

## The New York Times

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# *Patriots Owner Robert Kraft Ramps Up His Defense*

By **Ken Belson**

March 5, 2019

A little more than a week after prosecutors in Florida charged Robert K. Kraft, the owner of the New England Patriots, with soliciting prostitution, what ordinarily would be a minor case has become a legal battle involving some of the most expensive and sought-after lawyers in the country.

To lead his defense, Mr. Kraft, a billionaire friend of President Trump and one of the most powerful owners in the N.F.L., has retained William A. Burck, who was a lawyer in the George W. Bush White House and had a role in the screening of documents related to Judge Brett M. Kavanaugh's recent Supreme Court nomination. Mr. Kraft has also hired Jack Goldberger, the Florida lawyer who defended Jeffrey E. Epstein, a wealthy New York financier accused of trafficking underage girls for sex.

Mr. Goldberger and Mr. Burck did not return calls for comment, but they could mount an aggressive defense by poking holes in video evidence that may prove that Mr. Kraft did not ask anyone for sex and by arguing that the police violated Mr. Kraft's Fourth Amendment rights during an improper traffic stop, among other arguments.

Prosecutors in Palm Beach County, Fla., so far have taken a hard line on Mr. Kraft and the two dozen other individuals who have been accused of soliciting prostitution at the Orchids of Asia Day Spa, a massage parlor and salon in a Jupiter, Fla., strip mall about a 30-minute drive from Mr. Kraft's home in Palm Beach. Last week, they increased the severity of the charges, from second-degree to first-degree misdemeanors.

Prosecutors say Mr. Kraft's arrest was a part of a larger, six-month investigation into human trafficking at nearly a dozen businesses in Florida.

"Human trafficking is evil in our midst," Dave Aronberg, the state attorney for Palm Beach County, who is overseeing the cases, said last week. "It is fueled on the demand side."

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Prosecutors have acknowledged that Mr. Kraft and the other men charged in the case probably had no knowledge of whether human trafficking was involved. But Mr. Kraft's wealth and notoriety have turned what would have been a local story into an international one, so prosecutors will want to avoid appearing to treat him differently, especially if the case involves human trafficking, criminal lawyers in Florida said.

"State attorneys are elected officials, and they are aware of public opinion," said Eric M. Matheny, a former prosecutor in Miami-Dade County who defends people accused of sex crimes. "They might play hardball, if only for appearance' sake."

Mr. Kraft is likely to be in little legal danger. He has been charged with two misdemeanor counts of soliciting a prostitute, and he faces up to a year in jail, a \$5,000 fine and 100 hours of community service. But he is unlikely to spend a day in jail. Prosecutors often offer first-time offenders a chance to pay a fine and perform community service, while not admitting fault.

Even if they feel they can win their case, most defendants take the deal rather than augment the shame of being arrested. After a deal is reached, defendants typically have 60 or 90 days to complete their community service and classes. After they prove they finished their obligations, the charges are dropped. The defendants then petition the court to have their records expunged.



William A. Burck, one of the country's top lawyers, is leading Mr. Kraft's defense.  
Steve Helber/Associated Press

Mr. Kraft is in a different position. Like many people facing similar charges, he has pleaded not guilty, but as the owner of a professional football team, he has a strong incentive to try to get the charges dismissed.

His lawyers could ask why the police waited months to install cameras inside the massage parlor. There is also a question of whether the police acted lawfully when they asked Mr. Kraft for identification during a traffic stop after his first visit to the spa, which was caught on video, even though he was a passenger, and not the driver, in the car.

Mr. Kraft's lawyers could question why the police did not get search warrants earlier if they had suspected that sex was being sold inside and that some of the women were being held against their will. Were the cameras merely installed once authorities learned that Mr. Kraft was a patron and saw an opportunity to gain publicity?

If the video also captured people getting ordinary massages, lawyers could also argue that the surveillance overreached and therefore the video is inadmissible. Also, the video cameras that the police used did not have audio, so there may not be clear evidence of Mr. Kraft asking to pay for sex.

"Just showing a video, you don't know the conversation that occurred," Mr. Matheny said. "With prostitution cases, it's very technical what they say. It can't be vague."

Prosecutors may have a witness who can attest that Mr. Kraft asked for sex. In addition, if they enter the video into evidence it may become public, something that Mr. Kraft would most likely want to avoid.

**"The state can certainly use the strength of their evidence as a negotiating tool," said Ron Herman, who worked as a prosecutor in South Florida for six years on cases involving sexual assault or battery and who is now in private practice.**

If the video becomes public, or his court case is televised, which is possible in state court in Florida, Mr. Kraft's problems could go from bad to worse. It would increase the pressure on the N.F.L. commissioner, Roger Goodell, to punish Mr. Kraft more severely, and potentially diminish his standing in ownership circles, where he is responsible for helping to negotiate media contracts that produce the bulk of the N.F.L.'s \$14 billion in annual revenue.

Mr. Kraft's lawyers are likely to fight tooth and nail to ensure that the video never becomes public, opening yet another front in a litigation that under normal circumstances would involve little effort or expense.

"If there's no prior history, it should be resolved," said John S. Hager, a former criminal prosecutor in Florida now in private practice.

These, of course, are not normal circumstances.

“If Kraft goes to trial and the judge allows the cameras to be played, it will be on national TV, so you compound the embarrassment,” said Hugh Culverhouse Jr., the son of the former owner of the Tampa Bay Buccaneers and a former prosecutor in Florida. “Kraft has a severe downside by going to trial. He can win the trial, but he can still lose.”

A version of this article appears in print on March 6, 2019, on Page B10 of the New York edition with the headline: Kraft Builds Powerful Legal Defense Team

