

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No. 08-80736-Civ-Marra/Johnson

JANE DOE

v.

UNITED STATES OF AMERICA

DECLARATION OF [REDACTED]

1. I, [REDACTED], do hereby declare that I am a member in good standing of the Bar of the State of Florida. I graduated from the University of California at Berkeley School of Law (Boalt Hall) in 1993. After serving as a judicial clerk to the Hon. David F. Levi in Sacramento, California, I was admitted to practice in California in 1995. I also am admitted to practice in all courts of the states of Minnesota and Florida, the Eighth, Eleventh, and Federal Circuit Courts of Appeals, and the U.S. District Courts for the Southern District of Florida, the District of Minnesota, and the Northern District of California. My bar admission status in California and Minnesota is currently inactive. I am currently employed as an Assistant United States Attorney in the Southern District of Florida and was so employed during all of the events described herein.
2. I am the Assistant United States Attorney assigned to the investigation of Jeffrey Epstein. The case was investigated by the Federal Bureau of Investigation ("FBI"). The federal investigation was initiated in 2006 at the request of the Palm Beach Police Department ("PBPD") into allegations that Jeffrey 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. PBPD had asked for federal assistance after it perceived that Mr. Epstein was receiving preferential treatment from the Palm Beach County State Attorney's Office ("State Attorney's Office").
3. Throughout the investigation, when a victim was identified, victim notification letters were provided to her both from your Affiant and from the FBI's Victim-Witness Specialist. Attached hereto are copies of the letters provided to Bradley Edwards' three clients, T.M., C.W., and S.R. [E1](#) Your Affiant's letter to C.W. was hand-delivered by the FBI agents (Ex. 1). Your Affiant's letter to T.M. was hand-delivered by myself to T.M. at the time that she was interviewed (Ex. 2). Both C.W. and T.M. also received letters from the FBI's Victim-Witness Specialist, which were dispatched on January 8, 2008 (Exs. 3 & 4). S.R. was initially identified in the PBPD's investigation. Her status as

a victim of a federal offense was confirmed when she was interviewed by federal agents on May 28, 2008. The FBI's Victim-Witness Specialist sent a letter to S.R. on May 30, 2008 (Ex. 5).

4. Throughout the investigation, the FBI agents, the FBI's Victim-Witness Specialist, and your Affiant had contact with C.W. and S.R. Attorney Edwards' other client, T.M., was represented by counsel and, accordingly, all contact with T.M. was made through that attorney. That attorney was James Eisenberg, and his fees were paid by Jeffrey Epstein, the target of the investigation. [F2](#)

5. In the summer of 2007, the U.S. Attorney's Office for the Southern District of Florida ("the Office") decided to enter into negotiations with Epstein to resolve the investigation. In September 2007, an agreement was reached. Pursuant to that agreement, Epstein was required to enter into negotiations with the State Attorney's Office to enter into a guilty plea to the indictment already pending against him in state court, which charged felony solicitation of prostitution. [F3](#)

Epstein also would have to convince the State Attorney's Office to file an Information charging him with a more serious offense, that is, an offense for which sex offender registration was required, specifically, the procurement of minors to engage in prostitution, and Epstein would have to plead guilty to that offense. Epstein also would have to negotiate a harsher sentence than the one requested by the State Attorney's Office, that is, eighteen months' imprisonment, to be followed by twelve months of home confinement. Finally, Epstein would have to agree that the victims identified by the United States would be entitled to damages under federal law as though Epstein had been convicted at trial. [F4](#) This last provision was included at the Office's insistence, to put the victims in the same position that they would have been if Epstein had been convicted in a federal trial. The agreement contains an express confidentiality provision.

6. 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 was signed in September 2007, T.M. was openly hostile to the prosecution of Epstein, and S.R. had refused to speak with federal investigators. None of Attorney Edwards' clients had expressed a desire to be consulted prior to the resolution of the federal investigation.

7. As explained above, one of the terms of the proposed deferred prosecution agreement provided for damages for the victims. In October 2007, shortly after the agreement was signed, four victims were contacted by telephone and these provisions were discussed. One of those victims was

C.W. who, at the time, was not represented. C.W. expressed some disappointment about what she considered to be an insufficient jail term, but was satisfied with the sex offender registration requirement and the damages provision. Notice was also provided of an expected change of plea in October 2007. 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 Mr. Epstein in order to increase their damages claims. While your Affiant knew that the victims' statements had been taken and corroborated with independent evidence well before they were informed of the potential for damages, the agents and I concluded that informing additional victims could compromise the witnesses' credibility at trial if Epstein reneged on the agreement.

8. Epstein's attorneys complained about the terms describing the mechanism by which victims could bring a damages claim, and an addendum to the agreement was negotiated and signed in October 2007. [E5](#)

9. After the signing of the deferred prosecution agreement and the Addendum, your Affiant drafted a victim notification letter informing each victim of the resolution of the matter, the terms of the Agreement, and the date of the scheduled change of plea in state court, which had been scheduled for December 14, 2007 (Ex. 6). The Office provided a copy of that letter to Epstein's attorneys, who again complained about improper conduct by your Affiant and the agents. Epstein's counsel further argued that the CVRA did not apply because the proceedings would be held in state court, not federal court. The Office agreed to leave the issue of victim notification regarding the change of plea hearing to the State Attorney's Office, and your Affiant's letter was never sent to the victims.

