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Honorable R. Alexander Acosta
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██████ testimony establishes that the conduct was consensual; that she lied to Mr. Epstein about her age; that she instructed others to lie to Mr. Epstein about their ages; that there was no sexual contact at any time; and that there was no inducement over the telephone or any other form of communication. Excerpts of ██████ ██████ testimony establishing each of these pivotal points are set forth below:

- **Consent**

Q: Okay. When did you meet him and who introduced you to Jeffrey?

A: My girlfriend, ██████ introduced me to Jeffrey.⁸ (█████ Sworn Statement at 5-6)

* * * * *

Q: Now you said that ██████ told you that he likes massages. Did she elaborate on what types of massages?

A: She said sometimes he likes topless massages, but you don't have to do anything you don't want to do. He just likes massages. (█████ Sworn Statement at 7)

* * * * *

A: I said, I told Jeffrey, I heard you like massages topless. And he's like, yeah, he said, but you don't have to do anything that you don't feel comfortable with. And I said okay, but I willingly took it off. (█████ Sworn Statement at 10)

- **Lied About Her Age**

A: . . . So I asked her, I said well, what about my age? And she said well, just make sure that you tell him that you're 18. And I had a fake ID at the time and we went there. (█████ Sworn Statement at 6)

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⁸ Although we are unaware as to whether ██████ is on the government's list of alleged "victims", it bears mentioning that ██████ has a criminal record and other damaging credibility issues, including a history of ██████

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A: . . . I had a fake ID anyways, saying that I was 18. And she just said make sure you're 18 because Jeffrey doesn't want any underage girls. ([REDACTED] Sworn Statement at 8)

A: . . . of course, he thought I was 18. . . [REDACTED] Sworn Statement at 13)

▪ **Instructed Others to Lie About Their Ages**

A: . . . I bring a lot, like maybe -- I don't know, maybe 30, maybe 30 [girls to Epstein]. It was all about the money to me at that time. ([REDACTED] Sworn Statement at 28)

A: . . . I would tell my girlfriends just like [REDACTED] approached me. Make sure you tell him you're 18. Well, these girls that I brought, I know that they were 18 or 19 or 20. And the girls that I didn't know and I don't know if they were lying or not, I would say make sure that you tell him you're 18. [REDACTED] Sworn Statement at 22)

▪ **No Sexual Contact**

A: . . . So I willingly the first time took off my top when I gave him a massage and nothing more than that. It was just a back massage and neck massage and I was out of there. [REDACTED] Sworn Statement at 9)

Q: Did he at any point kiss you, touch you, show any kind of affection towards you?

A: Never, never. ([REDACTED] Sworn Statement at 21)

A: He didn't want me to touch him and he didn't touch me at all. ([REDACTED] Sworn Statement at 17)

A: I would wear panties. Willingly one time because we were making jokes and everything and willingly one time I had, yes, I was [REDACTED] but I was fine with it.

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Q: Okay.

A: Totally fine with it.

Q: And how did that massage go?

A: Actually, it was a foot massage and he was sitting on the couch. We didn't even have the massage table out and I gave him a foot rub and I was [REDACTED] Sworn Statement at 20-21)

Q: He never pulled you closer to him in a sexual way?

A: I wish. No, no, never, ever, ever, no, never. Jeffrey is an awesome man, no. ([REDACTED] Sworn Statement at 21)

Q: Okay. And with the other girls, was it the same as what you did or different?

A: Yeah, yeah. I mean, well, I was more willingly to do more, you know. Like I said, I went [REDACTED] for him one time. But the other girls, they practically were topless and that's all that they were willing to do. Some girls didn't want to go topless and Jeffrey didn't mind. ([REDACTED] Sworn Statement at 23)

• **No Inducement**

A: . . . Jeffrey, he was a very awesome guy and I just -- I don't know. I ended up giving him my number so I could -- I didn't want [REDACTED] or [REDACTED] to drive me anymore. I would rather go to him on my own. ([REDACTED] Sworn Statement at 15)

A: No, I gave Jeffrey my number. And I said, you know, any time you want me to give you a massage again, I'll more than welcome to. ([REDACTED] Sworn Statement at 8)

A: Me and Jeffrey hardly ever talked on the phone. He was always busy. It was mostly [REDACTED] We'd talk when I would get there, you know. So it was like hey, do you want to come in? Yes, cool, you know. Come there, no, cool, bye. ([REDACTED] Sworn Statement at 32-33)

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Q: We have -- I don't know. We have some messages I guess that some girls' names that would call Jeffrey and leave a [message] . . . (██████████ Sworn Statement at 25)

* * * * *

A: Every girl that I brought to Jeffrey, they said they were fine with it. And like, for instance, ██████████ -- ██████████ ██████████, a lot of girls begged me to bring them back. They wanted to come back for the money. And as far as I know, we all had fun there. (██████████ Sworn Statement at 45)

In sum, ██████████ testimony clearly shows that she is not a victim. In fact, ██████████ never wanted to cooperate with the investigation she refused to cooperate with the FBI, refused service of a subpoena, hired an attorney, and forced the government to give her immunity before she would speak to them. It cannot be that she may now seek relief from Mr. Epstein as a "victim" under § 2255 without proof of injury or inducement.

Furthermore, ██████████ assertion of documentary proof of an interstate phone call by Ms. ██████████ does not establish the nexus required for inducement under § 2422. When challenged at the December 14 meeting to justify the apparent chasm between the demands of the federal criminal statute and the testimony of ██████████ ██████████ offered only an out-of-state toll record. While this document may be inconsistent with a small part of ██████████ testimony as to the issue of the locus of phone calls, it utterly fails to demonstrate that the Government theory supports what at its essence is a federalization of underage prostitution (see ██████████ letter to Lefkowitz of December 13, 2007 at pg 4, par 1). This is compellingly so for several reasons:

- Absent testimony, the evidence does not exclude the possibility that Mr. Epstein neither caused nor knew of the call in question or the possibility that neither ██████████ ██████████ nor Mr. Epstein were even participants on the call;
- Absent the testimony of one of the participants, the documented record of the fact of a call does not negate the possibility that the call did not even involve discussion about scheduling a visit from ██████████ ██████████ to Mr. Epstein's house nor any other material subject matter;
- Absent the testimony of one of the participants, there is no evidence of inducement, an essential element of the statute and an element that requires significantly more than scheduling a visit with someone who like ██████████ was agreeable to come to Mr. Epstein's house prior to the call;

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- Absent evidence of the content of the call, a telephone record reflecting an out of state call is completely consistent with someone returning a call initiated by [REDACTED] rather than "inducing" a sexual act;
- A review of message logs seized from Mr. Epstein's residence during the state investigation (as well as a review of [REDACTED]'s testimony) would reflect that it was common for there to be incoming calls by women of all ages asking to be called and seeking to visit Mr. Epstein; and
- The alleged conduct is far outside the heartland of conduct that § 2422(b) was clearly designed by Congress to prevent Internet (or arguably, by extension, telephone) luring.

Indeed, [REDACTED] denies that she was ever induced to come to Mr. Epstein's house. The phone record cannot sustain a federal prosecution without more. We know, from reviewing [REDACTED] transcript, that there is no more. Even if there were telephone communications regarding the scheduling of massages, *mere solicitation is not inducement*. Inducement carries with it a much higher standard than solicitation.⁹ In entrapment cases for instance, the Government has argued, and the courts have agreed, that inducement requires "conduct sufficiently excessive to implant a criminal design in the mind of an otherwise innocent party". *U.S. v. Daniel*, 3 F.3d 775, 778 (4th Cir. 1993); *U.S. v. Shotts*, 2007 WL 4287666 at *3 (S.D.Fla. Dec. 5, 2007). "Neither mere solicitation nor the creation of opportunities to commit an offense comprises inducement," because "[i]nducement entails some semblance of 'arm-twisting,' pleading, or coercive tactics". *Marreel v. State*, 841 So.2d 600, 603 (Fla.App. 4th Dist. 2003) (finding no government inducement because "appellant had already demonstrated his predisposition to commit the offense"). Here, Mr. Epstein at the very worst is guilty of solicitation because he only provided women with an opportunity to commit the act of prostitution by arranging for appointments to be scheduled. Scheduling by telephone, by itself, does not rise to the level of inducement because there is neither a "semblance of arm-twisting, pleading, or coercive tactics" nor an attempt to "implant a criminal design in the mind" of any party.

The designation of [REDACTED] as a "victim" in the face of her own testimony is emblematic of the greater problem with the sweeping federal investigation of this matter. That she remains on a shortened list of § 2255-eligible "victims" in the face of sworn testimony reflecting no inducement, no injury is required for § 2255 recovery, and no violation of the most applicable federal predicates, § 2422(b), should, we contend, trigger deep concern that those who

⁹ This is particularly true when there is little to no evidence that the defendant even made the calls himself.

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were drafting and/or reviewing the federal indictment that was the catalyst for the Agreement were themselves misinformed about the scope and demands of proof required by § 2422(b). With underage sexual contact a matter of state criminal prohibition, the additional requisites of federal law unproven by more than a toll record, and the consequences flowing from the current Agreement as serious as the inevitability of unwarranted civil recoveries of an amount that could be \$150,000 to requiring a state sentence of 18 months in jail and a lifetime of registration as the conditions for Mr. Epstein to avoid a charge of violating § 2422(b) — a charge for which we strongly believe him to be innocent — we believe the overall risk of a miscarriage of justice to compel a reconsideration of the federal charging decision that catalyzed the execution of the Agreement. This is particularly true in light of the unprecedented application of § 2422 in this manner. We have previously provided charts of every reported precedent demonstrating that the reach of § 2422(b) being advanced by your Office in this matter is unprecedented. Attempts by CEOs to match the facts of Mr. Epstein's conduct with any prior case — reported or otherwise — generated a single distinguishable precedent that had no relationship to the facts under consideration in this matter.¹⁰

Indeed, upon a careful review of the evidence, your Office will undoubtedly conclude that federal law is being taken where it has never gone before, and this is the last clear chance for this District through your independent judgment — on its own volition — to do the right thing. Therefore, we urge that you direct that a full and fair and complete examination of the most trustworthy evidence be ordered.

