

# The Justice Department's sex trafficking investigation into Rep. Matt Gaetz seems stalled, attorneys say

The sex-crimes probe federal officials launched against Gaetz has been hampered by one major issue, experts say: the perceived credibility of key witnesses.

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By [Marc Caputo](#)

The FBI seized Rep. Matt Gaetz's cellphone in December 2020, marking the beginning of an investigation into whether the Florida Republican allegedly sex-trafficked a 17-year-old girl. In the time since, his former friend Joel Greenberg pleaded guilty to trafficking the same teen in exchange for helping the Justice Department's investigation. Gaetz's ex-girlfriend also struck a deal, obtaining immunity from federal prosecution in return for her testimony.

But the sex-trafficking investigation into Gaetz now appears stalled, according to seven attorneys who represent witnesses, people who have been subpoenaed or have spoken to investigators. The attorneys briefed on aspects of the case say federal investigators appear stymied by concerns about the credibility of two key witnesses or a lack of direct evidence implicating Gaetz, who has denied all wrongdoing.

Doubts about prosecuting Gaetz have mounted for months among many of those seven attorneys. It's also an opinion held by some within the Justice Department, according [to a recent Washington Post article](#). Citing people familiar with the matter, the paper reported that career prosecutors internally recommended that Gaetz not be indicted.

Gaetz's attorney and the Justice Department declined to comment. Gaetz himself has long denied allegations that he had sex with a minor, that he ever transported the alleged victim across state lines to engage in prostitution or that he obstructed justice in an effort to cover up his actions — the three main potential crimes he has been investigated for, according to three sources familiar with those aspects of the case.

“At a federal level, I could not ever imagine prosecuting a case where you have a documented liar like Greenberg and this other person as your top

witnesses,” said Richard Hornsby, an attorney for former state Rep. Chris Dorworth, who was subpoenaed in the case.

While the sex-trafficking case appears stalled in the eyes of attorneys like Hornsby, another attorney involved in the investigation pointed out that “the Justice Department hasn’t formally closed this case.” That lawyer, like others who spoke anonymously, did not want to comment on the record given the sensitive nature of the case.

The case is undoubtedly complex — one of the attorneys described it as having “tentacles” — and politically fraught. It also touches on systemic legal issues such as the expectation among some prosecutors and juries that women involved in sex crime investigations can be held to a higher, and unfair, standard.



Former Seminole County tax collector Joel Greenberg talks to the Orlando Sentinel in September 2019, during an interview at his office in Lake Mary, Fla.

The prosecution's star witness — Greenberg, Gaetz's onetime friend and a disgraced elected tax official — [pleaded guilty](#) last year to six federal crimes. Those included a stalking charge for falsely smearing a political rival as a pedophile, identity theft and sex trafficking the same 17-year-old who is the alleged victim in the Gaetz case. A prosecutor in the case has labeled Greenberg a "prolific criminal."

The alleged victim has been reluctant to speak to federal investigators about whether she had sex with Gaetz in 2017, when she was 17, according to a source briefed in the case and a message Greenberg sent to a mutual friend of his and Gaetz's, Dorworth, when the investigation gained steam in 2020.

The alleged victim, who turned 18 in December 2017, did not answer requests for comment from NBC News.

Another complication for prosecutors involves the alleged victim. She currently makes online pornography, which could trigger biases in jurors if the case were ever brought to trial, according to Barbara Martinez, a former assistant U.S. attorney who oversaw sex-trafficking cases in South Florida but is not connected to the Gaetz investigation.

Martinez, who spoke generally about sex-crimes prosecutions and not the specifics of the Gaetz investigation, told NBC News that sex-crimes cases can involve witnesses or alleged victims who are involved in sex work or have a criminal history.

"Many victims of trafficking have credibility issues because they have had a difficult life, been arrested, and/or suffered from other trauma. And frankly, that's why they are often targeted and victimized by traffickers," said Martinez.

Greenberg's attorney, Fritz Scheller, referring to the report that prosecutors may not move forward in a case against Gaetz, told NBC News: "While one could hesitate to draw a conclusion from a single news story, my hesitation stems from a different source — my knowledge of the evidence in this matter. But to be perfectly cryptic, to the extent the government considers this matter closed, I do not."

