

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

4  
5                   STATE OF FLORIDA      )  
6                   vs                      )  
7                   )                   CASE NO. 06 CF9454AMB      W  
8                   JEFFREY EPSTEIN      )  
9                   Defendant.          )  
-----)

10                  PLEA CONFERENCE

11                  PRESIDING: HONORABLE DEBORAH DALE PUCILLO  
12                  APPEARANCES:

13                  ON BEHALF OF THE STATE:  
14                   BARRY E. KRISCHER, ESQUIRE  
15                   State Attorney  
16                   401 North Dixie Highway  
17                   West Palm Beach, Florida 33401  
18                   By: LANNA BELOHRAVEK, ESQUIRE  
19                   Assistant State Attorney

20                  ON BEHALF OF THE DEFENDANT:  
21                   ATTERBURY, GOLDBERGER & WEISS, P.A.  
22                   250 Australian Avenue South  
23                   Suite 1400  
24                   West Palm Beach, Florida 33401  
25                   By: JACK GOLDBERGER, ESQUIRE

2008 JUL 22 PM 3:12  
SILVER ROCK CIRCUIT  
PALM BEACH COUNTY FL  
COURT CLERK

FILED

ORIGINAL

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

30                  PHYLLIS A. DAMES, OFFICIAL COURT REPORTER

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. BELOHЛАVEK: 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. BELOHЛАVEK: Correct.

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

14 MS. BELOHЛАVEK: 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. BELOHЛАVEK: 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?

MS. BELOHLAVEK: Correct.

THE COURT: The defendant has no prior criminal record?

MS. BELOHLAVEK: Correct

MR. GOLDBERGER: Yes. Your Honor.

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

MS. BELOHЛАVEK: Yes

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

MR. GOLDBERGER: We so agree, Your Honor.

MS. BELOHЛАVEK: Yes

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

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

2

client to community control, sex offender status.

3

4

THE COURT: I understand.

5

6

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11

12

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

13

MS. BELOHЛАVEK: Correct.

14

15

16

17

18

19

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

MS. BELOHЛАVEK: Yes.

20

21

22

23

24

25

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

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

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

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

THE DEFENDANT: Yes, ma'am.

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

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. BELOHЛАVEK: Yes.

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

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

1 THE COURT: Community control two.  
2

3 MS. BELOHЛАVEK: Correct.  
4

5 THE COURT: Community control one --  
6 that would be no electronic monitor?  
7

8 MR. GOLDBERGER: That is correct.  
9

10 THE COURT: Now which of the terms  
11 and conditions of community control one are  
12 you incorporating?  
13

14 MR. GOLDBERGER: I can go through  
15 them with Your Honor.  
16

17 THE COURT: None of the them appear  
18 to be articulated in the plea sheet which  
19 is why I'm asking.  
20

21 MR. GOLDBERGER: These are the  
22 standard conditions of community control by  
23 statute would apply to anyone that goes on  
24 community control and out of an abundance  
25 of caution, we simply memorialized those  
standard conditions in the plea sheet  
agreement.

26 THE COURT: The Court shall require  
27 intensive supervision and surveillance for  
28 an offender placed on community control  
29 which may include but is not limited to  
30 specified contact with the parole and

1 probation officer, specified by who?  
2

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

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

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

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

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

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

23 MR. GOLDBERGER: I see.

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

1 MS. BELOHЛАVEK: 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

9 THE COURT: Well, this is --

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

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

17 MR. GOLDBERGER: That makes sense.

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

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

23 THE COURT: All right.

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

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

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

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

25 THE COURT: Okay. I want to make

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. BELOHЛАVEK: Correct.  
6

7 MR. GOLDBERGER: Correct.  
8

9 THE COURT: And we will talk about  
10 that.  
11

12 MR. GOLDBERGER: Okay.  
13

14 THE COURT: But it is not the one  
15 that requires the special conditions of sex  
16 offender probation?  
17

18 MS. BELOHЛАVEK: Correct.  
19

20 THE COURT: Now, rather than 948, do  
21 you want me to disregard 948? He's read  
22 it?  
23

24 MS. BELOHЛАVEK: He's read it.  
25

26 THE COURT: We will leave it in  
27 there. But these conditions we are going  
28 to go over right now are going to be viewed  
29 in my mind, yes, and they have been signed  
30 by the defendant and we will go over that  
31 in a second as a part of the whole plea.  
32

