERGER: Yes, it is, Your
22 Honor.

23 MS. BELOHLAVEK: He does not fall
24 under the Jessica Lunsford Act which
25 requires the bracelet.

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1 THE COURT: Community control two.

2 MS. BELOHLAVEK: Correct.

3 THE COURT: Community control one --
4 that would be no electronic monitor?

5 MR. GOLDBERGER: That is correct.

6 THE COURT: Now which of the terms
7 and conditions of community control one are
8 you incorporating?

9 MR. GOLDBERGER: I can go through
10 them with Your Honor.

11 THE COURT: None of the them appear
12 to be articulated in the plea sheet which
13 is why I'm asking.

14 MR. GOLDBERGER: These are the
15 standard conditions of community control by
16 statute would apply to anyone that goes on
17 community control and out of an abundance
18 of caution, we simply memorialized those
19 standard conditions in the plea sheet
20 agreement.

21 THE COURT: The Court shall require
22 intensive supervision and surveillance for
23 an offender placed on community control
24 which may include but is not limited to
25 specified contact with the parole and

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1 probation officer, specified by who?

2 PROBATION OFFICER: Specified by you,
3 Your Honor.

4 THE COURT: I don't see that in the
5 plea sheet. That's why I'm asking the
6 questions. No one has specified how often,
7 how frequently he is to have contact with
8 his parole and probation officer.

9 Confinement to an agreed upon residence
10 during the hours away from employment and
11 public service activity, has that been
12 articulated?

13 MS. BELOHLAVEK: I believe
14 Judge McSorley has a standard order
15 somewhere on the bench up there regarding
16 this, I'm told by the prosecutor.

17 MS. LENHARDT: Judge, usually this is
18 the probation sheet she hands out to folks.

19 THE COURT: I have seen those
20 sheets -- I have seen them incorporated in
21 plea agreements which is why I'm asking.

22 MR. GOLDBERGER: I see.

23 THE COURT: Is there some reason you
24 didn't use this particular document in this
25 case?

1 MS. BELOHLAVEK: I didn't realize
2 until Ms. Lenhardt just told me that Judge
3 McSorley has that.

4 MR. GOLDBERGER: We'd be happy to
5 execute that document, Your Honor. We were
6 -- we overreacted by just having him sign
7 off on all conditions of community control.

8 THE COURT: Well, this is --

9 MR. GOLDBERGER: Perhaps the better
10 practice would be --

11 THE COURT: This is, the reason
12 Judge McSorley does this which makes
13 ultimate sense is we're going to be here
14 half the morning if we're going to decide
15 among ourselves now what the --

16 MR. GOLDBERGER: That makes sense.

17 THE COURT: I'm not going to leave
18 this just unspecified.

19 MS. BELOHLAVEK: We can take care of
20 that right now if you could give us a few
21 minutes.

22 THE COURT: All right.

23 These are the standard conditions
24 that Judge McSorley normally uses. If you
25 like them, you need to circle the ones that

1 apply and everyone must initial them. We
2 will go over it. If you wish to change --
3 you understand there is quite a bit of
4 latitude given the court in putting
5 somebody on community control. If you
6 agree to some change, let me know, but
7 understand at the outset that I'm a big fan
8 of specificity. I want to know what he
9 will be doing for employment. I want to
10 know exactly where he is going to be living
11 and I want it on the record now. It can
12 change but it can only change with
13 preapproval by DOC. I want it crystal
14 clear. I don't want the community control
15 officer who gets this case the day he walks
16 out the Palm Beach County to have any doubt
17 or confusion as to exactly what this
18 defendant is supposed to do, where he is
19 supposed to be when, exactly what I am
20 requesting that officer to supervise.

21 MS. BELOHLAVEK: Absolutely.

22 THE COURT: Okay.

23 MR. GOLDBERGER: We will work on it.

24 Thank you, Your Honor.

25 THE COURT: We will recall that case.

1 (Brief recess.)

2 MR. GOLDBERGER: Your Honor, we are
3 back on Jeffrey Epstein, actually it
4 worked, we had an opportunity to go through
5 Judge McSorley's conditions of community
6 control and we asked the Department of
7 Corrections representative to assist us to
8 make sure we did everything properly.
9 They were very helpful and we executed the
10 document.

11 MS. BELOHLAVEK: Yes, and Your Honor,
12 this defendant doesn't fall under the sex
13 offender probation but we have included
14 special sex offender conditions as part of
15 the community control and they are all
16 circled there.

