

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

CRIMINAL DIVISION "W"

CASE NO. 502008CF009381AXXMB
502006CF009454AXXMB

STATE OF FLORIDA,

vs.

JEFFREY EPSTEIN,
Defendant

*Delay release
until 12:00 noon
July 2nd*

ORDER

THIS MATTER came before the Court on the following:

- a) Non-party E.W.'s Motion to Vacate Order Sealing Records and Unseal Records
- b) Palm Beach Post's Motions to Intervene and Petition for Access
- c) B.B.'s Motions to Intervene and for an Order to Unseal Records
- d) Jeffrey Epstein's Motion to Make Court Records Confidential

A hearing was conducted on these matters on June 25, 2009. The Court notes that Mr. Goldberger, Esq. and Mr. Critton, Esq. were present on behalf of Jeffrey Epstein. Ms. Shullman, Esq. was present on behalf of the Palm Beach Post, Mr. Berger, Esq. and Mr. Edwards, Esq. were present on behalf of E.W., Mr. Kuvin, Esq. was present on behalf of B.B., Assistant State Attorney Barbara Burns was present on behalf of the State of Florida. No appearance was filed on behalf of the United States. After giving an opportunity for all parties to be heard, the Court finds as follows:

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1. The State of Florida charged the Defendant, Jeffrey Epstein, with Felony Solicitation of Prostitution.
2. The State of Florida and Mr. Epstein came to a negotiated resolution of the charges. Part of that resolution included an agreement entered into between Mr. Epstein and the United States. At the plea conference in State court Mr. Epstein plead guilty to the State charges. At the plea conference the agreement between Mr. Epstein and the United States were made part of this Court's record. The agreement was sealed in two separate filings. At the time the State court took these matters under seal, the proper procedure for sealing such documents had not been followed. The June 25th hearing was to give Mr. Epstein, the State, and/or the United States an opportunity to comply with the well-defined and narrow parameters for sealing such documents. After hearing argument of counsel, the Court makes the following findings and rulings:
 - 1) Neither the State of Florida nor the U.S. Government nor Mr. Epstein have presented sufficient evidence to warrant the sealing of documents currently held by the Court.
 - 2) The Motions to seal the Court records are denied.
 - 3) The Motions to intervene are granted.
 - 4) The Motion to unseal the documents is granted.

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- 5) The originals will not be disclosed, however the undersigned will do an in-camera inspection and redact the names of the underage victims, if any, so their identity will be indicated by their initials.
- 6) This Order is in no way to be interpreted as permission to not comply with U.S. District Court Kenneth Marra's previous Orders.
- 7) The disclosure of the sealed documents shall be stayed at least until June 26, 2009, at 9:00 a.m., at which time the Court will hear "Epstein's Motion to Stay Disclosure of Non-Prosecution Agreement and Addendum Pending Review".

DONE AND ORDERED in West Palm Beach, Palm Beach County, Florida this
____ day of June, 2009.

SIGNED AND DATED

JUN 25 2009

JEFFREY J. COLBATH

Circuit Court Judge

Copies furnished:

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Judge Colbath

- Approp. proc. not followed
- Examine doc. & Amend to initials.
- Redacted doc. released on Monday @ 5:00 pm
- Motion to stay @ 9:00 AM

1st Counsel - Jack Goldberger

Burden to show necessity of sealing.

- Conf. Agreement ancillary to State's case
- Not relevant to any State issues.

Fed. Ct. MARRA
Judge

Inter. VENORS have had access.

- Now wish to disclose to those beyond discussing w/ victim clients.

* Offered prev. Fed. Ct. Orders issued on same argument presented to Judge MARRA.

Atty. Edwards
Atty. Kubin E.W. Counsel - Argued that V's were not consulted
Re: deal of non-prosecution by Fed. govt.
Re: deal of non-prosecution by Fed. govt.
U's have Const. & Stat. Right to Access for
purposes of CIVIL LAWSUITS. Discovery/full
disclosure necessities.

* Ct. should unseal for In-Camera viewing.

- EQUAL. Relationship to CRIMINAL case.
- EQUAL. Right to public access vs. Confidentiality re: GRAND JURY; victim's ident.;

?? - Fed. Rule 6 made unenforceable by virtue of making the Agreement a part of state file.

- EQUAL. Any content related to Victim(s) identities' And -redact/ amend to initials.

Atty. for Palm Beach Post

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LACK Fed. Recourse

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- Const. Right to info. A party presents valid reasons to intercept information

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