

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

2009 MAY 12 PM 12:17
SHARON R. BOGGS
PALM BEACH COUNTY, FL
CIRCUIT CRIMINAL

FILED

STATE OF FLORIDA,

vs.

Case Nos. 2006-CF9454 AXX

JEFFREY EPSTEIN,

2008-9381CF AXX

Defendant.

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

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

1. [REDACTED] is a victim of sexual abuse by defendant who was convicted of procuring a person under 18 for prostitution and felony solicitation of prostitution. See attached judgments of conviction (Exhibit "A"). [REDACTED] presently has a pending civil action in this court against defendant for damages. Case number 502008CA028058XXXXMB AB.

2. On June 30, 2008 and August 25, 2008, this Court sealed two documents, a non-prosecution agreement and an addendum to non-prosecution agreement. See attached copies of envelopes containing the sealed documents and also an Agreed Order Sealing Document In Court File entered July 2, 2008 (Exhibit "B").

3. The sealing of these documents was done without written motion required by Rule 2.420(d)(1) or notice to the public, the media, the record newspaper and the victims of defendant required by Rule 2.420(d)(2). The Agreed Order does not set forth the

SCANNED MAY 14 2009

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

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

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

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

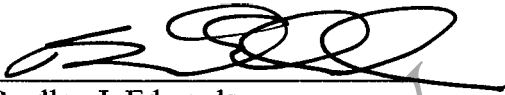
7. Pursuant to Rule 2.420(d)(5), the Court must hold a hearing on this motion in open court.

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

CERTIFICATE OF SERVICE

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

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

By: 

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

NOT A CERTIFIED COPY

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



CASE NO ~~06-01114-1~~ ~~11111~~ W

OBTS NUMBER 2006 CF 9454AXY

CFN 20080267522 OR BK 22760 PG 1081 RECORDED 07/17/2008 08:52:50 Palm Beach County, Florida Sharon R. Bock, CLERK & COMPTROLL. Pg 1081; (1pg)

STATE OF FLORIDA COMMUNITY CONTROL VIOLATOR

Jeffrey E. Epstein PROBATION VIOLATOR

1/20/53 DEFENDANT W M [REDACTED] SOCIAL SECURITY NUMBER

JUDGMENT

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

Having been tried and found guilty of the following crime(s): [X] Having entered a plea of guilty to the following crime(s): [] Having entered a plea of nolo contendere to the following crime(s):

Table with 4 columns: COUNT, CRIME, OFFENSE STATUTE NUMBER(S), DEGREE. Row 1: 1, Felony Solicitation of Prostitution, 796.07(2)(f), 30F

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

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

[] and good cause being shown. IT IS ORDERED THAT ADJUDICATION OF GUILTY BE WITHHELD.

SENTENCE STAYED [] The Court hereby stays and withholds imposition of sentence as to counts and pleas by Defendant on [] Probation and/or [] Community Control under the supervision of the Dept. of Corrections, conditions of probation set forth in separate orders.

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

The Defendant in Open Court was advised of his right to appeal in this Judgment by the Court. He has appealed within the Court within thirty days following the date of sentencing for probation, suspended punishment or other adjudication. The date of appeal was advised by the assistance of a counsel taking said appeal at the expense of the State upon showing of indigency.

DONE AND ORDERED in Open Court at Palm Beach County, Florida, June 20, 2008. [Signature] CIRCUIT COURT JUDGE



30 June 2008 [Handwritten notes]

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



CASE NO 08 CF 9381 AAB DIV W

OBTS NUMBER 2008CF9381/XY

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

STATE OF FLORIDA COMMUNITY CONTROL VIOLATOR

Jeffrey E. Epstein
DEFENDANT

PROBATION VIOLATOR

1/20/53
DATE OF BIRTH

W
RACE

M
GENDER

[REDACTED]
SOCIAL SECURITY NUMBER

JUDGMENT

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

<input type="checkbox"/> Having been tried and found guilty of the following crime(s):	<input checked="" type="checkbox"/> Having entered a plea of guilty to the following crime(s):	<input type="checkbox"/> Having entered a plea of nolo contendere to the following crime(s):
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COUNT	CRIME	OFFENSE STATUTE NUMBER(S)	DEGREE
<u>1</u>	<u>Procuring Person Under 18 for Prostitution</u>	<u>796.03</u>	<u>2nd F</u>

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

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

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

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

SENTENCE DEFERRED The Court hereby defers imposition of sentence until _____

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

DONE AND ORDERED in Open Court at Palm Beach County, Florida this 30 day of June 2008
Rebel Dale Smith
CIRCUIT COURT JUDGE

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

CASE NO. 2006 CF 009454A

DIVISION W

STATE OF FLORIDA

vs.

Jeffrey Epstein

ON July 2, 2008

FILED
2008 JUL -2 PM 3:43
CLERK OF COURT
PALM BEACH COUNTY

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

Presentence Investigation Report dated _____
from _____

Other Non-Prosecution Agreement

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

Blumberg No. 5206
EXHIBIT
B

JUL 03 2008

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

CASE NO. 00CF 009454 AXV

STATE OF FLORIDA

DIVISION W

VS.

Jeffrey Epstein

ON 8/25/08

FILED
2008 AUG 25 PM 10:53
CLERK OF COURT
P.O. BOX 1100
PALM BEACH, FL 33401

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

Presentence Investigation Report dated SCANNED
from AUG 30 2008

Other Addendum to the non-prosecution Agreement

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

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

STATE OF FLORIDA

CASE NO.: 2006CF009454AXX
DIVISION: "W"

vs.

JEFFREY EPSTEIN,


Defendant.

AGREED ORDER SEALING DOCUMENT IN COURT FILE

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

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

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


DEBORAH DALE PUCILLO
Circuit Court Judge

Copies forwarded to:

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

Lanna Belohlavek, Esq.
Assistant State Attorney
(interoffice)

AB JUL 03 2008

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

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

CASE NO. 06 CF9454AMB W
08 9381CFAMB

2008 JUL 22 PM 3:12
SILVANO R. FERRI, CLERK
P. J. FLETCHER, CLERK
CIRCUIT COURT CRIMINAL

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, OF REPORTER



NOT A CERTIFIED COPY

1 on that, Your Honor?

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

4 MR. GOLDBERGER: That's fine.

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

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

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

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

25 MR. GOLDBERGER: Absolutely. That

1 nonprosecution agreement --

2 MS. 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

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,