17 THE COURT: The plea agreement stated
18 the defendant is designated as a sexual
19 offender pursuant to Florida Statute
20 942.035.

21 MS. BELOHLAVEK: Correct. But the
22 sex offender probation, the statute is
23 different and only applies to certain
24 offenses and this one was not enumerated.

25 THE COURT: Okay. I want to make

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1 sure both I and the defendant are clear.
2 The sexual offender statute you are
3 referring to in the plea sheet is the one
4 that requires registration?

5 MS. BELOHLAVEK: Correct.

6 MR. GOLDBERGER: Correct.

7 THE COURT: And we will talk about
8 that.

9 MR. GOLDBERGER: Okay.

10 THE COURT: But it is not the one
11 that requires the special conditions of sex
12 offender probation?

13 MS. BELOHLAVEK: Correct.

14 THE COURT: Now, rather than 948, do
15 you want me to disregard 948? He's read
16 it?

17 MS. BELOHLAVEK: He's read it.

18 THE COURT: We will leave it in
19 there. But these conditions we are going
20 to go over right now are going to be viewed
21 in my mind, yes, and they have been signed
22 by the defendant and we will go over that
23 in a second as a part of the whole plea.

24 MS. BELOHLAVEK: Correct.

25 THE COURT: So circled are

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1 conditions, A, you will remain confined to
2 your residence except one half hour before
3 and after your approved employment,
4 community service work or any other
5 activity approved by your probation
6 officer.

7 B, you will maintain an hourly
8 accounting of all your activities on a
9 daily log which you will submit to your
10 supervising officer upon request.

11 My understanding about the daily
12 log, maybe I'm just confused from other
13 cases I've heard, is the daily log is a
14 weekly log, I guess it is submitted ahead
15 of time, is that correct?

16 PROBATION OFFICER: That is correct,
17 Your Honor.

18 THE COURT: So part A, where he has
19 to stay in his residence except for one
20 hour before and after the approved
21 employment, community service work and
22 other activity. All that's information
23 that will be recorded in writing and the
24 defendant will have a copy and he will know
25 exactly where he is supposed to be when.

1 PROBATION OFFICER: That is correct,
2 Your Honor.

3 THE COURT: As will his supervising
4 probation officer. And then to document
5 that he's supposedly done all that he
6 himself will be keeping a daily log?

7 PROBATION OFFICER: That is correct,
8 Your Honor.

9 THE COURT: And the log form will be
10 provided by the department and he will be
11 turning that in every time he meets with
12 the probation officer?

13 PROBATION OFFICER: That is correct,
14 Your Honor.

15 THE COURT: Okay. So that applies
16 and F applies. Does E apply? No.

17 MS. BELOHLAVEK: Did I circle E?

18 THE COURT: No. F -- made one up,
19 the defendant will be residing at 358 El
20 Brillo Way, Palm Beach, Florida, 33480. He
21 knows now that that's where he will be
22 living when he is released after his 12
23 months and six months.

24 MR. GOLDBERGER: That is correct,
25 Your Honor.

1 THE COURT: That's a private
2 residence?

3 MR. GOLDBERGER: That is his home.

4 THE COURT: Does he own the
5 residence?

6 MR. GOLDBERGER: He does, Your Honor.

7 THE COURT: Is there any possibility
8 that he no longer owns the residence?

9 MR. GOLDBERGER: Not anticipated,
10 Your Honor.

11 THE COURT: Okay. Should he not be
12 for whatever reason -- 18-months is a long
13 time, should he not be owning that
14 residence or able to reside there, he will
15 have the obligation of notifying his
16 probation officer prior, and I emphasize
17 this, prior to his release from custody. I
18 assume that the department will be notified
19 prior to, to his release?

20 PROBATION OFFICER: That is correct,
21 Your Honor.

22 THE COURT: And then you would need
23 to send someone to meet with him before he
24 walks out of the Palm Beach County jail and
25 verify his address and employment

1 information?

2 PROBATION OFFICER: That is correct.

3 THE COURT: All address -- I assume
4 all of this to and from work and any other
5 approved activities restricts him to Palm
6 Beach County, is that correct?