III. Finality With Respect to § 2255

For several weeks, we have articulated our fundamental — and growing — concerns with respect to the profound policy issues raised by your Office's invocation of § 2255. It is common ground among us that § 2255 has not been the subject of policy guidance from Main Justice, over the long life of this unusual statute. It is therefore undisputed that we are sailing in uncharted jurisprudential and policy waters. This should not be a matter entrusted to the judgment of those who have not run the separation-of-powers gauntlet of Presidential nomination and Senate confirmation. As we discussed at our December 14 meeting, and you quite courteously listened, we believe that, as implemented in this extraordinary situation, § 2255 abounds with basic issues founding in the Due Process Clause of the Fifth Amendment.

¹⁰ In *U.S. v. Boehm*, the defendant bought and distributed crack cocaine and cocaine to underage girls; admitted to knowing that the girls were underage; arranged for underage girls to have sex with other members of the conspiracy in exchange for the drugs; and he was in possession of illegal firearms at the time of the alleged conduct.

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For these reasons, we deeply appreciate your contemplation of the appropriateness of the § 2255 portion of the Agreement. As we discussed during the December 14 meeting, and as expressed in our December 11 letter, it is improper for Mr. Epstein to be required to pay recovery to individuals who do nothing but simply assert a claim under § 2255. Some of the individuals identified do not consider themselves victims, nor would they be considered victims under any meaning of the law, given the evidence. Furthermore, § 2255 allows for a civil remedy and there is no basis for the government to be involved with the recovery of damages based on civil claims of private individuals.

While we appreciate your Office's objective to provide certain individuals with restitution in connection with this matter, we strongly urge you to consider an appropriate process by which such restitution can be made. We respectfully reiterate that this process, should not include any further federal interference in any way with respect to the recovery of civil claims.

IV. Conclusion

We believe — and know you share our belief — that citizens should be treated alike regardless of wealth or status when it comes to criminal justice. We ask for nothing more of your treatment of Mr. Epstein than that he be treated as would any other citizen of Palm Beach under similar circumstances. Mr. Epstein should not be charged with offenses to which his conduct does not apply, in either the state or federal context. Equal treatment would require that Mr. Epstein's prosecution be carried out by the State Attorney's Office. Mr. Epstein's conduct does not appropriately fit within the heartland of federal law. Further, we respectfully submit that the federal government should not sit as an "appellate court" and permit an unhappy state investigator (in this case one who we contend had little fidelity to the law) to seek review of a decision made in good faith regarding the charging decisions of an elected state prosecutor.

As we have expressed to you both at our meeting and in this letter, Florida law mandates that the procurement of a minor for the purposes of solicitation requires that the defendant procure the individual for activity with a third party. Mr. Epstein's alleged conduct does not fit this offense. The routine and practice of Florida state authorities and courts is to distinguish between solicitation and procurement of minors, the former being a misdemeanor under state law, the latter a felony (and the commission of multiple misdemeanors does not create a felony). Equal treatment would mandate that Mr. Epstein be charged for solicitation and thus, not be required to register as a sexual offender. It is improper for the federal government to direct a citizen to seek an enhancement of charges that the state prosecutor has deemed appropriately fit the conduct and that prosecutors' conclusions are consistent with practices regarding other citizens of his county for similar offenses. We believe that you should authorize the State Attorney for Palm Beach County to decide — based on all the evidence, which we agree you should provide him if you agree that he should make the charging decision — whether to require

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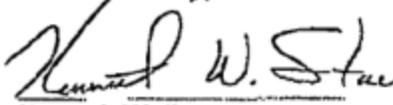
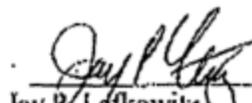
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a prosecution of Mr. Epstein for solicitation (which the evidence supports) or procurement (which the evidence does not support) and that federal involvement in this case should be narrowly tailored to serve only this goal.¹¹

Lastly, we reaffirm our request for independent review of the evidence. Previously, we requested but you declined to provide the draft indictment. We understand that we have no statutory right to a FBI 302 that inculpates Mr. Epstein (although we believe that Brady principles would encourage the disclosure of FBI 302 reports that exonerate him). We are concerned that there is information that could be rebutted if disclosed but instead, known only to the FBI and your Office, it stands unchallenged. For that reason, we urge you or someone you trust to review the evidence on an expedited basis. We will provide without delay all transcripts of state interviews that are not already in your possession. We will answer any questions the "reviewer" has. We seek such review not to delay the process. We will do everything that is requested to provide any information the reviewer seeks from our investigation. We believe that given the unique context of the current case — one without federal precedent — that such a process is consistent with the highest and most noble goals of the criminal justice system: to learn the truth.

Yours Sincerely,


Kenneth W. Starr
Jay P. Bykofsky

cc: [REDACTED] First Assistant U.S. Attorney

¹¹ If your Office wishes, it may submit this letter to the State Attorney's Office, but the State Attorney's Office should then make the sentencing determination based on the evidence.

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AND AFFILIATED PARTNERSHIPS

Jay P. Lefkowitz, P.C.
To Call Writer Directly:

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New York, New York 10022-4611

Facsimile: [REDACTED]

[REDACTED]
www.kirkland.com

November 29, 2007

VIA E-MAIL

R. Alexander Acosta
United States Attorney's Office
Southern District of Florida
[REDACTED]
West Palm Beach, Florida 33401

Re: Jeffrey Epstein

Dear Alex:

I am responding to the draft letter [REDACTED] sent to me last night, [REDACTED] letter that you would sign and send to each of the individuals whom you have not even identified to us, and about whom the government has made clear it "takes no position" as to the validity of potential claims that these individuals may have against Mr. Epstein. I cannot reconcile your commitment to "take no position" regarding these potential claims with your intention to sign such a letter, which will surely find its way almost immediately into the press, refers to these individuals as "minor victims," refers to Mr. Epstein as a "sexual predator," misstates the terms of our federal non-prosecution agreement (the "Agreement"), and invites federal witnesses to attend Mr. Epstein's state sentencing in order to give victim impact statements, although they are in most respects not state victims at all.

More fundamentally, we don't understand the basis for your Office's belief that it is appropriate for any letter to be sent to these individuals at this stage – before Mr. Epstein has either entered a plea or been sentenced. We respectfully disagree with your view that you are required to notify the alleged victims pursuant to the Justice for All Act of 2004. First, 18 U.S.C. § 2255, the relevant statute under the Agreement for the settlement of civil remedies, does not have any connection to the Justice for All Act. The Justice for All Act refers to restitution, and § 2255 is a civil remedy, not a restitution statute.

We also believe that the draft letter could not diverge more dramatically from your statement last week that your Office would not intervene in the state process from this point forward, and that you would merely monitor it. Indeed, the letter as currently drafted invites federal witnesses to become participants in a state proceeding, thus federalizing the state plea and sentencing in the same manner as would the appearance and statements of a member of your Office or the FBI.

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With that said, I respectfully identify below the specific objections we have with the proposed letter.

First, it states that "Mr. Epstein has agreed that he will not contest jurisdiction or liability if [the alleged victims] elect to seek damages from him . . ." This language implies that Mr. Epstein has agreed to concede jurisdiction and has waived liability whether or not each individual identified by the government as a "victim" of federal crimes ultimately settles her claim pursuant to the Agreement. The letter as drafted invites the witnesses to whom it is sent to believe that they can litigate their claims without Mr. Epstein being able to contest jurisdiction or liability – a construction of the Agreement that is in direct conflict with its terms. The Agreement we entered makes clear that Mr. Epstein's waiver of jurisdiction and liability is limited to those instances where the identified individual settles with him pursuant to Sections 7 through 8 of the Agreement and Addendum. As you are well aware, Mr. Epstein has no obligation or intention to concede jurisdiction or liability in any claim for damages – by an enumerated "victim" or anyone else – where that party fails to settle her claims pursuant to the terms of the Agreement.

Second, there is no basis to refer to Mr. Epstein as a "sexual predator." Pursuant to the terms of the Agreement, Mr. Epstein will be required to register as a "sexual offender," not a "sexual predator." Those are very different categories under Florida law. Mr. Epstein has agreed to enter a plea of guilty to two counts of violation of Florida Statutes §§ 796.03 and 796.07. Under Florida law, those charges do not classify him as a sexual predator. See Florida Statute § 775.21(4)(a). Rather, he is only a sexual offender as defined by Florida Statute § 943.0435(1)(a). To identify Mr. Epstein as a sexual predator, in this letter or elsewhere, is inaccurate and would irreparably harm him.

Third, we find no basis in law that provides the identified individuals with either a right to appear at Mr. Epstein's plea and sentence, or to submit a written statement to be filed by the State Attorney. According to Florida Statutes §§ 960.001(k) and 921.143(1), the sentencing court permits only "the victim of the crime for which the defendant is being sentenced . . . to [a]ppear before the sentencing court for the purpose of making a statement under oath for the record; and [s]ubmit a written statement under oath to the office of the state attorney, which statement shall be filed with the sentencing court." Florida Statute § 960.001(k) citing § 921.143(1) (emphasis added). Here, Mr. Epstein is pleading guilty to, and being sentenced for, state offenses, not the federal offenses under which the government has recognized these identified individuals as "victims." The state charges for which Mr. Epstein will be sentenced are not coextensive with the federal investigation. Under Florida law, only those persons identified as victims of the state offenses may make a statement at the hearing or submit a written statement.

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With respect, encouraging these individuals to participate in the state sentencing will have the effect of creating a media frenzy that will surely impact the sentence Mr. Epstein receives – precisely what your Office promised to avoid. Such an intrusion into state affairs, when the identified individuals are not even victims of the crime for which Mr. Epstein is being sentenced is highly inappropriate. The federal investigation of Mr. Epstein has been concluded, and witnesses or civil claimants identified as purported victims of federal offenses have no place in the state proceeding. We also think it will likely promote spurious civil litigation against Mr. Epstein, a result that would be highly irresponsible to encourage.