He did not provide further details.

## **The 'Wingman'**

Joel Greenberg's scandal-plagued term as the elected tax collector of Seminole County began in 2017, around the same time he and Gaetz became close. Both men were elected to their respective offices in the same year, and Gaetz at one point called Greenberg his "[wingman](#)."

Both gained reputations as newsmakers, with Gaetz defending newly elected President Donald Trump on the national stage and Greenberg making waves at home.

Soon after Greenberg took office, he became the subject of criticism from county commissioners for a move to an expensive new office building, while also coming under scrutiny for a proposal to [arm tax collectors](#) and for [chastising a driver](#) about her speeding while wearing a badge that made him seem like a law enforcement officer.

According to the plea agreement in his federal case, Greenberg met the minor in 2017 on a website that advertised itself as a place where "sugar daddies" could find "sugar babies," which five sources identified as SeekingArrangement. Greenberg also admitted in his plea agreement that he gave the minor and "others" ecstasy for "commercial sex," that he introduced the minor to other men, and that he took the drug himself. In total, the plea agreement said, Greenberg from 2016 to 2018 made at least 150 transactions for sex worth \$70,000, including commercial sex acts with the minor.

Gaetz, who was not named in the plea agreement, met the alleged victim through Greenberg, according to four sources who were friends with both men.

NBC News is withholding the names of all the women to protect their privacy due to the nature of the case. SeekingArrangement has not commented on Greenberg, citing the ongoing investigation. The site [has said](#) it has no record of Gaetz ever having an account; Gaetz has long maintained he was not on the site.

Also according to that plea agreement, the alleged victim falsely claimed she was of age on her SeekingArrangement profile. Greenberg discovered her real age in September 2017, five months after he first texted with her.

Even if an underage person lies about his or her age, it's still [legally considered sex trafficking](#) of a minor if an adult has sex with them and something of value changes hands.

In late 2019, a school teacher, Brian Beute, filed to run in a Republican primary against the first-term tax collector, who responded by engaging in a smear campaign. Greenberg created a fake Twitter account to make Beute look like a white supremacist, and Greenberg made a phony Facebook account and engaged in a false letter-writing campaign to frame Beute as a pedophile who abused his students, according to the indictment and plea agreement.



Former Seminole County tax collector Joel Greenberg leaves the federal courthouse in Orlando, Fla., after making a first appearance following his indictment on a federal stalking charge, on June 23, 2020.

In June 2020, Greenberg was arrested for the smears, precipitating a series of investigations and indictments that ultimately led to a 33-count indictment against him. The sex crimes inquiry into Gaetz began as part of the broader investigation into Greenberg.

In December 2020, the FBI seized the congressman's cellphone and the congressman subsequently furnished federal investigators thousands of records, mainly related to travel calendars and emails, according to a source. Gaetz [reportedly](#) lobbied former President Trump's top aides for a pardon related to the Justice Department's investigation toward the end of the administration.

The Gaetz investigation became public in March 2021, after [The New York Times](#) reported the general contours of the investigation. Earlier that month, Greenberg had been jailed after he [violated probation](#) to find his wife, who [called 911](#) because she wanted to get away from him. They are now divorced.

Greenberg now faces a mandatory-minimum prison sentence of 12 years. But in an effort to get a more lenient sentence, Greenberg pleaded guilty and has been cooperating with prosecutors. His sentencing is scheduled for Dec. 1.

In April 2021, [CBS News](#) reported that in addition to investigating Gaetz for alleged sex trafficking of a minor, federal investigators were examining a Bahamas trip he took in the fall of 2018 to see if it violated the Mann Act, which prohibits taking people across state lines to engage in prostitution. Two sources briefed on that aspect of the investigation confirmed that line of inquiry.

The alleged victim, who by that time was 18, Gaetz and others were on the trip, [according to Politico](#), which cited three sources familiar with the Bahamas jaunt, including one who was there. Prosecutors wanted to know if any of the women on the trip were paid for sex and, therefore, were transported across state lines to engage in prostitution.