7 PROBATION OFFICER: That is correct,
8 Your Honor.

9 THE COURT: So let's be clear,
10 everything, from the day he walks out
11 occurs in Palm Beach County, is that clear?

12 MR. GOLDBERGER: We understand, Your
13 Honor. That's correct.

14 THE COURT: Then the additional
15 condition of his probation, they are not
16 sex offender standard conditions, they are
17 just conditions that are being imposed
18 especially in this case?

19 MS. BELOHLAVEK: Correct.

20 THE COURT: They are as follows, you
21 shall submit to a mandatory curfew from 10
22 p.m. to 6:00 a.m. regardless of any other
23 restrictions regarding work or approved
24 activity, there will be no exceptions to
25 being at home in house from 10 p.m. to 6

1 a.m., is that correct?

2 MS. BELOHLAVEK: Yes.

3 THE COURT: If the victim was under
4 age of 18 years which I gather is the case
5 because it's circled, you shall not live
6 within 1000 feet of a school, day care
7 center, park, playground or other place
8 where children regularly congregate.

9 Has someone verified that 358 El
10 Brillo is such a place?

11 MS. BELOHLAVEK: No, but that will be
12 done prior to his release.

13 THE COURT: So 358 El Brillo will not
14 be approved if it should happen to be one
15 thousand feet from a school, day care
16 center, park, playground or other place --
17 this is rather open.

18 MR. GOLDBERGER: Where children
19 gather.

20 THE COURT: Where children regularly
21 congregate.

22 MS. BELOHLAVEK: Right.

23 THE COURT: The Court knows 358 El
24 Brillo Way is a residential neighborhood,
25 are there areas there where children

1 regularly congregate?

2 MS. BELOHLAVEK: I personally do not
3 know.

4 THE COURT: Neither do I, which is
5 why I'm asking. Has that been
6 investigated?

7 MR. GOLDBERGER: We have done our due
8 diligence, for what it's worth, there is a
9 residential street. There are not children
10 congregating on that street. We think the
11 address applies, if it doesn't, we fully
12 recognize that he can't live there.

13 THE COURT: Okay. D is, you shall
14 not have any contact with the victim, are
15 there more than one victim?

16 MS. BELOHLAVEK: There's several.

17 THE COURT: Several, all of the
18 victims. So this should be plural. I'm
19 making that plural. You are not to have
20 any contact direct or indirect, and in this
21 day and age I find it necessary to go over
22 exactly what we mean by indirect. By
23 indirect, we mean no text messages, no
24 e-mail, no Face Book, no My Space, no
25 telephone calls, no voice mails, no

1 messages through carrier pigeon, no
2 messages through third parties, no hey
3 would you tell so and so for me, no having
4 a friend, acquaintance or stranger approach
5 any of these victims with a message of any
6 sort from you, is that clear?

7 THE DEFENDANT: Yes, ma'am

8 THE COURT: And then it states,
9 unless approved by the victim, the
10 therapist and the sentencing court. Okay.

11 THE DEFENDANT: I understand.

12 THE COURT: And the sentencing court.
13 So, if there is a desire which, I would
14 think would be a bit strange to have
15 contact with any of the victims the court
16 must approve it.

17 MS. BELOHLAVEK: Correct.

18 THE COURT: If the victim was under
19 the age of 18, which was the case, you
20 shall not until you have successfully
21 attended and completed the sex offender
22 program. So, is this sex offender program
23 becoming a condition of probation?

24 MS. BELOHLAVEK: That is not. I
25 don't believe I circled that one.

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THE COURT: You did.

MR. GOLDBERGER: That's a mistake on our part. Actually the statute that he is pleading guilty to does not require the --

THE COURT: I understand that, but you circled it.

MS. BELOHLAVEK: I apologize, that one is not. He has already been in treatment with a private psychiatrist.

THE COURT: Which you find to be an adequate substitute for sex offender program?

MS. BELOHLAVEK: I -- it is not required and based upon the evaluation and my contact with that doctor, I don't believe it's necessary at this point.

THE COURT: Has that been -- I assume you have a law degree and do not have a Ph.D in a psychology or MD in psychiatry?

MS. BELOHLAVEK: That is correct, I don't.

THE COURT: So it is just your judgement --

MS. BELOHLAVEK: Correct.

THE COURT: -- that his treatment

1 with some fancy private psychiatrist or
2 psychologist in his case is okay?