Fourth, we take serious issue with the assertion in the letter that the government has identified each recipient of the letter as a “minor victim.” The term “minor victim” is notably absent from the Agreement. Section 7 of the Agreement states only that the government will provide a list of individuals “whom it has identified as victims, as defined in 18 U.S.C. § 2255.” Indeed, you have told us that at least one identified individual is currently 24 years old, and thus would appear not to have been a minor at the time of the alleged conduct (and therefore is presumably not eligible to settle her claims under the Agreement). To confer on these women the imprimatur of a government “finding” is both incendiary and unwarranted.

Fifth, your letter mischaracterizes the nature of Mr. Epstein’s liability under the 18 U.S.C. § 2255 provisions of the Agreement. Your letter states that every individual who receives the letter is a victim of “certain offenses, including travel in interstate commerce to engage in prostitution with minors and the use of facilities of interstate commerce to induce minors to engage in prostitution.” This construction implies that these individuals are all victims of both offenses (travel in interstate commerce to engage in prostitution with minors and the use of facilities of interstate commerce to induce minors to engage in prostitution.) Clearly that is not the case. Consequently, the language should be revised to reflect that the identified individuals may be victims of certain offenses, but not necessarily both offenses. Additionally, for the sake of fairness and candor, we believe the same language contained in your letter to [REDACTED] stating that “[t]he United States takes no position as to the validity of any such claim under this statute,” should be included in any proposed letter.

Sixth, your letter states that [REDACTED] and [REDACTED] may “represent” the identified individuals. Since we have not yet had the opportunity to speak with [REDACTED] or [REDACTED] (though we hope to do so this week), we do not know that they will even agree to serve in this capacity. Since I believe the role you are casting for these attorneys creates a significant ethical problem, specifically the conflict between counseling the clients to settle for the statutory amount and rewarding the attorneys for litigating rather than settling their claims, I would not assume that they, or any ethical attorney, would agree to accept this assignment as you define it. Whether that will mean that other attorneys will have to be sought, or you will realize that the role is untenable as described, either result will require modification of the letter.

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Seventh, the identified individuals should not contact lawyers in your Office or agents of the FBI. To encourage these individuals to contact federal law enforcement officials is entirely inconsistent with your promise that there will be no further federal involvement in this case. Moreover, such contact can only invite the possibility for impermissible or partial communications. Recently, you asked the defense not to contact potential witnesses in this matter in part because the Agreement contemplated the selection of an attorney representative. For the same reason there should be no continuing invitation for the witnesses to remain in contact with either your Office or the FBI. Any questions these individuals may have regarding their rights under the Agreement should be answered by [REDACTED] or the attorney representative.

Eighth, this letter should be mailed rather than delivered by hand. We see no reason for hand delivery, and mailing will ensure that there are no impermissible or partial communications made to the identified individuals upon delivery of the letter. If your Office insists on hand delivery of any such letter, however, it should only be made by a third party service, not by law enforcement agents.

Finally, as you know, Judge Starr has requested a meeting with Assistant Attorney General Fisher to address what we believe is the unprecedented nature of the § 2255 component of the Agreement. We are hopeful that this meeting will take place as early as next week. Accordingly, we respectfully request that we postpone our discussion of sending a letter to the alleged victims until after that meeting. We strongly believe that rushing to send any letter out this week is not the wisest manner in which to proceed. Given that Mr. Epstein will not even enter his plea for another few weeks, time is clearly not of the essence regarding any notification to the identified individuals.

Sincerely,


Jay P. Lefkowitz

LAW OFFICES
FOWLER WHITE BURNETT
MIAMI, FLORIDA 33131-3302

FAX TRANSMITTAL

DATE: December 7, 2007

NUMBER OF PAGES: 3
(Excluding transmittal page)

Name	Fax Number
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FROM: Lilly Ann Sanchez

FAX NUMBER: [REDACTED]

TELEPHONE NUMBER: [REDACTED]

MATTER NO: 71200

REMARKS: please see attached.

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DIRECT PHONE NO.: ██████████
DIRECT FACSIMILE NO.: ██████████

December 7, 2007

██████████
First Assistant United States Attorney
United States Attorney's Office
Southern District of Florida
██████████
West Palm Beach, Florida 33401

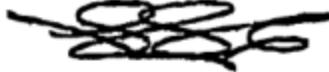
Re: Jeffrey Epstein

Dear ██████████

Pursuant to your letter dated December 6, 2007, attached is a signed Affirmation of the Non-Prosecution Agreement and Addendum to same dated October 30, 2007 (collectively "Agreement") signed by my client Jeffrey E. Epstein (see attached).

Moreover, pursuant to the terms of the Agreement, please note that the plea and sentencing hearing have been scheduled for January 4, 2008 at 8:30 a.m. before Judge Sandra McSorley (please see attached notice of hearing). In addition, as expressed in my voicemail message to you earlier, I would request that the Office hold off on sending any victim notification letters until we can further discuss the contents therein. Please call me at your earliest convenience.

Sincerely,



Lilly Ann Sanchez

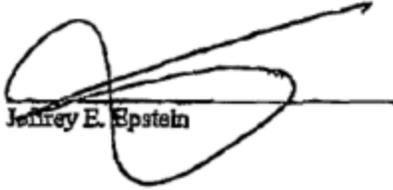
cc. Alex A. Acosta
Judge Kenneth Star

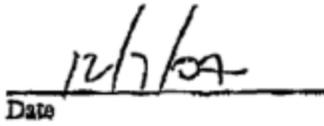
████████████████████

FOWLER WHITE BURNETT P.A.

Affirmation

I, Jeffrey E. Epstein do hereby re-affirm the Non-Prosecution Agreement and Addendum to same dated October 30, 2007.


Jeffrey E. Epstein


Date

IN THE CIRCUIT COURT OF THE FIFTEENTH
JUDICIAL CIRCUIT, IN AND FOR PALM BEACH
COUNTY, FLORIDA

CASE NO.: 2006CF009454AXX

STATE OF FLORIDA

vs.

JEFFREY EPSTEIN,

Defendant.

NOTICE OF HEARING

PLEASE TAKE NOTICE that the undersigned has called up for hearing the following:

JUDGE: Sandra McSorley
DATE: January 4, 2008
TIME: 8:30 a.m.
PLACE: Room 11F, Palm Beach County Courthouse
MATTER: Plea Conference

I HEREBY CERTIFY that a copy of the foregoing has been furnished by mail to Lanna Belohlavck, Esquire, State Attorney's Office, [REDACTED], West Palm Beach, Florida 33401 this 7th day of December, 2007.

ATTERBURY, GOLDBERGER & WEISS, P.A.

[REDACTED]

West Palm Beach, Florida 33401

[REDACTED]

JACK A. GOLDBERGER, ESQUIRE

Florida Bar No. [REDACTED]

cc: The Honorable Sandra McSorley

KIRKLAND & ELLIS LLP

Fax Transmittal

[REDACTED]
Los Angeles, California 90017

Phone: [REDACTED]

Fax: [REDACTED]

Please notify us immediately if any pages are not received.

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IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR,
PLEASE NOTIFY US IMMEDIATELY AT:

[REDACTED]

<i>To:</i>	<i>Company:</i>	<i>Fax #:</i>	<i>Direct #:</i>	
Hon. R. Alexander Acosta	United States Attorney's Office Southern District of Florida	[REDACTED]	[REDACTED]	
<i>From:</i>	<i>Date:</i>	<i>Pages w/cover:</i>	<i>Fax #:</i>	<i>Direct #:</i>
Kenneth W. Starr	December 5, 2007	3	[REDACTED]	[REDACTED]

Message:

KIRKLAND & ELLIS LLP
AND AFFILIATED PARTNERSHIPS[REDACTED]
Los Angeles, California 90017Kenneth W. Starr
To Call Writer Directly:
[REDACTED][REDACTED]
www.kirkland.comFacsimile:
[REDACTED]

December 5, 2007

VIA FACSIMILE [REDACTED]Honorable R. Alexander Acosta
United States Attorney
United States Attorney's Office
Southern District of Florida
[REDACTED]
Miami, FL 33132Re: Jeffrey Epstein

Dear Alex:

We are in receipt of your letter faxed to Jay on December 4 and faxed to Ken today in Los Angeles, and write to inform you that we will respond in full to that letter no later than Friday, December 7. We take this opportunity to address a few of the initial issues.

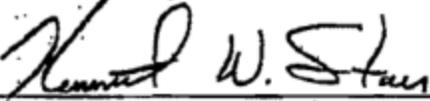
First and foremost, we reaffirm the Non-Prosecution Agreement (the "Agreement"). Mr. Epstein has no intention of unwinding the Agreement. Indeed, he has already performed under the Agreement by directing his lawyers to urge the State of Florida to allow him to plead guilty to crimes more egregious than the State believes he committed, and to sentence him more harshly than the State still believes is appropriate. However, as you know, we take serious issue with your staff's interpretation and implementation of the Agreement, in particular the use of Section 2255, but also other aspects of your office's investigation and prosecution of this matter. As we have expressed to you on prior occasions - where you have made clear you have no objection - we hope to address these issues with Assistant Attorney General [REDACTED] in Washington.

Second, your letter makes reference to "certain filings" that you state are due to your Office by December 7 and to "certain events" that must occur before December 14. We have no knowledge of any such deadlines and in fact do not know what filings and events to which you are referring. Please let us know what the December 7 and December 14 deadlines are, if any, so that we can make sure to comply with them.

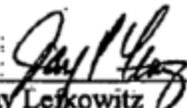
Honorable R. Alexander Acosta
December 5, 2007
Page 2

Finally, you state that you intend to issue the victim notification letters on Friday, December 7. However, in a discussion late last week between Jeff [REDACTED] and Lilly Ann Sanchez, Mr. [REDACTED] indicated that your Office would send us a revised version of the notification letter, which we have not received to date. While we believe that it is wholly inappropriate for your Office to send this letter under any circumstances, it is certainly inappropriate to issue this letter without affording us the right to review it. We strongly urge that you withhold the notification letter until after we are able to discuss this matter with Assistant Attorney General Fisher.