The investigation into Gaetz gained some momentum earlier this year when his ex-girlfriend struck an immunity deal with prosecutors. Before her appearance, a source familiar with her thinking told NBC News she was willing to testify [about Gaetz's interactions with the alleged victim, that 2018 trip to the Bahamas, and a secretly recorded phone call](#) between her, a former roommate of the alleged victim and Gaetz. It is during that conversation that federal investigators [suspected Gaetz of attempting to obstruct justice](#), NBC News previously reported.

Since that time, seven others tied to Greenberg have been charged in a host of other crimes unrelated to the sex-crimes investigation: two in [fraud](#) schemes that are related to [Greenberg's office](#), two associates of Greenberg's in an [alleged real estate scam](#), and three [with campaign finance-related crimes](#). At least one more friend of Greenberg's is likely facing federal fraud charges, according to Greenberg's fourth and final indictment issued March 30, 2021. None of those indictments show a link to Gaetz or suggest his involvement.

All of the charges and investigations involving Greenberg were the result of the teacher's friend, lawyer David Bear, insisting that law enforcement authorities [seriously investigate](#) the smears masterminded by Greenberg in the 2020 primary for tax collector.

Bear said it sounds "totally plausible" that prosecutors might not charge Gaetz.

"The U.S. attorney's office and Department of Justice are very particular in what they prosecute and in making sure there's a strong chance they will win the case," he told NBC News. "They don't prosecute 50/50 cases."

Bear is a critic of Gaetz and says he bears responsibility for associating with Greenberg. But he said Greenberg's criminality is problematic.

"Greenberg is a prolific criminal. His story is going to be in criminology textbooks one day," Bear said.

The potential witnesses in the federal government's inquiry into Gaetz is not limited to Greenberg, the alleged victim and Gaetz's ex-girlfriend.

The alleged victim's former roommate, who was on the three-way call with Gaetz and his ex-girlfriend, has spoken to prosecutors, according to two lawyers involved in the case. They say that at least one other woman who had been sexually involved with Gaetz has also spoken to investigators.

None of the women have been charged with a crime, but lawyers in the case are divided over whether some of the women could be charged with sex-trafficking the alleged victim, too, if evidence emerged they engaged in group sex with her.

Under the federal sex-trafficking law, anyone who has sex with a minor as part of an enterprise in which money changes hands can be criminally charged. The attorneys say that the federal government has expressed no interest in charging any of the women, but they say it could become an issue at trial if the women were ever used as witnesses.

### **'This is Joel's M.O.'**

After Greenberg's first arrest in June 2020, he tried to get Gaetz and Republican operative and Trump confidante Roger Stone to get him an election-year pardon, Stone said in an interview, confirming a Daily Beast article.

Gaetz's friend, Dorworth, said Greenberg threatened to bring him and Gaetz down if he didn't get the pardon. Dorworth, who was subpoenaed to give records to the federal grand jury in the case, said Greenberg falsely accused him of wrongdoing and, to disprove the allegations, he wound up hiring a lawyer, furnishing text, phone and travel records to federal investigators, as well as three polygraphs. His attorney, Hornsby, confirmed the account.

"I'm not surprised prosecutors won't move forward with the case against Matt because it's built on lies and Joel Greenberg is the biggest piece of lying

garbage trash I've ever seen in my life," Dorworth told NBC News, previewing what would be his testimony for Gaetz's defense if he were ever charged.

"This is Joel's M.O.: He tries to frame people for what he did."

Scheller, Greenberg's attorney, said in response to Dorworth's allegations: "In any case, the credibility of witnesses is always at issue. Thus, any prosecutor worth their salt will develop evidence, including documents and financial records, that corroborates the testimony of the witness. Although I have not received any communication from the federal government regarding the status of its investigation (nor would I), it does not merely depend on a couple of witnesses, let alone a single individual."

Dorworth said he felt Greenberg [tried to set him up](#) in the sex-crimes investigation with a series of WhatsApp message exchanges shortly before Greenberg was first charged with sex trafficking the minor, according to his third, penultimate indictment in August 2020. Dorworth shared the messages with the FBI and with NBC News.