3 MS. BELOHLAVEK: That is correct.

4 THE COURT: So you are not imposing
5 E?

6 MS. BELOHLAVEK: Correct.

7 THE COURT: F, if the victim was
8 under the age of 18, you shall not work or
9 play or as a volunteer in any school, day
10 care center, park, play ground or other
11 place where children regularly congregate,
12 is that understood?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: Children will be defined
15 as anyone under the age of 18. There are a
16 lot of places where children regularly
17 congregate. What kind of work do you do?

18 THE DEFENDANT: Banking.

19 THE COURT: Here in Palm Beach
20 County?

21 THE DEFENDANT: Virgin Islands,
22 ma'am.

23 THE COURT: You understand you will
24 not travel from Palm Beach County for the
25 duration of this?

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1 THE DEFENDANT: Yes, ma'am.

2 MR. GOLDBERGER: Your Honor, I'm
3 sorry to interrupt, we do cover the
4 employment later in the agreement as to
5 what he is going to be doing during the one
6 year that he is on community control.

7 THE COURT: Okay. And let me --
8 condition G, which is circled, unless
9 otherwise indicated in the treatment plan
10 provided by sexual offender treatment
11 program.

12 MR. GOLDBERGER: That's not in there.

13 THE COURT: Is that what you want?

14 MS. BELOHLAVEK: No.

15 THE COURT: But you do want the, you
16 will not view, own or possess any obscene
17 pornographic --

18 MS. BELOHLAVEK: Correct.

19 THE COURT: Okay. But are you saying
20 that this therapist can okay him to own
21 certain pornographic material?

22 MS. BELOHLAVEK: No, not at all.

23 MR. GOLDBERGER: No, Your Honor.

24 THE COURT: Would be really helpful
25 if people read these things before they

1 signed them thoroughly.

2 Unless otherwise indicated in the
3 treatment plan. I'm just going to strike
4 out, provided by the sexual offender
5 treatment program. Is that what you
6 intend, that his therapist can --

7 MS. BELOHLAVEK: No.

8 THE COURT: No?

9 MS. BELOHLAVEK: No.

10 THE COURT: Unless otherwise
11 indicated.

12 MR. GOLDBERGER: The parties have
13 agreed that during the period that he is --
14 cannot be --

15 THE COURT: Condition G will now
16 read, you shall not view, own, possess any
17 obscene, pornographic or sexually
18 stimulating visual or auditory material
19 including telephonic, electronic media,
20 computer program or computer services that
21 are relevant to your deviant behavior
22 pattern. And who is going to enforce that?

23 MS. BELOHLAVEK: The community
24 control officer.

25 THE COURT: How?

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1 MS. BELOHLAVEK: They have the
2 obligation and included in there for
3 warrantless search to check at any time his
4 home, his computer, anything he has contact
5 with.

6 THE COURT: And do they regularly do
7 that?

8 PROBATION OFFICER: Yes, ma'am.

9 THE COURT: Since we have the
10 pleasure of having someone from the
11 Department of Corrections here.

12 Okay. H, you shall submit two
13 specimens of blood to the Florida
14 Department of Law Enforcement to be
15 registered in the DNA data bank.

16 J, you shall submit to a
17 warrantless search by your probation
18 officer or community control officer of
19 your person, residence or vehicle.

20 G -- where is the G?

21 MS. BELOHLAVEK: That was under the
22 original part, not under the sex offender
23 one.

24 THE COURT: Okay. Defendant to have
25 contact with the community control officer

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1 at a minimum one time a week.

2 Defendant to work at Florida
3 Science Foundation, 250 Australian Avenue,
4 West Palm Beach, Florida. Is that
5 volunteer work or work for pay?

6 MR. GOLDBERGER: It is a 501C
7 corporation that he has formed, Your Honor,
8 that will be doing charitable work.

9 THE COURT: That he has formed?

10 MR. GOLDBERGER: Yes.

11 THE COURT: What exactly is Florida
12 Science Foundation?

13 MR. GOLDBERGER: Do you want to
14 explain?

15 THE DEFENDANT: It funds science
16 programs around the state and the country.

17 THE COURT: How long has it been in
18 existence?

19 THE DEFENDANT: Fifteen years.

20 THE COURT: How many programs has it
21 funded?

22 THE DEFENDANT: Numerous, more than
23 50.

24 THE COURT: What is your position
25 with the organization?

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THE DEFENDANT: President.

THE COURT: Is there a board of directors?

THE DEFENDANT: Yes, ma'am.