Yours Sincerely,



Kenneth W. Starr



Jay Lejkowitz

cc: Honorable Alice Fisher, Assistant Attorney General
[REDACTED], First Assistant U.S. Attorney

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO	[REDACTED]
CONNECTION TEL	[REDACTED]
SUBADDRESS	
CONNECTION ID	
ST. TIME	12/06 15:22
USAGE T	03'18
PGS.	9
RESULT	OK



U.S. Department of Justice

United States Attorney
Southern District of Florida

UNITED STATES ATTORNEY'S OFFICE
SOUTHERN DISTRICT OF FLORIDA

[REDACTED]
MIAMI, FLORIDA 33132-2111

[REDACTED]
First Assistant U.S. Attorney
[REDACTED]

[REDACTED]
Staff Assistant
[REDACTED]
[REDACTED]

FACSIMILE TRANSMISSION
COVER SHEET

DATE: December 6, 2007

TO: Jay Lefkowitz, Esquire

FAX NUMBER: [REDACTED]

SUBJECT: Epstein

NUMBER OF PAGES, INCLUDING THIS PAGE: 9



U.S. Department of Justice

United States Attorney
Southern District of Florida

UNITED STATES ATTORNEY'S OFFICE
SOUTHERN DISTRICT OF FLORIDA

[REDACTED]
MIAMI, FLORIDA 33132-2111

[REDACTED]
First Assistant U.S. Attorney
[REDACTED]

[REDACTED]
Staff Assistant
[REDACTED]

FACSIMILE TRANSMISSION
COVER SHEET

DATE: December 6, 2007

TO: Jay Lefkowitz, Esquire

FAX NUMBER: [REDACTED]

SUBJECT: Epstein

NUMBER OF PAGES, INCLUDING THIS PAGE: 9

Message/Comments:

(Includes Victim Notification Letter)

This facsimile contains PRIVILEGED AND CONFIDENTIAL INFORMATION intended only for the use of the Addressee(s) named above. If you are not the intended recipient of this facsimile, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination or copying of this facsimile is strictly prohibited. If you have received this facsimile in error, please immediately notify us by telephone and return the original facsimile to us at the above address via the U.S. Postal Service. Thank you.

EFTA01718527



U.S. Department of Justice

United States Attorney
Southern District of Florida

[REDACTED]
Miami, FL 33132-2111

Facsimile: [REDACTED]

December 6, 2007

DELIVERY BY FACSIMILE

Jay P. Lefkowitz, Esq.
Kirkland & Ellis LLP

[REDACTED]
New York, New York 10022-4675

Re: Jeffrey Epstein

Dear Jay:

I write in response to your recent e-mails and letters regarding victim notification and other issues. Our Office is trying to perform our contractual obligations under the Agreement, which we feel are being frustrated by defense counsel's objections. The Office also is concerned about Mr. Epstein's nonperformance.

More than three weeks ago we spoke about the failure to set a timely plea and sentencing date. At that time, you assured me that the scheduling delay was caused by the unavailability of [REDACTED]. You promised that a date would be set promptly. On November 15th, [REDACTED] met with [REDACTED] on another matter, and was told by [REDACTED] that he had just spoken with [REDACTED], and that Mr. Epstein's plea and sentencing were set to occur on December 14, 2007. Since that time, we have tried to confirm the date and time of the hearing in order to include that information in the victim notification letters. You continue to refer to the plea and sentencing as though it will be in January; [REDACTED] office has not confirmed any date; and [REDACTED] recently told [REDACTED] that "there is no date."

I must reiterate that a delayed guilty plea and sentencing – now more than two months beyond the original deadline – is unacceptable to the Office. As you will recall, the plea and sentencing hearing originally was to occur in early October 2007, but was delayed until October 26th to allow [REDACTED] to attend. It was delayed again until November to allow you to attend. Rather than using your best efforts to insure that the plea and sentencing occur in November, we recently learned that a plea conference had been scheduled with [REDACTED] for November 20, 2007, but was canceled at the request of the parties, not the judge. [REDACTED] has not been away for any extended period, and there is no basis for your assertion that the judge is the cause of

any past or future delay. Mr. Epstein currently has four Florida Bar members on his defense team, so attorney scheduling is not an adequate basis for delay.

Three weeks ago I also asked you to provide our Office with the terms of the Plea Agreement with the State Attorney's Office. It is now more than two months since the signing of the Non-Prosecution Agreement and we have yet to see any formal agreement, or even a list of essential terms of such an agreement.

Next, let me address your allegation that attorneys in our office and agents of the FBI have leaked information to the press in an effort to affect possible civil litigation with Mr. Epstein. This is untrue. There has been no contact between any member of the press and any employee of our office or the FBI since you incorrectly accused investigators of telling "Vanity Fair" about Mr. Starr's employment by Mr. Epstein several months ago. We intend to continue to refrain from commenting or providing information to the press. We would ask that your client and all of his representatives do the same.

I also want to address your interpretation of several statements that were included in correspondence – at your insistence – as proof that the designated victims have invalid claims. Let me make clear that each of the listed individuals are persons whom the Office identified as victims as defined in Section 2255, that is, as persons "who, while a minor, was a victim of a violation of section . . . 2422 or 2423 of this title." In other words, the Office is prepared to indict Mr. Epstein based upon Mr. Epstein's "interactions" with these individuals.¹ This conclusion is based upon a thorough and proper investigation – one in which none of the victims was informed of any right to receive damages of any amount prior to the investigation of her claim. The Office agrees that it is not a party to, and will not take a role in, any civil litigation, but the Office can say, without hesitation, that the evidence demonstrates that each person on the list was a victim of Mr. Epstein's criminal behavior. Mr. Starr's letter also suggests that the number of victims to whom Mr. Epstein is exposed by the Agreement is limitless. As you know, early drafts of the Agreement contained a numerical limit of 40 victims, which was removed at your request. The Office repeatedly confirmed that the number would not exceed 40; and the list is significantly shorter than that. Once the list is provided to you, if you have a good faith basis for asserting that a victim never met Mr. Epstein, we remain willing to listen and to modify the list if you convince us of your position.

Finally, let me address your objections to the draft Victim Notification Letter. You write that you don't understand the basis for the Office's belief that it is appropriate to notify the victims. Pursuant to the "Justice for All Act of 2004," crime victims are entitled to: "The right to reasonable, accurate, and timely notice of any public court proceeding . . . involving the crime" and the "right

¹Unlike the State's investigation, the federal investigation shows criminal conduct by Mr. Epstein at least as early as 2001, so all of the victims were minors at the time of the offense.

not to be excluded from any such public court proceeding . . ." 18 U.S.C. § 3771(a)(2) & (3). Section 3771 also commands that "employees of the Department of Justice . . . engaged in the detection, investigation, or prosecution of crime shall make their best efforts to see that crime victims are notified of, and accorded, the rights described in subsection (a)." 18 U.S.C. § 3771(c)(1).

Additionally, pursuant to the Victims' Rights and Restitution Act of 1990, our Office is obligated to "inform a victim of any restitution or other relief to which the victim may be entitled *under this or any other law* and [the] manner in which such relief may be obtained." 42 U.S.C. § 10607(c)(1)(B). With respect to notification of the other information that we propose to disclose, the statute requires that we provide a victim with the *earliest possible* notice of: the status of the investigation; the filing of charges against a suspected offender; and the acceptance of a plea. 42 U.S.C. § 10607(c)(3). Just as in 18 U.S.C. § 3771, these sections are not limited to proceedings in a *federal* district court. Our Non-Prosecution Agreement resolves the federal investigation by allowing Mr. Epstein to plead to a state offense. The victims identified through the federal investigation should be appropriately informed, and our Non-Prosecution Agreement does not require the U.S. Attorney's Office to forego its legal obligations.

With respect to your assertion that we are seeking to "federalize" the state plea, our office is simply informing the victims of their rights. It does not command them to appear at the hearing or to file a victim impact statement. In fact, the letter recommends the sending of any statement to the State Attorney's Office so that [REDACTED] can determine which, if any, statements are appropriate to file with the Court.

Next, you assert that our letter mischaracterizes Mr. Epstein's obligation to pay damages to the victims. To avoid that suggestion, I have asked AUSA [REDACTED] to simply quote the terms of the Agreement directly into the Notification Letter. We also have no objection to referring to Mr. Epstein as a "sexual offender" rather than a "predator."

We have no objection to using the conjunction "and/or" in referring to the particular offense(s) of which the recipient was a victim. We will not include the language that we take no position as to the validity of any claims. While the Office has no intention to take any position in any civil litigation arising between Mr. Epstein and any individual victim, as stated above, the Office believes that it has proof beyond a reasonable doubt that each listed individual was a victim of Mr. Epstein's criminal conduct while the victim was a minor. The law requires us to treat all victims "with fairness and with respect for the victim's dignity and privacy." 18 U.S.C. § 3771(a)(8). We will not include any language that demeans the harm they may have suffered.

The letter's assertions regarding representation by the [REDACTED] firm and Mr. [REDACTED] are accurate. Judge Davis conferred with [REDACTED] and [REDACTED] to insure their willingness to undertake this assignment prior to finalizing his selection.

JAY P. LEFKOWITZ, ESQ.
DECEMBER 6, 2007
PAGE 4 OF 4

Lastly, you object to personal communication between the victims and federal attorneys or agents. We have no objection to sending the letters through the mail² but we will not remove the language about contacting AUSA [REDACTED] or Special Agent [REDACTED] with questions or concerns. Again, federal law requires that victims have the "reasonable right to confer with the attorney for the Government in this case." 18 U.S.C. § 3771(a)(5). The three victims who were notified prior to your objection had questions directed to Mr. Epstein's punishment, not the civil litigation. Those questions are appropriately directed to law enforcement. If questions arise related to the civil litigation, AUSA Villafaña and Special Agent [REDACTED] will recommend that the victims direct those questions to [REDACTED].

I have attached a revised letter incorporating the changes on which we can agree. Please provide any further comments by the close of business on Friday. In addition, please provide us with a definitive statement, signed by your client, of his intention to abide by each and every term of the Agreement by close of business on Friday, December 7, 2007. By that time, you must also provide us with the agreement(s) with the State Attorney's Office and a date and time certain for the plea and sentencing, which must occur no later than December 14, 2007. There must be closure in this matter.