From left, Chris Dorworth, Rep. Matt Gaetz and then-Seminole County Tax Collector Joel Greenberg pose together outside the White House during a visit in 2019.

In the messages, Greenberg suggested Dorworth had culpability and suggested that another attorney told him that Dorworth may need a lawyer. But Dorworth checked with that attorney, who Dorworth says told him that he never said Dorworth needed to get a lawyer.

Greenberg also said he wanted to warn Dorworth that "some chick" may say "she partied at your house or something." Dorworth responded by saying that didn't happen.



The messages show Greenberg said he was paying for the lawyer for the minor whom he later pleaded guilty to trafficking and said that “she doesn’t want to talk to” the FBI. Also, Greenberg said, the “link” between himself and the minor was money he paid her via a banking app.

“The feds are going through my Venmo history,” Greenberg said.

Dorworth has not been charged with a crime.

Greenberg’s Venmo could play a crucial role in a prosecution. In a so-called “[confession letter](#)” obtained by The Daily Beast, Greenberg wrote there was no direct payment between Gaetz and the 17-year-old. Instead, he wrote, he was the go-between who collected the cash.

A source who had been briefed on aspects of the investigation told NBC News that investigators had discussed a weakness in the case: there is no direct evidence of payment between Gaetz and the alleged victim and that prosecutors therefore had to rely on testimony from witnesses like Greenberg, who could be viewed a less credible by a jury.

## ‘The king elephant’

Lyle Mazin, an attorney who represents two women who are also potential witnesses of the investigation, said it has so many “tentacles,” complexities and lawyers that it’s hard to get a global perspective of the case. But, he said, the feeling “amongst the attorneys seems to be it’s not going anywhere.”

Mazin said he believes top Justice Department officials could be concerned about the political ramifications of going after Gaetz and Trump, who is not connected to this case but is under other federal investigations concerning the Jan. 6 Capitol riot and the alleged possession and improper storage of documents related to national security.

Prosecutors probably can’t afford a not guilty verdict against Gaetz, he said, or a hung jury.

“To me, what leans me to thinking this is dead in the water is that DOJ eventually is going to go after Donald Trump,” Mazin said. “They [prosecutors] can’t put their foot over the line and get it chopped off ... if they parade their circus of witnesses in there — even if it’s a perfectly good case and it’s a statutorily serious crime — I think they hurt themselves. I think they’re going after the king elephant.”

Another attorney in the case said the Justice Department is aware of the political complications around the investigation.

Martinez, the former assistant U.S. attorney, said that pursuing a “high-profile target” could further complicate the case because prosecutors weigh the likelihood of conviction while deciding whether they should bring charges.

“A victim’s difficult past alone is not a reason for a prosecution not to proceed. In fact, prosecutors have obtained convictions following trials in such cases,” she said, stressing she was not specifically addressing Gaetz's investigation. “But when you’re the only victim in a case, it could be much more difficult to get a conviction and it could be much harder on the victim. As a former federal prosecutor, I had to decline some cases in which I believed the crime occurred but we determined that we simply couldn’t present a credible case.”

Gaetz has attacked the Justice Department for not doing more to prosecute alleged co-conspirators who tried to shake down his wealthy father, former state Senate president Don Gaetz, for [\\$25 million](#) in return for securing a presidential pardon of the congressman in the sex crimes investigation. Gaetz’s father went to the FBI and wore a wire to catch the suspects — [one of whom has since pleaded guilty](#).

And if House Republicans win control of the chamber in November and make good on their [promise](#) to investigate the agency for its various investigations of Trump.

A Trump-appointed judge “could let the Gaetz defense turn into a circus because the victim’s past would come out in court,” the attorney said. “DOJ will pretend it’s not considering all of this in addition to the evidence. But you can bet they are.”

[The Justice Department's sex trafficking investigation into Rep. Matt Gaetz seems stalled, attorneys say \(nbcnews.com\)](https://www.nbcnews.com/news/politics/gaetz-sex-trafficking-investigation-attorneys-say-2023-11-15)