THE COURT: Who's on the board of directors?

THE DEFENDANT: Two attorneys.

THE COURT: What exactly do you do?

THE DEFENDANT: I'm an investment banker but my --

THE COURT: No, no, I mean with the science foundation.

THE DEFENDANT: We fund science programs --

THE COURT: I don't want to know what we do, I want to know what you do. How often are you there?

THE DEFENDANT: I'm there every day, I research, I take in people who want to make presentations about why they need money for funding medical research, advanced science research. My background is in physics. I go through all the programs in detail, review the science work potentials, I follow through on a daily

1 basis with what they have been given money
2 to do.

3 THE COURT: Who are some recent
4 grantees?

5 THE DEFENDANT: Harvard University.
6 There is a full program of Evolutionary
7 Dynamics, Neuro Science Institute of
8 California, the Physics Institute, MIT.

9 THE COURT: Do you ever have occasion
10 to deal with anyone under the age of
11 eighteen?

12 THE DEFENDANT: Not very often. It
13 is, if someone is in college -- sorry.

14 THE COURT: Right, that's why I'm
15 asking the question.

16 THE DEFENDANT: Most of the people I
17 fund are all usually professors.

18 THE COURT: Thank you. You
19 understand that you can't have contact with
20 anyone if -- this organization, do they
21 ever have any involvement with high
22 schools?

23 THE DEFENDANT: No, ma'am.

24 THE COURT: Students or teachers?

25 THE DEFENDANT: No, ma'am.

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1 THE COURT: Okay.

2 MS. BELOHLAVEK: Those are
3 duplicates, you will see those are the same
4 as the ones on the previous page, however,
5 it was reproduced.

6 THE COURT: The next condition, you
7 shall maintain a driving log. You shall
8 not drive a motor vehicle while alone
9 without prior approval of your supervising
10 officer.

11 If there was sexual contact, you
12 shall submit to at probationer's or
13 community controllee's expense an HIV test
14 with results to be released to the victims,
15 victim's parent or guardian -- will be
16 victims, plural. Has that been done?

17 MR. GOLDBERGER: Not yet.

18 THE COURT: Do we have a time frame
19 on that? I would think ASAP might be good
20 on something like that.

21 MS. BELOHLAVEK: I believe they can
22 actually do that at the jail.

23 THE COURT: At his expense?

24 MS. BELOHLAVEK: Yes.

25 THE COURT: I would request that that

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1 be done within 48 hours?

2 You shall not obtain or use a post
3 office box without prior approval of the
4 supervising officer.

5 Okay. Are all those conditions
6 you two have agreed to?

7 MS. BELOHLAVEK: Yes, Your Honor.

8 MR. GOLDBERGER: With the court's
9 amendments, yes.

10 THE COURT: Mr. Epstein, do you
11 understand?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: I need the defendant to
14 sign number D where I had an s added to
15 victim, and G, we struck out the otherwise
16 indicated language. Otherwise, it is as
17 you agreed.

18 Mr. Epstein, do you understand
19 this is a somewhat complicated terms of the
20 plea that you've agreed to?

21 THE DEFENDANT: Yes, ma'am

22 THE COURT: Do you have any questions
23 about the terms of the plea?

24 THE DEFENDANT: No.

25 THE COURT: Can I ask the State why

1 you choose -- or defense and the State
2 together, why twelve months in the Palm
3 Beach County jail followed by six months?
4 Why not just send him to DOC?

5 MR. GOLDBERGER: It was the agreement
6 of the parties, Your Honor. We just
7 decided that was the best way to accomplish
8 what needed to be done here and the parties
9 agreed that that sentence satisfied
10 everyone's requirements.

11 THE COURT: The taxpayers of Palm
12 Beach County is going to pay 18 months to
13 house this guy instead of DOC?

14 MS. BELOHLAVEK: Right.

15 THE COURT: You understand we're
16 losing positions left and right in county
17 government because we haven't got enough
18 money but you want -- okay.

19 His requirement to register there
20 is many, many -- there is nine pages
21 outlining the sexual offender's requirement
22 to register with the department and
23 penalty, have you read all those,
24 Mr. Epstein?

25 THE DEFENDANT: Yes, ma'am.

1 THE COURT: Do you understand you
2 will be required to register and this will
3 be an ongoing life long obligation?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: And this registration
6 occurs when?

