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Victims in underage sex case want prosecutors to testify

By **JOSH GERSTEIN** | 12/26/15 10:55 AM EST | Updated 12/27/15 05:51 PM EST

Two women suing the U.S. government over a deal cut with a politically connected billionaire in an underage-sex case last decade are demanding that FBI agents and prosecutors — including the top federal prosecutor for Southern Florida at the time — be required to testify about whether victims were deliberately kept in the dark about provisions of the controversial plea bargain for investor Jeffrey Epstein.

In a motion filed in federal court in West Palm Beach, lawyers for the two women pressing the lawsuit say depositions are needed from former U.S. Attorney R. Alexander Acosta, two FBI agents, two former prosecutors and one current prosecutor because written evidence does not indicate what victims were told about the deal that ruled out a federal prosecution of Epstein.

After a hard-fought, behind-the-scenes legal battle involving some of America's most prominent defense attorneys, including Alan Dershowitz, Kenneth Starr and Roy Black, Epstein agreed to plead guilty to two state charges of soliciting prostitution and soliciting a minor for prostitution. Epstein received an 18-month sentence in county jail and was released after 13 months.

However, soon after the deal was cut in 2008, two women (identified only as Jane Does) filed suit claiming that the decision to forgo federal prosecution violated a

federal law — the Crime Victims Rights Act — because they and other teenagers Epstein paid for sex were never adequately consulted about the plea deal or given an opportunity to object to it.

"The victims have now secured various emails and letters between the Government and defense counsel for Epstein. But that discovery does not directly shed light on several critical issues in the case," victims' attorneys Brad Edwards and Paul Cassell wrote in the motion seeking testimony from the prosecutors and FBI agents. "There appears to be no clear documentary record as to what the Government is contending that its agents told the victims."

The women's lawyers also say the depositions could shed light on a startling defense the government offered at a recent court hearing: that the women don't qualify legally as victims because they allegedly helped procure other teens for sex with Epstein.

"Apparently the Government believes that because Epstein pressured some of his young victims into performing sexual acts, those victims themselves were complicit in Epstein's crimes and therefore are barred from seeking relief under the CVRA," Edwards and Cassell wrote. "Given that this argument rests on internal 'accusations' not revealed in documentary evidence, the only way for the victims to explore this newly-raised argument is by deposing the prosecutors on this subject."

The government plans to oppose the depositions, according to the defense. Acosta, now dean of the law school at Florida International University, did not immediately respond to an email seeking comment. In 2011, Acosta issued a letter decrying high-pressure tactics by Epstein's defense, some of which Epstein's legal team denied.

The decadelong legal imbroglio has already unleashed a series of sensational allegations against some of Epstein's prominent friends and brought unwanted attention to others. Almost exactly a year ago, POLITICO reported that a woman seeking to join the ongoing suit claimed in a court filing that while she was underage Epstein arranged for her to have sex with Britain's Prince Andrew and Dershowitz. Both men denied the allegations.

Dershowitz did a series of media interviews in which he angrily disputed the claims, saying he'd done nothing untoward and had been only a social acquaintance and later an attorney for Epstein. Dershowitz also sought to disbar Edwards and Cassell for leveling spurious allegations. They responded by suing the famed attorney and emeritus Harvard Law professor for libel. He fought back with a countersuit. That litigation is still moving forward in a Fort Lauderdale, Florida, court.

Epstein, who has remained publicly silent through the furor, also counted among his social acquaintances former President Bill Clinton and businessman Donald Trump.

As the Dershowitz and Prince Andrew allegations were being publicly aired earlier this year, Republicans seized on Clinton's connections to Epstein, hoping to make trouble for former Secretary of State Hillary Clinton's Democratic presidential bid. Press reports have noted that Bill Clinton, as well as actors Kevin Spacey and Chris Tucker, used Epstein's private 727 to travel to Africa in 2002 for a Clinton Foundation tour of AIDS-fighting and development work. Flight logs filed in connection with another lawsuit show at least 10 journeys by Clinton on Epstein's planes.

"I'd like to know what he was doing with Jeffrey Epstein, how many trips did he take, where was he going, what did he do when he was with this guy?" Republican National Committee chairman Reince Priebus told Bloomberg in March. Virginia Roberts, the woman who leveled the allegations against Dershowitz and Prince Andrew, specifically denied any sexual contact with Clinton, although she claimed to have seen him on a private island Epstein owns in the Caribbean.

The Clinton camp declined to comment on the reports, but Dershowitz said the claim of Bill Clinton visits to Epstein's Little Saint James Island was false. Nevertheless, the conservative watchdog group Judicial Watch filed a Freedom of Information Act lawsuit in June demanding all Secret Service records pertaining to the costs of any such visits by Clinton. The Secret Service rebuffed the suit, telling the group in August that no such records exist.

Republicans have been quieter about the Epstein saga since Trump emerged as a leading contender for the GOP presidential nomination.

"I've known Jeff for 15 years. Terrific guy," Trump told New York Magazine back

in 2002. "He's a lot of fun to be with. It is even said that he likes beautiful women as much as I do, and many of them are on the younger side. No doubt about it — Jeffrey enjoys his social life."

A Trump associate told POLITICO in July that Trump wasn't aware of any wrongdoing and that he and Epstein were not particularly close. "He was a member of one of Trump's clubs where he would visit with women and business associates, but there was no formal relationship," the source close to Trump said.

A BuzzFeed report last month pointed to a deposition in which Epstein's brother said Epstein and Trump were "friends" who traveled together on Epstein's plane at least once and to another deposition in which an Epstein aide said Trump ate dinner at Epstein's Palm Beach home.

A lawyer for Trump responded to the report by threatening legal action against the media outlet. "Mr. Trump has NEVER been accused of having any involvement or even having any knowledge of any of Mr. Epstein's conduct by anyone," attorney Alan Garten said.

In an order issued this week, U.S. District Court Judge Kenneth Marra scheduled legal filings through March on the government's motion to end the suit. However, the judge said if the issues can't be resolved on the written record, he plans an "evidentiary hearing," which could play out at the height of the presidential race.

UPDATE (Sunday, 1:07 p.m.): This post has been updated for clarity and to add a link to the filing in the FOIA lawsuit.