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Subject: Epstein Victims Demand Apology From Prosecutors - Law360

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Importance: Normal

Law360 (May 24, 2019, 7:55 PM EDT) -- Two of billionaire sex offender Jeffrey Epstein's victims have asked a Florida federal court to nullify the nonprosecution agreement with Epstein that the court has already deemed illegal and want an apology from the U.S. attorney's office as well as a hearing at which they and other victims can testify.

The two victims submitted their list of proposed remedies late Thursday after the court found in their favor in February and ruled that prosecutors, including then-U.S. Attorney and current Labor Secretary Alexander Acosta, violated the Crime Victims' Rights Act when they signed the nonprosecution agreement with Epstein without notifying his victims.

Among the remedies they seek are the nullification of the nonprosecution agreement and the reopening of the criminal case against Epstein and a hearing at which they and other victims can address the court in the presence of Acosta and Epstein.

The victims are also asking for a letter of apology from prosecutors as well as a detailed explanation, including documents and correspondence, as to why they did not prosecute Epstein's alleged crimes.

They want employees of the U.S. attorney's office to attend a training course on the CVRA and said the office should pay a monetary sanction, as well as the two victims' attorney fees and costs.

"Here the government has it entirely within its power to provide all the various remedies being sought through the lawsuit — and then some," the victims said. "Hopefully the government will simply agree to the remedies described above — thereby avoiding any need for the court to make a determination as to how to proceed."

The filing comes after U.S. District Judge Kenneth A. Marra granted summary judgment to the two victims, listed as Jane Does, who sued the government in 2008 alleging that prosecutors had violated the CVRA with the Epstein deal. The judge said the government's decision to hide its intentions and to tell victims to just be patient with the investigation was "particularly problematic."

Judge Marra rejected the government's claim that the CVRA requires victims to be notified only of a plea bargain or a deferred prosecution agreement, both of which are more common than a nonprosecution agreement. That reading of the law is "inconsistent with the goal of the CVRA," according to the judge.

"The expansive context of the CVRA lends itself to only one interpretation; namely, that victims should be notified of significant events resulting in resolution of their case without a trial," Judge Marra said.

The CVRA grants crime victims a number of rights, including the right to be informed of public court proceedings and not to be excluded from those proceedings. The Miami Herald, in an investigative report published late last year, printed emails showing the alleged victims were deliberately excluded from the deal cut between Acosta, who was then the U.S. attorney for the Southern District of Florida, and Epstein's defense team.

Epstein's alleged victims — numbering in the dozens — claim he lured teenage girls to his Palm Beach, Florida, mansion to engage in sexual acts. They have not had the opportunity to testify in court in any proceeding thus far, according to the Herald report.

Epstein pled guilty in 2008 to state charges involving solicitation of prostitution and procurement of minors for prostitution. He spent 13 months in prison and is registered as a sex offender.

Representatives for the parties could not immediately be reached for comment Friday.

The victims are represented by Bradley Edwards of Edwards Pottinger LLC, Jay C. Howell of Jay Howell & Associates PA, John Scarola of Searcy Denney Scarola Barnhart & Shipley PA, and Paul G. Cassell of the University of Utah's S.J. Quinney College of Law.

The government is represented by Ann Marie C. Villafana and Dexter Lee of the U.S. Attorney's Office for the Southern District of Florida.

The case is Doe v. U.S., case number 9:08-cv-80736, in the U.S. District Court for the Southern District of Florida.

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