7 MS. BELOHLAVEK: Within 48-hours of
8 release.

9 THE COURT: So when he gets out of
10 the Palm Beach County jail, he needs to
11 register? Okay. And the department -- who
12 is going to provide him with the form?

13 MR. GOLDBERGER: He actually
14 registers out at the Sheriff's Office, Your
15 Honor, we can do it out there.

16 THE COURT: Okay. It has been
17 brought to my attention that FDLE is the
18 one who is statutorily required to handle
19 these registrations but some of our
20 municipal jurisdictions have taken it upon
21 themselves to impose additional
22 requirements, y'all understand that?

23 MS. BELOHLAVEK: Correct.

24 MR. GOLDBERGER: Right.

25 THE COURT: What you are telling him

1 he has to do is the official State of
2 Florida registration?

3 MS. BELOHLAVEK: Correct.

4 THE COURT: Mr. Epstein, I need to
5 make sure you understand that that's what's
6 required by this plea. Anyone on
7 probation, community control is required to
8 live and abide by the laws. So if a
9 jurisdiction you choose to reside in should
10 have some additional municipal requirements
11 you will be required in order to comply
12 with the law of living there, just like you
13 can't get a parking ticket or speeding
14 ticket, to comply with those regulations
15 but I want to make sure you understand
16 because I have seen some defendants who
17 have been confused about this. If you
18 don't, for example, if the Town of Palm
19 Beach has you register that does not take
20 care of your requirement. Your requirement
21 to register with FDLE through the Sheriff's
22 office is separate, distinct and must be
23 done on their form according to their
24 schedule.

25 THE DEFENDANT: Yes, ma'am.

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1 THE COURT: And if my experience the
2 last few months is of any value, they are
3 very serious about enforcing this. They
4 will be tracking you for the rest of your
5 life. Do not move. Do not go -- I don't
6 care when you are done with community
7 control, they need to know exactly where
8 you are and if you go anywhere without
9 registering, they will find and you will be
10 locked up.

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: Okay. Any questions
13 about that?

14 THE DEFENDANT: No, ma'am.

15 THE COURT: Did you read the plea in
16 the circuit court form that describes all
17 the rights you are giving up by entering
18 this plea?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: I think I asked you
21 before, can you read?

22 THE DEFENDANT: Yes.

23 THE COURT: Are you under the
24 influence of alcohol, drugs or medication
25 today?

1 THE DEFENDANT: No, ma'am.

2 THE COURT: Normally taking any
3 prescribed medication?

4 THE DEFENDANT: Only for cholesterol.

5 THE COURT: Does that interfere with
6 your mental ability?

7 THE DEFENDANT: No.

8 THE COURT: Do you understand you
9 have an attorney, you have a right to trial
10 by jury, there is not going to be a jury
11 trial. There won't be witnesses called.
12 That your attorney and you would have a
13 right to confront and cross examine, do you
14 understand you have a right to call
15 witnesses of your own and the court would
16 issue subpoenas to compel their attendance
17 just like any other witness called by the
18 State, that you have the right -- absolute
19 right to remain silent and that you would
20 not have to say or do anything at the trial
21 if there were a trial, do you understand
22 those rights?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: Do you understand if you
25 are not a United States citizen your plea

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1 could subject you to deportation pursuant
2 to the laws and regulations governing the
3 United States Immigration and
4 Naturalization Service and this court has
5 no jurisdiction or authority in such
6 matters, do you understand that?

7 THE DEFENDANT: Yes.

8 THE COURT: Has anybody threatened
9 you, coerced you or promised you anything
10 other than the terms of this plea to get
11 you to enter this plea?

12 THE DEFENDANT: No.

13 THE COURT: Do you understand this is
14 a plea in criminal court?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: This has -- in criminal
17 court in Palm Beach County, State of
18 Florida. I have absolutely nothing to do
19 with any civil matters or matters in any
20 other jurisdiction, do you understand that?

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: Is this plea in any way
23 tied to any promises or representations by
24 any civil attorneys or other jurisdictions?

25 MR. GOLDBERGER: May we come sidebar

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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

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1 nonprosecution agreement --

2 MS. BELOHLAVEK: 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. BELOHLAVEK: They are actually in
23 court here today, also.

24 THE COURT: Okay.

25 MR. GOLDBERGER: And the plea

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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,

1 two years from now saying, oh no, no, they
2 beat me over the head or if there is
3 anything else that is influencing you to
4 make this decision, then I need to know
5 about it.