Sincerely,

R. Alexander Acosta
United States Attorney

By: [REDACTED]
First Assistant United States Attorney

Enclosure

cc: R. Alexander Acosta, U.S. Attorney
AUSA [REDACTED]

²This is contingent, however, on being able to provide adequate notice of the change of plea and sentencing. The sooner that you schedule that hearing with Judge [REDACTED], the sooner we can dispatch these letters. If you delay further, we will have to rely on telephone or personal notification.



U.S. Department of Justice

United States Attorney
Southern District of Florida

[REDACTED]
West Palm Beach, FL 33401

Facsimile: [REDACTED]

December 6, 2007

DELIVERY BY UNITED STATES MAIL

Miss

Re: Crime Victims' Rights – Notification of Resolution of Epstein Investigation

Dear Miss _____:

Several months ago, I provided you with a letter notifying you of your rights as a victim pursuant to the Justice for All Act of 2004 and other federal legislation, including:

- (1) The right to be reasonably protected from the accused.
- (2) The right to reasonable, accurate, and timely notice of any public court proceeding involving the crime or of any release or escape of the accused.
- (3) The right not to be excluded from any public court proceeding, unless the court determines that your testimony may be materially altered if you are present for other portions of a proceeding.
- (4) The right to be reasonably heard at any public proceeding in the district court involving release, plea, or sentencing.
- (5) The reasonable right to confer with the attorney for the United States in the case.
- (6) The right to full and timely restitution as provided in law.
- (7) The right to proceedings free from unreasonable delay.
- (8) The right to be treated with fairness and with respect for the victim's dignity and privacy.

I am writing to inform you that the federal investigation of Jeffrey Epstein has been completed, and that Mr. Epstein and the U.S. Attorney's Office have reached an agreement containing the following terms.

First, Mr. Epstein agrees that he will plead guilty to two state offenses, including the offense of soliciting minors to engage in prostitution, which will require him to register as a sexual offender for the remainder of his life.

Second, Mr. Epstein has agreed to make a binding recommendation of 18 months' imprisonment to the state court judge who sentences him. Mr. Epstein will serve that sentence of imprisonment at the Palm Beach County Jail.

Third, Mr. Epstein has agreed that he will compensate you for damages you have suffered, under the following circumstances. That portion of the agreement that relates to those claims reads as follows:

7. The United States shall provide Epstein's attorneys with a list of individuals whom it has identified as victims, as defined in 18 U.S.C. § 2255, after Epstein has signed this agreement and been sentenced. Upon the execution of this agreement, the United States, in consultation with and subject to the good faith approval of Epstein's counsel, shall select an attorney representative for these persons, who shall be paid for by Epstein. Epstein's counsel may contact the identified individuals through that representative.
8. If any of the individuals referred to in paragraph (7), *supra*, elects to file suit pursuant to 18 U.S.C. § 2255, Epstein will not contest the jurisdiction of the United States District Court for the Southern District of Florida over his person and/or the subject matter, and Epstein waives his right to contest liability and also waives his right to contest damages up to an amount as agreed to between the identified individual and Epstein, so long as the identified individual elects to proceed exclusively under 18 U.S.C. § 2255, and agrees to waive any other claim for damages, whether pursuant to state, federal, or common law. Notwithstanding this waiver, as to those individuals whose names appear on the list provided by the United States, Epstein's signature on this agreement, his waivers and failures to contest liability and such damages in any suit are not to be construed as an admission of any criminal or civil liability.
9. Epstein's signature on this agreement also is not to be construed as an admission of civil or criminal liability or a waiver of any jurisdictional

or other defense as to any person whose name does not appear on the list provided by the United States.

10. Except as to those individuals who elect to proceed exclusively under 18 U.S.C. § 2255, as set forth in paragraph (8), *supra*, neither Epstein's signature on this agreement, nor its terms, nor any resulting waivers or settlements by Epstein are to be construed as admissions or evidence of civil or criminal liability or a waiver of any jurisdictional or other defense as to any person, whether or not her name appears on the list provided by the United States.

Pursuant to the terms of the agreement and an addendum, to assist you in making such a claim, the U.S. Attorney's Office has asked an independent Special Master to select attorneys to represent you. Those attorneys are [REDACTED] and [REDACTED] with the law firm of [REDACTED]. They can be reached at [REDACTED].

I anticipate that someone from their law firm will be contacting you shortly. I must also advise you that you are not obligated to use these attorneys. In fact, you have the absolute right to select your own attorney, so you can decide not to speak with Messrs. [REDACTED] at all, or you can speak with them and decide at any time to use a different attorney. If you do decide to seek damages from Mr. Epstein and you decide to use Messrs. [REDACTED] as your attorneys, Mr. Epstein will be responsible for paying attorney's fees incurred during the time spent trying to negotiate a settlement. If you are unable to reach a settlement with Mr. Epstein, you and [REDACTED] can discuss how best to proceed.

As I mentioned above, as part of the resolution of the federal investigation, Mr. Epstein has agreed to plead guilty to state charges. Mr. Epstein's change of plea and sentencing will occur on December 14, 2007, at _____ a.m., before Judge Sandra K. McSorley, in Courtroom 11F at the Palm Beach County Courthouse, [REDACTED], West Palm Beach, Florida. Pursuant to Florida Statutes Sections 960.001(1)(k) and 921.143(1), you are entitled to be present and to make a statement under oath. If you choose, you can submit a written statement under oath, which may be filed by the State Attorney's Office on your behalf. If you elect to prepare a written statement, it should address the following:

the facts of the case and the extent of any harm, including social, psychological, or physical harm, financial losses, loss of earnings directly or indirectly resulting from the crime for which the defendant is being sentenced,

and any matter relevant to an appropriate disposition and sentence. Fl. Stat. 921.143(2).

You also are entitled to notification when Mr. Epstein is released from imprisonment at the end of his prison term and/or if he is allowed to participate in a work release program. To receive such notification, please provide the State Attorney's Office with the following information:

1. Your name
2. Your address
3. Your home, work, and/or cell phone numbers
4. Your e-mail address
5. A notation of whether you would like to participate in the "VINE system," which provides automated notification calls any time an inmate is moved. (To use this system, your calls must go to you directly, not through a switchboard.)

Thank you for all of your help during the course of the investigation. If you have any questions or concerns, please do not hesitate to contact me or Special Agent [REDACTED] at [REDACTED].

Sincerely,

R. Alexander Acosta
United States Attorney

By:

[REDACTED]
Assistant United States Attorney

cc: Special Agent [REDACTED], F.B.I.
[REDACTED], Victim-Witness Coordinator, U.S. Attorney's Office

KIRKLAND & ELLIS LLP

AND AFFILIATED FIRMES/BRANCHES

Jay P. Infkowitz, P.C.
To Call Writer Directly

New York, New York 10022-4611

Facsimile:

www.kirkland.com

December 11, 2007

VIA FACSIMILEHonorable R. Alexander Acosta
United States Attorney
United States Attorney's Office
Southern District of Florida
Miami, FL 33132*Re: Jeffrey Epstein*

Dear Alex:

I appreciate the opportunity you have provided to review some of the issues and concerns of Mr. Epstein's defense team. Importantly, I appreciate your agreement that this submission would neither be understood by you as constituting a breach of the Non-Prosecution Agreement ("Agreement") nor result in any unwinding of the Agreement by your Office. Implicit in this agreement is the understanding that I can share with you our concerns and request a review on the basis for these concerns, while at the same time assure my client that this submission will not in any respect result in formal or informal repercussions or attempts by any member of the prosecution or investigative team to involve themselves to Mr. Epstein's detriment in any matter related to the Agreement, particularly in the state prosecution. This letter is intended to support our assertion to you that the manner in which both the investigation of allegations against Mr. Epstein and the resolution thereof were highly irregular and warrant a full review. We appreciate your willingness to consider the evidence. We respectfully request that you review letter to Alan Dershowitz, faxed to you on December 7, 2007, in connection with the concerns we set forth in this submission.

I. FEDERAL INVESTIGATORS RELIED UPON TAINTED EVIDENCE.

We have serious concerns that the summaries of the evidence that have been presented to you have been materially inaccurate. As you may know, the principal witnesses in this case were first interviewed by [REDACTED] of the Palm Beach Police Department (the "PBPD") and other state law enforcement officers. These interviews (the "witness statements") were often tape-recorded thus providing a verbatim and detailed record of the recollections of the witnesses at a point in time prior to any federal involvement. Unfortunately, the police report authored by Detective [REDACTED] and certain affidavits executed by him contained both material misstatements

Chicago

Hong Kong

London

Los Angeles

Munich

San Francisco

Washington, D.C.

KIRKLAND & ELLIS LLP

R. Alexander Acosta
December 11, 2007
Page 2

regarding the specifics of what he was told by his witnesses and also contained omissions of critical and often exculpatory information that was recorded verbatim during the taped interview sessions. The federal investigation involved interviews with many of the same witnesses. We are aware that at least one federal interview ([REDACTED]) was recorded.

We understand that [REDACTED] provided his police report and certain affidavits to the federal authorities but did not provide the actual witness statements of the taped interviews to your Office or to the FBI. These witness statements constitute the best evidence available (they are verbatim and earlier in time to the federal interviews), and they contain statements that are highly exculpatory to Mr. Epstein. Because understanding the compromised nature of the "evidence" against Mr. Epstein is key to a proper view of this case, we summarize it in detail below.

A. [REDACTED]

[REDACTED]

▪ [REDACTED]

▪ [REDACTED]

KIRKLAND & ELLIS LLP

R. Alexander Acosta
December 11, 2007
Page 3

- [REDACTED]

- [REDACTED]

- [REDACTED]

- [REDACTED]

- [REDACTED]

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[REDACTED]

KIRKLAND & ELLIS LLP

R. Alexander Acosta
December 11, 2007
Page 4

[REDACTED]

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B.