33 MS. BELOHЛАVEK: Correct.  
34

35 THE COURT: So circled are  
36

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. BELOHЛАVEK: 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.

3 MR. GOLDBERGER: That is his home

6 MR. GOLDBERGER: He does, Your Honor.

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. BELOHЛАVEK: 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. BELOHЛАVEK: 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. BELOHЛАVEK: 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. BELOHЛАVEK: 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. BELOHЛАVEK: 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. BELOHЛАVEK: 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.



1 with some fancy private psychiatrist or  
2 psychologist in his case is okay?  
3

4 MS. BELOHЛАVEK: That is correct.  
5

6 THE COURT: So you are not imposing  
7 E?  
8

9 MS. BELOHЛАVEK: Correct.  
10

11 THE COURT: F, if the victim was  
12 under the age of 18, you shall not work or  
13 play or as a volunteer in any school, day  
14 care center, park, play ground or other  
15 place where children regularly congregate,  
16 is that understood?  
17

18 THE DEFENDANT: Yes, ma'am.  
19

20 THE COURT: Children will be defined  
21 as anyone under the age of 18. There are a  
22 lot of places where children regularly  
23 congregate. What kind of work do you do?  
24

25 THE DEFENDANT: Banking.  
26

27 THE COURT: Here in Palm Beach  
28 County?  
29

30 THE DEFENDANT: Virgin Islands,  
31 ma'am.  
32

33 THE COURT: You understand you will  
34 not travel from Palm Beach County for the  
35 duration of this?  
36

1 THE DEFENDANT: Yes, ma'am.

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

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

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

13 THE COURT: Is that what you want?

14 MS. BELOHЛАVEK: No.

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

18 MS. BELOHЛАVEK: Correct.

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

22 MS. BELOHЛАVEK: 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

3                   Unless otherwise indicated in the  
4 treatment plan. I'm just going to strike  
5 out, provided by the sexual offender  
6 treatment program. Is that what you  
7 intend, that his therapist can --  
8

9                   MS. BELOHЛАVEK: No.  
10

11                  THE COURT: No?  
12

13                  MS. BELOHЛАVEK: No.  
14

15                  THE COURT: Unless otherwise  
16 indicated.  
17

18                  MR. GOLDBERGER: The parties have  
19 agreed that during the period that he is --  
20 cannot be --  
21

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

MS. BELOHЛАVEK: The community  
control officer.

THE COURT: How?

1 MS. BELOHЛАVEK: 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

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

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

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

21 G -- where is the G?

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

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

1 at a minimum one time a week.

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

THE COURT: That he has formed?

10 MR. GOLDBERGER: Yes.

15 THE DEFENDANT: It funds science  
16 programs around the state and the country.  
17

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

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1 THE DEFENDANT: President

2 THE COURT: Is there a board of  
3 directors?

4 THE DEFENDANT: Yes, ma'am

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

7 THE DEFENDANT: Two attorneys

THE COURT: What exactly do you do?

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

18 THE DEFENDANT: I'm there every day,  
19 I research, I take in people who want to  
20 make presentations about why they need  
21 money for funding medical research,  
22 advanced science research. My background  
23 is in physics. I go through all the  
24 programs in detail, review the science work  
25 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

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

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

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

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

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

24 THE DEFENDANT: No, ma'am.

25 THE COURT: Students or teachers?

THE DEFENDANT: No, ma'am.