6 THE DEFENDANT: I understand that.

7 MR. GOLDBERGER: Thank you.

8 THE DEFENDANT: Thank you very much,
9 Your Honor.

10 (Return to open court.)

11 THE COURT: All right, Mr. Epstein,
12 any questions about the rights you are
13 giving up by entering this plea?

14 THE DEFENDANT: No ma'am.

15 THE COURT: State, please give me a
16 factual basis.

17 MS. BELOHLAVEK: In 069454 CF AMB,
18 between August 1, 2004 and October 31,
19 2005, the defendant in Palm Beach County
20 did solicit or procure someone to commit
21 prosecution on three or more occasions.

22 And in 08 CF 9381 CF AMB between
23 August 1, 2004 and October 9, 2005, the
24 defendant did procure a minor under the age
25 of 18 to commit prostitution in Palm Beach

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1 County also.

2 THE COURT: I find a sufficient
3 factual basis to support the pleas.

4 Are all of the victims in both of
5 these cases in agreement with the terms of
6 this plea?

7 MS. BELOHLAVEK: I have spoken to
8 several myself and I have spoken to
9 counsel, through counsel as to the other
10 victim, and I believe, yes.

11 THE COURT: And with regard to the
12 victims under age eighteen, is that
13 victim's parents or guardian in agreement
14 with the plea?

15 MS. BELOHLAVEK: That victim is not
16 under age 18 any more and that's why we
17 spoke with her counsel.

18 THE COURT: And she is in agreement
19 with the plea?

20 MS. BELOHLAVEK: Yes.

21 THE COURT: And community control
22 will be given information concerning how to
23 contact these victims?

24 MS. BELOHLAVEK: Yes.

25 THE COURT: Confidentially. That

1 information will not be related to the
2 defendant but will be used exclusively for
3 purposes of verifying compliance with this
4 agreement?

5 MS. BELOHLAVEK: Yes.

6 THE COURT: Is there anything else
7 from anybody else before I accept this
8 plea?

9 MR. GOLDBERGER: No, Your Honor.

10 THE COURT: Mr. Goldberger, if it is
11 your desire, you may enter your client's
12 plea.

13 MR. GOLDBERGER: Thank you, Your
14 Honor, at this time we would withdraw our
15 previously entered pleas of not guilty,
16 enter pleas of guilty pursuant to
17 negotiations with the State.

18 THE COURT: Mr. Epstein, I am going
19 to accept those pleas on your behalf. I
20 find you are intelligent, alert, you
21 understand what is going on here and the
22 consequence of entering this plea, you are
23 doing it freely and voluntarily.

24 Pursuant to the plea, I am waiving
25 a PSI, I will sentence you at this time

1 pursuant to it. I will adjudicate you
2 guilty of felony solicitation of
3 prostitution, a third degree felony, case
4 number 06 CF 00945A -- 454 AMB, and
5 procuring a person under 18 for
6 prostitution, a second degree felony 08 CF
7 009381AMB.

8 With respect to the solicitation
9 of prosecution, I will sentence you to
10 twelve months in the Palm Beach County
11 detention facility with credit for the one
12 day served.

13 With respect to 08 CF 009381, I
14 will sentence you to six months in the Palm
15 Beach County detention facility, with
16 credit for the one day served. That six
17 month sentence is to be served consecutive
18 to the twelve month sentence.

19 Following the six month sentence
20 you will be placed on 12 months of
21 community control. That will be on both
22 cases, I assume, to run concurrently,
23 correct?

24 MS. BELOHLAVEK: Only on the 08 case.

25 THE COURT: Only on the second degree

1 felony?

2 MS. BELOHLAVEK: Correct, the one
3 that designates him a sexual offender.

4 THE COURT: Okay. So only on case
5 number 08 CF 009381AMB will you be on one
6 year community control which would then
7 invoke a potential penalty of fifteen years
8 were you to violate.

9 The special conditions are that
10 you are to have no unsupervised contact
11 with minors and the supervising adult must
12 be approved by the Department of
13 Corrections. You are to be designated a
14 sexual offender pursuant to Florida Statute
15 943.0435 and you must abide by all
16 requirements of that statute which I have
17 read and we have discussed.

18 You will remain confined to your
19 residence except one half hour before and
20 after your approved employment, community
21 service work or other activities approved
22 by your probation officer. You will
23 maintain an hourly accounting of all your
24 activity on a daily log which you submit to
25 the supervising officer upon request.