[REDACTED]

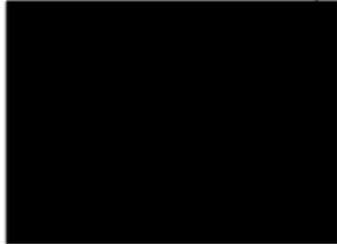
[REDACTED]

[REDACTED]

STERN & KILCULLEN, LLC
COUNSELORS AT LAW



[REDACTED]
ROSELAND, NEW JERSEY 07068
[REDACTED]
[REDACTED]



OF COUNSEL

December 7, 2007

Alan Dershowitz, Esq.
Harvard Law School
[REDACTED]
Cambridge, Massachusetts 02139

Re: Jeffrey Epstein

Dear Mr. Dershowitz:

You have asked me to review the procedures and methods employed by the United States Attorney's Office for the Southern District of Florida in injecting itself into the State of Florida investigation and prosecution of your client, Jeffrey Epstein.

In short, and as will be set forth at greater length herein, my review indicates that the federal authorities inappropriately involved themselves in the investigation by the state authorities and employed highly irregular and coercive tactics to override the judgment of state law enforcement authorities as to the appropriate disposition of their case against your client. What is particularly unusual here is that the allegations against Mr. Epstein are the type that are routinely and traditionally investigated and disposed of by state authorities and which the United States only rarely, if ever, retains jurisdiction. What is even more extraordinary here is the obvious purpose of the federal authorities to

Alan Dershowitz, Esq.
December 7, 2007
Page 2

dictate the outcome of a state proceeding under circumstances of limited, if not actually nonexistent federal interest.

My Background

I have extensive experience in the administration of criminal justice both on the state and on the federal level. I was employed as an Assistant District Attorney in New York County from February 1962 until October 1965. One of the investigations I was responsible for was the death of Malcolm X. From 1965 until 1969 I was employed by the United States Department of Justice in Washington as a trial attorney in the organized crime and racketeering section of the Criminal Division. I was assigned to investigate and to prosecute cases involving wrongdoing in municipal government and in the trade union movement. In 1969 I became the Chief Assistant to the United States Attorney for the District of New Jersey. From 1970 to 1971, I was the acting United States Attorney for the District of New Jersey. From 1971 through 1973, I was the United States Attorney for the District of New Jersey. In these positions I personally conducted or supervised trials of numerous public officials on both the state and federal level as well as a myriad of other federal crimes, and worked closely with law enforcement officials at the local and state levels. From 1973 through 1987, I was a United States District Judge for the District of New Jersey and presided over many criminal trials and proceedings. In 1979 I was selected by the United States Department of State to be the United States Judge for Berlin to preside over a trial of individuals who allegedly hijacked an airplane from East Germany to West Berlin. Since 1987, I have been in the private

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practice of law and have represented clients in various jurisdictions who have been investigated by federal and state authorities. Attached is a copy of my resume.

Thus, I am very familiar with the operation of the criminal justice system both on the federal and state levels, as well as the factors used by federal and state prosecutors in charging defendants.

The Allegations

Mr. Epstein is alleged to have had improper sexual contact, solely in Florida, with women who were under the age of 18. Mr. Epstein maintained residences both in New York and Florida and would repeatedly fly from New York to Florida where his primary residence was located.

He would travel to Florida for purposes of returning to his home. Upon his return he would ask his assistants to make various day to day arrangements including social visits, exercise appointments, appointments with physicians and the like. On numerous occasions telephone calls would be made by his assistants for women to come to his home to provide him with massages, for which they were paid. On occasions those calls were made after Mr. Epstein and his staff arrived in Florida and at other times massages were scheduled after the masseuse called Mr. Epstein's home looking for "work". Mr. Epstein preferred that the masseuses be over the age of 18 and many were, in fact, in their early to mid twenties. There are allegations that Mr. Epstein routinely masturbated and repeatedly sought to touch the masseuses. We are aware the government has alleged sexual intercourse and digital penetration in a number of instances.

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What does not seem to be in dispute is that there are no claims that Mr. Epstein transported any minors in interstate commerce, nor did he troll the internet or use the internet to identify or lure any minor to engage in any improper conduct. There is no credible evidence that Mr. Epstein specifically targeted young children for sexual activity of any sort or that he is a sexual predator who preys on children, although it later turned out that some of the women were younger than 18. Nor are there any plausible claims that Mr. Epstein used force or threats against anyone or that he profited financially.

The matter came under investigation by the State officials in Florida. After Mr. Epstein learned of the allegations, he fully cooperated with the State authorities. The investigation revealed what is stated above - - no violence was ever used, there was no targeting of minors, there was no coercion, financial gain etc. - - and, importantly, there were serious credibility problems with many of the witnesses, at least one of whom refused to comply with a grand jury subpoena to testify. Accordingly, after a 13 month investigation, the State offered Mr. Epstein a plea to aggravated assault with a sentence of 5 years probation, with a 3 year early termination of probation. After being preliminary accepted by Mr. Epstein's counsel, the plea was re-evaluated and ultimately rejected because of the concerns that sex offender registration could be required. During further negotiations, at which time discussions were held regarding the lack of credibility of certain key witnesses, the State Attorney decided to present the matter to the grand jury. At the grand jury presentation one of the state's key witnesses failed to appear and the grand jury returned an indictment of felony solicitation of a prostitute.

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After a disgruntled local police officer complained of the terms of the plea agreement between Mr. Epstein and the State of Florida, the United States Attorney's office interjected itself in the disposition of this case, conducted an investigation, and advised Mr. Epstein that he must consent to a plea with the State of Florida that would require: a) at least an 18 month jail sentence, b) that he register as a sex offender, c) that he agree, without even knowing their names, that women who claimed they provided him with massages -- as many as 40 persons -- be allowed to sue him, d) that he would not contest jurisdiction or the facts of those suits, e) that each woman be entitled to \$150,000 in damages (or an amount agreed to by the parties), f) and that the United States Attorney's office select the attorney for the women (a business colleague of the boyfriend of the Assistant United States Attorney handling the case was initially chosen)¹. Mr. Epstein was threatened that upon a failure by him to comply with all of these demands, the United States Attorney would bring additional charges against him for violations of federal law, specifically 18 U.S.C. § 2422(c)(Enticement of a Minor to Engage in Sexual Activity) and/or 18 U.S.C. § 2423(b) (Travel with Intent to Engage in Illegal Sexual Conduct) and perhaps money laundering, 18 U.S.C. § 1956(a)(3).

These threats, if implemented, would have exposed Mr. Epstein to a period of incarceration of approximately 180 months (15 years) under the Sentencing Guidelines.

* * * *

¹ Negotiations with the State Attorney thereafter never resulted in an agreed upon plea because of the ongoing federal investigation. However, the State has consistently maintained its position that the conduct alleged does not warrant sex offender registration or even a jail sentence.

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I have reviewed the submissions made on behalf of Mr. Epstein to the United States Attorney's office in the Southern District of Florida, which concluded that the cited federal statutes are inapplicable to the allegations made against Mr. Epstein and therefore, as a matter of substantive federal law, it was inappropriate for the United States Attorney's office to threaten such a prosecution. In my professional opinion, these conclusions are correct. I will first address those statutes and explain why I believe the conclusions reached in the prior submissions were appropriate.

18 U.S.C. § 2422(b) (Enticement of a Minor)

Section 2422(b) provides:

Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States knowingly persuades, induces, entices or coerces any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title and imprisoned not less than 5 years and not more than 30 years.

Section 2422(b) was added to the Mann Act ten years ago, as part of the Telecommunications Act of 1996, in order to combat internet predators. As the Eleventh Circuit has recognized:

[T]his particular sub-section was included in Title V of the Telecommunications Act, which is the section titled 'Obscenity and Violence,' after the Senate Judiciary Committee held a hearing regarding child endangerment via the internet.

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See United States v. Searcy, 418 F.3d 1193, 1197 (11th Cir. 2005) (citing H.R. Rep. No. 104-458, at 193 (1996) (Conf.Rep.)). See also K. Seto, Note: How Should Legislation Deal with Children and the Victims and Perpetrators of Cyberstalking?, 9 *Cardozo Women's L.J.* 67 (2002).

In enacting subsection (b), Congressional concerns were focused on a particular and recent phenomenon: Young people were using the internet in ever-increasing numbers, and it was proving to be a dangerous place. According to a DOJ study, one in five youths (ages 10 to 17) had received a sexual approach or solicitation over the internet in the previous year. One in 33 had received an "aggressive sexual solicitation," in which a predator had asked a young person to meet somewhere, called a young person on the phone, and/or sent the young person correspondence, money, or gifts through the U.S. Postal Service. See Office for Victims of Crime, U.S. Dep't of Justice, OVC Bulletin, "Internet Crimes Against Children" (3d prtg. 2005).

Unfortunately, computers and the internet had facilitated sexual predators who prey on children. Historically, child predators found their victims in public places where children tend to gather, such as schoolyards and playgrounds. But, as Congress recognized, with so many children online, the internet provided predators a new place - cyberspace - to target children for criminal acts. Use of the internet, which occurs in private, and the secrecy and deception it permits, eliminates many of the risks predators face when making contact in person, and presents special law enforcement problems that are difficult for any local jurisdiction to tackle.

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The statutory language and reported decisions confirm the statute's important but narrow focus. Unlike 18 U.S.C. §§ 2241 *et seq.*, § 2422(b) does not establish any federal sex crimes with a minor. Section 2422's subject is not sex, sexual activity, or face-to-face sexual exploitation of minors. Such behavior remains a matter of state, not federal, concern.

Section 2422(b) defines a crime of communication, not of contact. It makes unlawful a narrow category of communication, one not protected by the First Amendment because the target is a minor, and the subject is one that enjoys no constitutional protection. Both the attempt and the substantive crime defined by § 2422 are complete at the time that communication with a minor, or purported minor, takes place; the essence of the crime occurs before any face to face meeting or any sexual activity with a minor has taken place, regardless of whether any meeting or activity ever eventuates.

In sum, the statute was designed to address, and is therefore limited to situations where a person, purposefully and knowingly, targets a minor, and communicates with that minor by means of an instrumentality of interstate commerce. This conduct almost always originates in a chatroom on the internet or by email - - to use the anonymity and opportunities for deception permitted by these media - - to persuade a person he knows or believes to be a minor to engage in sexual activity, which would constitute a crime under state law, were it to occur.