10. In preparation for distributing the victim notification letter described above, your Affiant contacted T.M., via her attorney, James Eisenberg. Your Affiant informed Mr. Eisenberg that T.M. was on a list that would be submitted to Epstein of victims whom the Office had identified as being entitled to seek damages against Epstein. Your Affiant does not know whether Attorney Eisenberg ever provided this information to his client. However, less than twenty-four hours after this conversation, and before anyone from the Office had communicated the victim list to Epstein, attorneys for Epstein made contact with the Office complaining of the designation of T.M. as a victim. Epstein's attorneys used the designation of T.M. as yet another basis to allege prosecutorial misconduct against your Affiant, the agents, and others in the Office, and to raise those claims

throughout the Office and up to the Department of Justice in Washington, D.C. In short, Epstein's counsel complained that, during her interview, T.M. had denied engaging in sexual activity with Epstein and had stated that she had lied to Epstein regarding her age. In light of the physical evidence and corroborating statements of other witnesses, your Affiant still considered T.M. to be a victim as defined by law. Neither T.M. nor her attorney, James Eisenberg, contacted your Affiant or anyone in the U.S. Attorney's Office or the FBI to request a meeting or to complain about the resolution of the matter.

11. In mid-June, Attorney Edwards contacted your Affiant to inform me that he represented C.W. and S.R. and asked to meet to provide me with information regarding Epstein. I explained that, due to the prior allegations of misconduct, I did not believe a meeting was prudent, but I invited Attorney Edwards to send to me any information that he wanted me to consider. Nothing was provided. I also advised Attorney Edwards that he should consider contacting the State Attorney's Office, if he so wished. I understand that no contact with that office was made. Attorney Edwards had alluded to T.M., so I advised him that, to my knowledge, T.M. was still represented by Attorney James Eisenberg.
12. Following several months of delay by Epstein's counsel during which Epstein sought to void the agreement, Epstein finally agreed to perform pursuant to the terms of the deferred prosecution agreement. ^{F6} On Friday, June 27, 2008, at approximate 4:15 p.m., your Affiant received a copy of the proposed state plea agreement and learned that the plea was scheduled for 8:30 a.m., Monday, June 30, 2008. Your Affiant, the agents, and the Palm Beach Police Department all attempted to provide notification to the victims, and your Affiant specifically called Attorney Edwards to provide notice to his clients regarding the hearing. Your Affiant believes that it was during this conversation that Attorney Edwards notified me that he represented T.M., and I asked him to pass on the notice to her, as well. Attorney Edwards informed your Affiant that he could not attend but that someone would be present at the hearing. Your Affiant attended the hearing, but none of Attorney Edwards' clients was present.
13. In order to facilitate the last piece of the deferred prosecution agreement, your Affiant prepared a Victim Notification document that informed each victim of the resolution of the matter and her right to pursue damages against Epstein. Before those notices were distributed, Epstein was given the opportunity to review the victim list. Despite your Affiant's repeated attempts to resolve

this with Epstein's counsel, your Affiant has received no response. On July 8, 2008, your Affiant sent a letter to counsel for Epstein, informing him that, in light of Epstein's failure to object to the notification, your Affiant would distribute the Notification to each victim, either directly or via counsel, beginning on July 9, 2008.

14. On today's date, your Affiant provided the attached victim notifications to C.W. and S.R. via their attorney, Bradley Edwards. A notification was not provided to T.M. because the U.S. Attorney's modification limited Epstein's liability to victims whom the United States was prepared to name in an indictment. In light of T.M.'s prior statements to law enforcement, your Affiant could not in good faith include T.M. as a victim in an indictment and, accordingly, could not include her in the list provided to Epstein's counsel.

15. Furthermore, with respect to the Certification of Emergency, Attorney Edwards did not ever contact me prior to the filing of that Certification to demand the relief that he requests in his Emergency Petition. On the afternoon of July 7, 2008, after your Affiant had already received the Certification of Emergency and Emergency Petition, I received a letter from Attorney Edwards that had been sent, via Certified Mail, on July 3, 2008. While that letter urges the Attorney General and the United States Attorney to consider "vigorous enforcement" of federal laws with respect to Jeffrey Epstein, it contains no demand for the relief requested in the Emergency Petition.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge and belief.

Executed this _____ day of July, 2008.

_____, Esq.

^{F1}Attorney Edwards filed his Motion on behalf of "Jane Doe," without identifying which of his clients is the purported victim. Accordingly, I will address facts related to C.W., T.M., and S.R. All three of those clients were victims of Jeffrey Epstein's while they were minors beginning when they were fifteen years old.

^{F2}The undersigned does not know when Mr. Edwards began representing T.M. or whether T.M. ever formally terminated Mr. Eisenberg's representation.

^{F3}The indictment contained no reference to the victims' ages.

^{F4}Pursuant to 18 U.S.C. § 2255, a minor victim who suffers harm in connection with the commission of certain enumerated offenses is entitled to damages of at least \$150,000.

^{F5}When Epstein's attorneys attempted to further restrict the negotiated rights of the victims, the U.S. Attorney prepared another document modifying that portion of the agreement. That letter was sent to Epstein's counsel in December 2007.

^{F6}During the period of delay, C.W. contacted the FBI because Epstein's counsel was attempting to take her deposition and private investigators were harassing her. Your Affiant secured pro bono counsel to represent

C.W. and several other identified victims. Pro bono counsel was able to assist C.W. in avoiding the improper deposition.