1 You will be residing at 358 El
2 Brillo Way, Palm Beach, Florida 33480.
3 Should you desire to move or go to a
4 different location upon release from
5 custody, you will get preapproval of that
6 location from the Department of
7 Corrections. You will have to contact your
8 community control officer a minimum of once
9 a week, it can be more often at their
10 discretion and you are to work at the
11 Florida Science Foundation at 250
12 Australian Avenue in West Palm Beach,
13 Florida. You will submit to a mandatory
14 curfew of 10 p.m. to 6 a.m.

15 You shall not live within a
16 thousand feet of a school, day care center,
17 park, playground or other place where
18 children congregate. You shall not have
19 any contact with the victims, directly or
20 indirectly including through a third person
21 unless approved by victim's therapist and
22 the sentencing court.

23 You shall not work for pay or as a
24 volunteer at any school, day care center
25 park, play ground, other place where

1 children may congregate. You shall not
2 view, own or possess any obscene
3 pornographic or sexually stimulating or
4 visual, auditory material including
5 telephone, electronic media, computer
6 programs, computer services that are
7 relevant to deviant behavior.

8 You shall submit two specimens of
9 blood to Florida Department of Law
10 Enforcement to be registered with the DNA
11 data bank. You shall submit to a
12 warrantless search by the probation officer
13 or community control officer of your
14 person, residence or vehicle.

15 You shall maintain a driving log.
16 You shall not drive a motor vehicle while
17 alone without prior approval of the
18 supervising officer.

19 You shall submit to, at
20 probationer or community control expense a
21 HIV test, the result of which is to be
22 released to the victims or victim's parent
23 or guardian. That has to be done within 48
24 hours.

25 You shall not obtain or a use post

1 office box without the prior approval of
2 the supervising officer.

3 MS. BELOHLAVEK: You forgot one that
4 you may not possess, own or view sexually
5 stimulating -- I don't believe you read
6 that outloud just now.

7 THE COURT: Yes, I did.

8 MS. BELOHLAVEK: I'm sorry, I didn't
9 hear it. I just wanted to make sure.

10 THE COURT: And the warrantless
11 search by the community control officer of
12 the person, residence or vehicle --
13 understand the person, residence or vehicle
14 includes anything you might possess like
15 computer, a cell phone and whatever other
16 elaborate devices there are to communicate
17 electronically these days, okay. Good
18 luck.

19 MR. GOLDBERGER: Thank you.

20 MS. BELOHLAVEK: Thank you.

21 THE COURT: Is there a judgment?

22 MR. GOLDBERGER: Yes, there should be
23 judgments.

24 THE COURT: Was there a condition of
25 community control that he pay or is he

1 paying it?

2 MR. GOLDBERGER: Actually there is a
3 cash bond posted, court cost can be
4 deducted from the cash bond.

5 THE COURT: \$574 is the total?

6 MS. BELOHLAVEK: Correct.

7 THE COURT: Is that to cover both
8 cases?

9 MR. GOLDBERGER: Yes.

10 THE COURT: Thank you.

11 MR. GOLDBERGER: Thank you, Your
12 Honor.

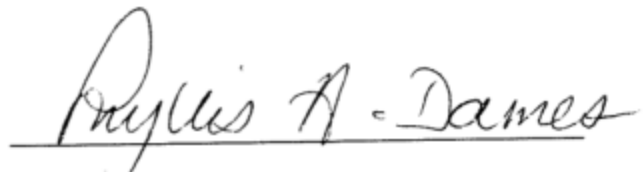
13 (Whereupon, at 9:48 o'clock a.m. the
14 proceedings before the Court concluded.)
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C E R T I F I C A T E

THE STATE OF FLORIDA,
COUNTY OF PALM BEACH.

I, PHYLLIS A. DAMES, Official Court
Reporter for the Fifteenth Judicial Circuit,
Criminal Division, in and for Palm Beach County,
Florida; do hereby certify that I was authorized
to and did report the foregoing proceedings before
the Court at the time and place aforesaid; and
that the preceding pages numbered from 1 through 49,
inclusive, represent a true and accurate
transcription of my stenonotes taken at said
proceedings.

IN WITNESS WHEREOF, I have hereunto
affixed my official signature this 19th day of
July, 2008.


PHYLLIS A. DAMES

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