1 THE COURT: Okay.

2 MS. BELOHЛАVEK: 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. BELOHЛАVEK: I believe they can  
22 actually do that at the jail.

23 THE COURT: At his expense?

24 MS. BELOHЛАVEK: Yes.

25 THE COURT: I would request that that

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. BELOHЛАVEK: 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. BELOHЛАVEK: 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.

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

3 MS. BELOHЛАVEK: Correct.  
4

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

THE DEFENDANT: Yes, ma'am.

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

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

14 THE DEFENDANT: No, ma'am

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  
3 THE COURT: Normally taking any  
4 prescribed medication?

5 THE DEFENDANT: Only for cholesterol.

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

8 THE DEFENDANT: No.

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

24 THE DEFENDANT: Yes, ma'am.

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

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

8 THE DEFENDANT: Yes.

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

13 THE DEFENDANT: No.

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

16 THE DEFENDANT: Yes, ma'am.

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

22 THE DEFENDANT: Yes, ma'am.

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

MR. GOLDBERGER: May we come sidebar

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

2

nonprosecution agreement --

3

MS. BELOHЛАVEK: They spell all that out.

4

THE COURT: Mr. Epstein needs to come closer.

6

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

18

THE DEFENDANT: Yes, ma'am.

19

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

22

23

MS. BELOHЛАVEK: They are actually in 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

5 THE COURT: Okay. I would request  
6 that a sealed copy of that -- Mr. Epstein  
7 has signed that document?  
8

9 MR. GOLDBERGER: Yes, I would like to  
10 seal the copy.  
11

12 THE COURT: I want a sealed copy of  
13 that filed in this case. That is the only  
14 other condition of the agreement that is  
15 influencing this defendant to make this  
16 decision?  
17

18 MR. GOLDBERGER: Absolutely. I think  
19 that's the right idea.  
20

21 (Return to open court.)  
22

23 THE COURT: Mr. Epstein, is there  
24 anything else?  
25

THE DEFENDANT: No, ma'am.

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

THE DEFENDANT: I understand that.

THE COURT: I also don't want  
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.

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

10 (Return to open court.)  
11

THE DEFENDANT: No ma'am.

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

17 MS. BELOHЛАVEK: 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

23 And in 08 CF 9381 CF AMB between  
24 August 1, 2004 and October 9, 2005, the  
25 defendant did procure a minor under the age  
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. BELOHЛАVEK: 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. BELOHЛАVEK: 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. BELOHЛАVEK: Yes.

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

24                  MS. BELOHЛАVEK: 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. BELOHЛАVEK: 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

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.

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.

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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.

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. BELOHЛАVEK: 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. BELOHЛАVEK: 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. BELOHЛАVEK: 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. BELOHЛАVEK: 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.)

15

16

17

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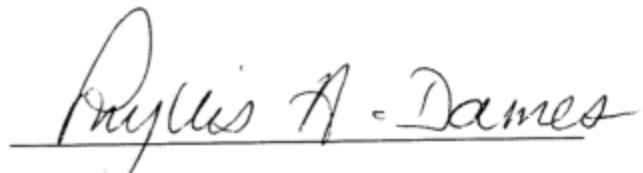
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## 1 C E R T I F I C A T E

2  
3 THE STATE OF FLORIDA,  
4 COUNTY OF PALM BEACH.5 I, PHYLLIS A. DAMES, Official Court  
6 Reporter for the Fifteenth Judicial Circuit,  
7 Criminal Division, in and for Palm Beach County,  
8 Florida; do hereby certify that I was authorized  
9 to and did report the foregoing proceedings before  
10 the Court at the time and place aforesaid; and  
11 that the preceding pages numbered from 1 through 49,  
12 inclusive, represent a true and accurate  
13 transcription of my stenonotes taken at said  
14 proceedings.15 IN WITNESS WHEREOF, I have hereunto  
16 affixed my official signature this 19th day of  
17 July, 2008.  
1819  
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23  
24  
25

PHYLLIS A. DAMES