The reported cases reveal that is the way federal prosecutors have understood the statute. Virtually all of the prosecutions brought under § 2422(b), resulting in published

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decisions, have essentially involved a standard fact pattern where an undercover agent pretends to be a young teenager on-line, and is directly solicited. See United States v. Farner, 251 F.3d 510 (5th Cir. 2001). See also United States v. Root, 296 F.3d 1222, 1227-28 (11th Cir. 2002); United States v. Sims, 428 F.3d 945, 959 (10th Cir. 2005); United States v. Helder, 452 F.3d 751 (8th Cir. 2006); United States v. Meek, 366 F.3d 705, 717-20 (9th Cir. 2004).

There are approximately two dozen Eleventh Circuit cases involving prosecutions under § 2422(b), most of which involve this prototypical fact pattern. See, e.g., United States v. Morton, 364 F.3d 1300 (11th Cir. 2004), vacated for further consideration in light of Booker, 125 S. Ct. 1338 (2006), opinion reinstated by, 144 Fed. Appx. 804 (2005); United States v. Orrega, 363 F.3d 1093 (11th Cir. 2004); United States v. Miranda, 348 F.3d 1322 (11th Cir. 2003); United States v. Tillmon, 195 F.3d 640 (11th Cir. 1999); United States v. Panfil, 338 F.3d 1299 (11th Cir. 2003); United States v. Garrett, 190 F.3d 1220 (11th Cir. 1999); United States v. Burgess, 175 F.3d 1261 (11th Cir. 1999); United States v. Rojas, 145 Fed. Appx. 647 (11th Cir. 2005); United States v. Root, 296 F. 3d 1222 (11th Cir. 2002).

What all of these cases have in common is that the defendant used the internet to purposefully communicate directly with a minor or a purported minor (or a person with influence over such a minor or purported minor), with the intent to arrange a sexual tryst believing that the individual was a minor and with the knowledge that such sexual activity was illegal because of the age of the victim. This is precisely the situation the

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statute was designed to reach.

Mr. Epstein's situation has nothing in common with the scenario Congress acted to address. In Mr. Epstein's case, even assuming for purposes of this memorandum that there was inappropriate sexual contact with minors, there was no use whatsoever of the internet, or any other communication device, in an attempt to induce a minor.

The statutorily proscribed act is the use of a channel of interstate commerce to persuade, induce, entice or coerce. "The underlying criminal conduct Congress expressly proscribed in passing § 2422(b) is the persuasion, inducement, enticement, or coercion of the minor rather than the sex act itself. That is, if a person persuaded a minor to engage in sexual conduct (e.g. with himself or a third party), without then actually committing any sex act himself, he would nevertheless violate §2422(b)." United States v. Murrell, 368 F.3d 1283, 1286 (11th Cir. 2004). See also United States v. Bailey, 228 F.3d 637, 639 (6th Cir. 2000) ("Congress has made a clear choice to criminalize persuasion and the attempt to persuade, not the performance of the sexual acts themselves."). The forbidden conduct is the actual or attempted persuasion, inducement, enticement, or coercion; if there has been sexual misconduct without persuasion, there is no violation of this law.

Furthermore, the persuasion must be first directed at an individual known by the defendant to be younger than 18. Second, its subject must be the minor's participation in prostitution or sexual activity that would be a criminal offense under state law. Confining the statute's reach to such situations is precisely what eliminates what would otherwise be First Amendment problems. See Bailey, 228 F.3d at 639 ("Defendant simply does not

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have a First Amendment right to attempt to persuade minors to engage in illegal sex acts.”).

As the plain language of the statute and the legislative history shows, the use of the internet, telephone, or mail is not merely a jurisdictional “hook”; it is the very crux of the crime. Congress was not addressing face to face interactions between adults and minors during which inducement might be used, but rather interactions that occurred over the internet, sometimes followed by the phone or the mail.

The statute requires that the persuasion must occur “knowingly”. Thus, someone commits the offense only if (1) he knows (or believes) that person is under 18, and (2) knows that the activity he is proposing would be illegal with a person of the age he believes that person to be. Since the age of consent varies from jurisdiction to jurisdiction within the United States, and is generally 16 or 17, even an actor's knowledge that the individual he is attempting to persuade is not yet 18 does not mean that he is knowingly seeking to persuade or induce someone to engage in activity that would constitute a crime. See Richard A. Posner & Katharine B. Silbaug, A Guide to America's Sex Laws 44 (Univ. of Chi. Press 1998). Accordingly, to violate § 2422(b), an actor must know that he is trying to persuade not only someone under 18, but someone who is considered a minor in the jurisdiction, and that the sexual conduct contemplated would constitute a crime.

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Thus, if a defendant believes he is interacting with an adult, he is not guilty of the federal crime even if he is dealing with a minor pretending to be a grown-up. See United States v. Thomas, 410 F.3d 1235 (10th Cir. 2005).

Mr. Epstein did not use any facility of interstate commerce to do the forbidden act - to persuade, entice, induce, or coerce - nor did he attempt to do so. His staff used the phone to make a variety of arrangements for Mr. Epstein's stays in Palm Beach, including getting the house ready for his arrival, checking movie schedules, and making phone calls to schedule doctors' appointments, business appointments, personal training, physical therapy and massages. Even if Mr. Epstein could be held responsible for his assistant's use of the telephone, her calls regarding massages were not the statutorily proscribed persuasions or enticements of a minor to do illegal acts but simply to set up appointments.

Assuming Mr. Epstein persuaded individuals to engage in forbidden conduct with him in his home, he did not violate the statute. There was no inducement by or on the telephone or on the internet, and none is alleged. For example, if during a massage, Mr. Epstein inquired if the masseuse was interested in doing something more, and she said yes, the inducement, if any, occurred face to face and without the use of any telephone or the internet. Any subsequent telephone call by his staff for scheduling purposes for another massage was for that purpose and not for an inducement, which had already occurred face to face.

In sum, whatever sexual contact occurred, occurred face to face, without the use of

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an instrumentality of interstate commerce to persuade or induce it, and therefore, was not an act proscribed by the statute. Accordingly, Mr. Epstein committed no crime within the scope of § 2422(b).

18 U.S.C. § 2423(b) (Travel with Intent to Engage in Illegal Sexual Conduct)

Similarly, the facts of this case do not make out a violation of 18 U.S.C. § 2423(b).

Section 2423(b) provides that:

A person who travels in interstate commerce ... for the purpose of engaging in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years, or both.

["Illicit sexual conduct" means a sexual act that occurs with a person under age 16, or a commercial sex act with a person under age 18. See §2423(f) and 18 U.S.C. 2243(a).]

Mr. Epstein did not violate 18 U.S.C. § 2423(b) because his travel to Florida was not for the purpose of engaging in a sexual act with a person younger than 16, nor a commercial sex act with a person under 18. Assuming that Mr. Epstein purposefully engaged in a proscribed act in Florida, it arose long after his travel to Florida was complete, while a massage with a particular masseuse was in progress.

Like § 2422(b), § 2423(b) does not criminalize sexual conduct, with any person, regardless of that person's age. Rather, it criminalizes travel for the purpose of engaging in unlawful sexual activities. United States v. Hayward, 359 F.3d 631, 638 (3d Cir. 2004). See also United States v. Tykarsky, 446 F.3d 458, 471 (3d Cir. 2006):

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The relationship between the mens rea and the actus reus required by § 2423(b) is neither incidental nor tangential. Section 2423(b) does not simply prohibit traveling with an immoral thought, or even with an amorphous intent to engage in sexual activity with a minor in another state. The travel must be for the purpose of engaging in the unlawful sexual act.

See also Hansen v. Huff, 291 U.S. 559, 562-63 (1934) and Mortensen v. United States, 322 U.S. 369, 374 (1944) ("An intention that the women or girls shall engage in the conduct outlawed by Section 2 must be found to exist before the conclusion of the interstate journey and must be the dominant motive of such interstate movement.") (emphasis added); Cleveland v. United States, 329 U.S. 14, 20 (1946) ("There was evidence ... that the unlawful purpose was the dominant motive.")²

Under these standards, there is no basis for concluding that Mr. Epstein's principal purpose in going to Florida was to engage in illicit sexual conduct, as defined by the statute, even if we assume that some such conduct occurred while he was there. Given the other purposes of his 50 or more Florida trips, the act of going there cannot itself give rise to any inference of improper purpose. On the contrary, it is evident that the principal purpose of his trips to Florida was to go to his Palm Beach home for reasons that were professional, personal and financial, including to minimize his taxes by establishing a residence, and to visit his family, in particular his brother, his ailing mother and after his mother passed away, the grave sights of both of his parents. Mr. Epstein surely did not go

² Some Courts have held that the illicit sexual conduct must be: an "efficient and compelling purpose," United States v. Meacham, 115 F.3d 1488, 1495 (10th Cir. 1997); a "motivating purpose," United States v. Campbell, 49 F.3d 1079, 1083 (5th Cir. 1995), or "at least one of the defendant's motivations for taking the trip in the first place," United States v. Ellis, 935 F.2d 385, 389 (1st Cir. 1991). See also United States v. Hoschouer, 224 Fed. Appx. 923 (11th Cir. 2007) (unpublished).

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to Florida because its laws governing sexual conduct with young people are particularly lax.³

Moreover, no violation of § 2423(b) occurred because, even assuming at some point during the massages Mr. Epstein knew that the particular masseuse was under 18 years old and that certain behavior could be illegal, such knowledge would have come into being when he was already in Palm Beach and could not have been a factor motivating him to go there. Since the vast majority of his masseuses were over 18, and he usually did not know who his masseuse would be until she arrived at his home, sexual contact with a minor could not have been a factor motivating his travel.⁴

18 U.S.C. § 1956(a)(3) (Money Laundering)

No reasonable reading of the money laundering statute can countenance a charge against Mr. Epstein, for the statute on its face, and as applied by the courts, has absolutely no application to the alleged misconduct. Under the facts of this case, to charge Mr. Epstein with violating the money laundering statute would be unprecedented.

