

Barbara Burns

From: Barbara Burns
Sent: Thursday, April 01, 2010 8:49 AM
To: 'Jack Goldberger'
Cc: Michael McAuliffe
Subject: RE: Epstein

I shared your latest email with Mr. McAuliffe and we both agree that it is our position that he needs to honor his commitment and complete his community control as agreed. If you feel it necessary to file a motion to modify or early terminate on behalf of your client just let me know so I can have enough time to get the Det. and victims notified so they can appear for the hearing. Thanks!

From: Jack Goldberger [mailto: [REDACTED]]
Sent: Wednesday, March 31, 2010 5:03 PM
To: Barbara Burns
Subject: Epstein

Barbara

It is obvious you have spent a lot of time on my request for my client and I sincerely appreciate the thoroughness and the attention. As my clients case seems to lend itself to misunderstandings and miscommunications by others, I thought it important to clarify some facts assumed in error.

I have spoken to Mr. Gaines at probation and he confirmed the following: Yes termination of supervision on a sex offender is unusual, however a modification to probation from Community control is not uncommon when the probationer has been in compliance without violation. In fact the department's current policy on re-entry to the community dictates that an offender be stepped down as soon as possible. He was also under the misimpression, as others might have been, that Epstein's charges called for sex offender probation. They do not, he is eligible for normal probation. As with many of the issues in my clients case, sterile questions that may have been asked tend to lead to answers that though well meaning are not applicable.

As for the timeliness of the police reports of the attempted breakins, I wanted you to be aware that I confirmed with Wackenhut that they called the police each time and spoke to the captain on duty, there should be a record. I said to you it was my advice to the client that he not file a formal report.

You have suggested that to resolve all the issues my client move to transfer his community control and that your office would support his transfer. I appreciate that and spoke to Mr. Gaines about that and he doesn't believe that would be possible to New York. Mr. Gaines suggested an agreement to allow Mr. Epstein to travel for business purposes without the present 48 hour limitation but strictly at the **discretion and with the approval of probation** for the remaining short portion of his supervision would be appropriate. He advised me that the department would not object to such a modification. This to me is the fairest way to deal with the issues, and to insure Mr. Epstein is treated like others, Let me know and I can prepare some proposed language that I think would work for everyone

Jack Goldberger

[REDACTED] Phone

[REDACTED] Fax

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4/1/2010

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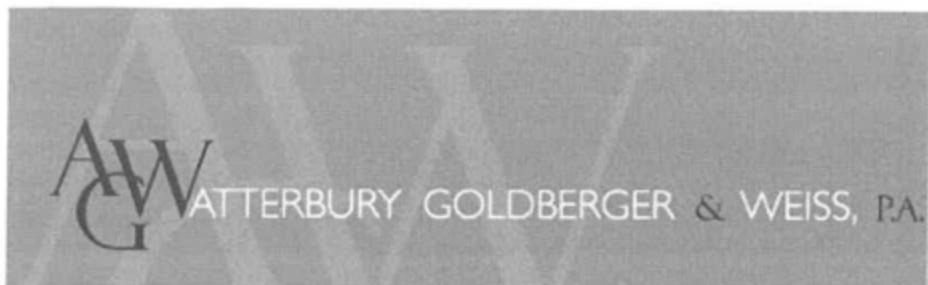
Agency to Agency Request: 19-411

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EFTA_00203044

EFTA02728855

Barbara Burns

From: Michael McAuliffe
Sent: Thursday, April 01, 2010 8:31 AM
To: Barbara Burns
Subject: RE: Epstein

I think, as you suggest, the defendant simply needs to finish his sentence as it was agreed to in the initial resolution. Thanks. MM

-----Original Message-----

From: Barbara Burns
Sent: Thursday, April 01, 2010 08:25 AM Eastern Standard Time
To: Michael McAuliffe; Paul Zacks
Subject: FW: Epstein

This dragon just keeps raising its ugly head! May I tell him to just file his motion to modify with the Court? I don't know how to convey to him anymore than I already have that his client is a registered sex offender that was fortunate to get the deal of the century, fortunate enough, even as a sex offender, to be granted work release while serving his jail sentences (I am not aware of that ever happening before) and certainly fortunate to plea at a time when it was not required by statute that he be placed on sex offender probation with all of the restrictive conditions that the vast majority of individuals in his similar situation would have been subjected to. Please advise.

From: Jack Goldberger [mailto:jgoldberger@agwpa.com]
Sent: Wednesday, March 31, 2010 5:03 PM
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Barbara

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You have suggested that to resolve all the issues my client move to transfer his community control and that your office would support his transfer. I appreciate that and spoke to Mr. Gaines about that and he doesn't believe that would be possible to New York. Mr. Gaines suggested an agreement to allow Mr. Epstein to travel for business purposes without the present 48 hour limitation but strictly at the discretion and with the approval of probation for the remaining short portion of his supervision would be appropriate. He advised me that the department would not object to such a modification. This to me is the fairest way to deal with the issues, and to insure Mr. Epstein is treated like others. Let me know and I can prepare some proposed language that I think would work for everyone

Jack Goldberger

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