

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 08-80736-Civ-Marra/Johnson

JANE DOES #1 and #2

v.

UNITED STATES
_____ /

STIPULATION

The parties to this action, that is, Jane Doe #1, Jane Doe #2, and the United States of America, by and through their undersigned counsel, do hereby stipulate and agree that the following facts are true and correct and that no further evidentiary hearing is required with respect to the pending "Victim's Emergency Petition for Enforcement of Crime Victim Right Act, 18 U.S.C. § 3771.

1. In 2006, at the request of the Palm Beach Police Department, the Federal Bureau of Investigation ("FBI") opened an investigation into allegations that Jeffrey Epstein ("Epstein") and his personal assistants had used facilities of interstate commerce to induce young girls between the ages of thirteen and seventeen to engage in prostitution, amongst other offenses. The case was presented to the United States Attorney's Office for the Southern District of Florida, which accepted the case for investigation.

2. At the time that the investigation was opened, the Palm Beach County State Attorney's Office had presented evidence to a state grand jury, which had returned an

indictment charging solicitation of prostitution. That charge made no reference to the ages of the minor victims and, upon conviction, did not require sex offender registration.

3. Jane Doe #1 is a woman with initials C.W., and Jane Doe #2 is a woman with initials T.M. Both were victims of Epstein's while they were minors beginning when they were fifteen years old. Both Jane Does were identified through the Palm Beach Police Department's investigation of Epstein.

4. Attached as Exhibits 1, 2, 3, and 4 to the Declaration of A. Marie Villafaña are true and correct copies of victim notification letters sent to Jane Does 1 and 2 from the United States Attorney's Office and the FBI.

5. Throughout the investigation, the FBI agents and the Assistant U.S. Attorney had several meetings with Jane Doe #1. During those meetings, Jane Doe #1 never expressed a desire to be consulted prior to the resolution of the investigation. Jane Doe #2 was represented by counsel and, accordingly, all contact was made through that attorney. That attorney never expressed that Jane Doe #2 wanted to be consulted prior to the resolution of the investigation.

6. In September 2007, Epstein and the U.S. Attorney's Office reached an agreement whereby the United States would defer federal prosecution in favor of prosecution by the State of Florida, so long as certain basic preconditions were met, those included a conviction on a state sex offense that reflected that the victims were minors at the time the crimes occurred and that would require sex offender registration. Another key objective for the United States Attorney's Office was to preserve a federal remedy for the young girls

whom Epstein had sexually exploited. The Agreement contained an express confidentiality provision. The Agreement was subsequently modified in October and December 2007.

7. Although individual victims were not consulted regarding the agreement, several had expressed concerns regarding the exposure of their identities at trial and they desired a prompt resolution of the matter. At the time the agreement and the modifications were signed in September, October, and December 2007, Jane Doe #2 was openly hostile to the prosecution of Epstein.

8. In October 2007, shortly after the initial agreement was signed, Jane Doe #1 was contacted to be advised regarding the resolution of the investigation. On October __, 2007, Special Agents E. Nesbitt Kuyrkendall and Jason Richards met in person with Jane Doe #1. The Special Agents explained that the investigation had been resolved, that Epstein would plead guilty to two state offenses, he would be required to register as a sex offender for life, and he had made certain concessions related to the payment of damages to the victims, including Jane Doe #1. Jane Doe #1 also was advised that Epstein would be entering a guilty plea in state court on October __, 2007, although the October change of plea did not take place. During this meeting, Jane Doe #1 did not raise any objections to the resolution of the matter.

9. Jane Doe #1 misunderstood the explanation provided by the Special Agents, believing that only the State part of the Epstein investigation had been resolved, and that the federal investigation would continue, possibly leading to a federal prosecution.

10. When Epstein's attorneys learned that some of the victims had been notified, they complained that the victims were receiving an incentive to overstate their involvement with Epstein in order to increase their damages claims. Following the signing of the Agreement and the modifications thereto, Epstein's performance was delayed while he sought to rescind the Agreement. Throughout that period, the FBI and the U.S. Attorney's Office maintained contact with the victims, to be prepared if Epstein were to renege on the agreement.

11. After Jane Doe #1 had been notified of the terms of the agreement, but before Epstein performed his obligations, Jane Doe #1 contacted the FBI because Epstein's counsel was attempting to take her deposition and private investigators were harassing her. Assistant U.S. Attorney A. Marie Villafaña secured pro bono counsel to represent Jane Doe #1 and several other identified victims in connection with the criminal investigation. Pro bono counsel was able to assist Jane Doe #1 in avoiding the improper deposition.

12. In mid-June 2008, Attorney Edwards contacted AUSA Villafaña to inform her that he represented Jane Doe #1 and, later, Jane Doe #2. Attorney Edwards asked to meet to provide information regarding Epstein. Attorney Edwards was asked to send any information that he wanted considered, but did not send anything.

13. On Friday, June 27, 2008, at approximately 4:15 p.m., AUSA Villafaña received a copy of Epstein's proposed state plea agreement and learned that the plea was scheduled for 8:30 a.m., Monday, June 30, 2008. AUSA Villafaña and the Palm Beach Police Department attempted to provide notification to victims in the short time that

Epstein's counsel had provided. Attorney Edwards was called to provide notice to his clients regarding the hearing.

14. On July 9, 2008, AUSA Villafaña sent a victim notification to Jane Doe #1 via her attorney, Bradley Edwards, which is attached as Exhibit 6 to the Villafaña Declaration. That notification contains a written explanation of the full terms of the agreement between Epstein and the U.S. Attorney's Office. A notification was not provided to Jane Doe #2 because the agreement limited Epstein's liability to victims whom the United States was prepared to name in an indictment.

SO STIPULATED AND AGREED.

Dated: _____

BRADLEY EDWARDS, ESQ.
Attorney for Plaintiffs Jane Does #1 & 2

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

Dated: _____

By: _____
ASSISTANT U.S. ATTORNEY [REDACTED]
Attorney for Defendant United States