The Eleventh Circuit has held that “[t]o prove money laundering under § 1956(a)(3), the government must show that the defendant (1) conducted or attempted to conduct a

³ The age of consent varies from state to state. In Connecticut, it is 16 for intercourse, Conn. Gen. Stat. Ann. § 53a-71, and 15 for sexual contact. Conn. Gen. Stat. Ann. § 53a-73a. In Massachusetts and New Jersey, the age of consent is 16. Mass. Gen. Laws ch. 265, § 23; Mass. Gen. Laws ch. 272, § 35A; NJ. Stat. Ann. § 2C:14-2. New York sets the age of consent at 17. N.Y. Penal Law § 130.05(3).

⁴ Nor are any of the other sections of 18 U.S.C. 2423 prohibiting “sex tourism” applicable. Section (a) prohibits transporting a minor (under 18) in interstate or foreign commerce for sexual purposes. Section (c) prohibits traveling to a foreign country to engage in illicit sexual conduct. Section (d) prohibits facilitating travel of a person for the purpose of engaging in illicit sexual conduct for financial gain. All that has been alleged is that Mr. Epstein traveled to his home in Florida and engaged in sexual activities with local Florida residents. There are no allegations whatsoever that he ever transported a minor or an adult to another state or foreign country for sexual purposes, or for that matter, that he traveled to a foreign country to engage in illicit sexual activities.

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financial transaction (2) involving property represented to be the proceeds of specified unlawful activity, (3) with the intent (a) 'to promote the carrying on of specified unlawful activity,' (b) 'to conceal or disguise the nature, location, source, ownership, or control of property believed to be the proceeds of specified unlawful activity,' or (c) 'to avoid a transaction reporting requirement under State or Federal law,' United States v. Puche, 350 F.3d 1137, 1142-43 (11th Cir. 2003).⁵ See also United States v. Arditti, 955 F.2d 331 (5th Cir. 1992).

Thus, it is clear that the statute unquestionably requires (a) the use of proceeds of specified unlawful activity; or (b) cash which is or was represented to be the product of unlawful activity, with neither paradigm being applicable in the case.

Mr. Epstein did not receive money or funds from any criminal conduct which he then used in a financial transaction. See, e.g., United States v. Taylor, 239 F.3d 994 (9th Cir. 2001) (defendant charged with running an illegal escort service and using proceeds from that business to pay credit cards used to purchase airline tickets to fly prostitutes to Las Vegas). Nor did Mr. Epstein use money he knew to be unlawfully tainted in a financial transaction designed to promote prostitution or other criminal conduct. Rather, to the extent the evidence may show that Mr. Epstein paid for sexual services, he most certainly did so with untainted, legitimately earned funds.

* * * *

⁵ Instructive is the Eleventh Circuit Pattern Jury Instruction 70.4 which states that the defendant can be found guilty of § 1956(a)(3)(A) only if (1) he knowingly conducted a financial transaction; (2) the transaction involved property represented to be the proceeds of specified unlawful activity or that was used to conduct or facilitate specified unlawful activity; and (3) the defendant engaged in the transaction with the intent to promote the carrying on of specified unlawful activity.

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Having demonstrated that there is no real federal interest in this case, because there is no federal crime, it is apparent that the United States Attorney's Office is simply attempting to dictate the procedures and outcome of a state prosecution in which federal authorities can have no legitimate interest. It may be that some law enforcement authorities in other jurisdictions, state or federal, might choose to handle this matter differently from the way chosen by the State of Florida, but that does not permit or even excuse their outside interference.

Moreover, were there in fact a federal crime of some sort here that could be prosecuted - - and I suggest there is none - - traditional notions of prosecutorial discretion would mitigate against such a prosecution on the facts of this case.

The Factors That Federal Prosecutors Are Mandated To Consider in Determining Whether To Bring A Prosecution Militate Against Prosecution.

I have also reviewed the submissions made on behalf of Mr. Epstein which addressed the Petite Policy, which is set forth in the United States Attorney's Manual, and concluded that even assuming that there is a valid basis for federal charges, those charges would be barred by that Policy. In my professional opinion that conclusion was the correct one.

My review of the USAM not only supports this conclusion regarding the Petite Policy but also reveals that there are other sections of the USAM which would bar any federal prosecution or interference with state proceedings.

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A. Declining To Prosecute

The United States Attorney's Manual [hereinafter "USAM"] sets forth when to initiate or decline prosecution. Section 9-27.220 provides, in pertinent part:

The attorney for the government should commence or recommend Federal prosecution if he/she believes that the person's conduct constitutes a Federal offense and that the admissible evidence will probably be sufficient to obtain and sustain a conviction, unless, in his/her judgment, prosecution should be declined because:

1. No substantial Federal interest would be served by prosecution;
2. The person is subject to effective prosecution in another jurisdiction; or
3. There exists an adequate non-criminal alternative to prosecution.

Mr. Epstein has been prosecuted in Florida, which considered all of the issues and determined the appropriate crime to charge him with. As shown above, there is no federal interest here. Moreover, were we to assume that Mr. Epstein's conduct constitutes a federal crime that can be proved, nevertheless, no "substantial Federal interest" would be served by prosecuting him. On this question, the USAM Section 9-27.230 gives specific guidance:

In determining whether prosecution should be declined because no substantial Federal interest would be served by prosecution, the attorney for the government should weigh all relevant considerations, including:

1. Federal law enforcement priorities;

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2. The nature and seriousness of the offense;
3. The deterrent effect of prosecution;
4. The person's culpability in connection with the offense;
5. The person's history with respect to criminal activity;
6. The person's willingness to cooperate in the investigation or prosecution of others; and
7. The probable sentence or other consequences if the person is convicted.⁶

Each of these factors militates against prosecution. As indicated, federal law enforcement priorities focus on the use of the internet to target minors, or trafficking in minors. The conduct in which Mr. Epstein arguably engaged was different in nature. Given its essentially sui generis character, its prosecution would have little or no deterrent effect.

Mr. Epstein has no criminal history. If prosecuted under statutes designed to address far more serious conduct and far more dangerous offenders, he would be subject to punishment that is grossly disproportionate to his behavior.

Clearly, whatever phone calls may have been made by Mr. Epstein's staff were merely incidental; they were not a means to lure underage women into illicit sexual acts while taking advantage of anonymity and distance. Likewise, Mr. Epstein's interstate travel was of no federal interest. He spent a great deal of his time in Florida because he has

⁶ Each of these factors is discussed in greater detail in USAM 9-27.230(B).

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a home and family there, and for a variety of other reasons that had nothing to do with sexual behavior with underage women. Given the attenuated relationship between sexual behavior with any person under 18 and the use of the phone (or interstate travel), the federal interest in this matter is slight, if existent at all.

The conduct at issue is not an example of a widespread phenomenon that crosses state lines or that is difficult for local authorities to prosecute. It does not involve targeting of children. It does not involve organized prostitution, sex trafficking, or organized crime. It does not involve violence or threat of harm. It does not involve child pornography. Indeed, the circumstances of this case are idiosyncratic.

What is alleged here is entirely local sexual encounters - whether with an adult or a minor - which are, and always have been, the concern of local prosecutors. They are not what the federal statutes target, nor are they the kind of cases that the U.S. Attorney's Office usually pursues.

B. Petite Policy

In addition to the factors discussed above, the Petite Policy (regarding dual and successive prosecutions), should also be a bar to any federal prosecution or involvement in the State proceedings.

The USAM at 9-2.031 establishes guidelines for the exercise of discretion by appropriate officers of the Department of Justice in determining whether to bring a federal prosecution based on substantially the same acts involved in a prior state or federal proceeding. Though the Policy does not create any substantive or procedural

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rights enforceable by law, it nevertheless provides a valid basis for arguing against the institution of charges in this matter:

This policy precludes the initiation or continuation of a federal prosecution, following a prior state or federal prosecution based on substantially the same act(s) or transaction(s) unless three substantive prerequisites are satisfied: first, the matter must involve a substantial federal interest; second, the prior prosecution must have left that interest demonstrably unvindicated; and third, applying the same test that is applicable to all federal prosecutions, the government must believe that the defendant's conduct constitutes a federal offense, and that the admissible evidence probably will be sufficient to obtain and sustain a conviction by an unbiased trier of fact. . . .

Satisfaction of the three substantive prerequisites does not mean that a proposed prosecution must be approved or brought. The traditional elements of federal prosecutorial discretion continue to apply.

USAM 9-2.031(A)

The Policy does not apply unless there has been a prior prosecution resulting in an acquittal or a conviction, including one resulting from a plea agreement. USAM 9-2.031(C). While here there technically has not been a conviction in the state courts, there would have been one but for the interference of federal authorities. Thus under the spirit, if not the language itself, the policy should apply here.

This matter does not involve a substantial federal interest, nor would the state prosecution leave a substantial federal interest "demonstrably unvindicated." "In general, the Department will presume that a prior prosecution, regardless of result, has vindicated the relevant federal interest." USAM 9-2.031(D).

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The presumption may be overcome when the prior prosecution resulted in a sentence which was manifestly inadequate in light of the federal interest involved or if the choice of charges in the prior prosecution was affected by certain inappropriate or irrelevant factors such as "incompetence, corruption, intimidation, or undue influence."

No such factors exist here. The negotiations between Mr. Epstein and the State's Attorney's office were conducted at arms length, and sometimes in an atmosphere of mutual hostility. At no point was Mr. Epstein granted any sort of "break" in his case due to his wealth, his political affiliations, or the prominence of his lawyers. If anything, those factors worked against him. The state prosecutors devoted enormous resources in a 13 month investigation.

Ultimately, the State's Attorney's office charged Mr. Epstein with a more severe crime than originally contemplated. In determining the charges, that Office obviously took into account the fact that some of the alleged victims have serious credibility problems, including damaging histories of lies, illegal drug use, and crime and therefore was concerned with the substantial possibility that with these witnesses it might not be able to make any case against Mr. Epstein.

The charging decision was not an act of favoritism, but rather an appropriate exercise of the State's Attorney's office's discretion. The conduct of the United States Attorney here is not merely intrusive of these arms length negotiations, it is coercive of a defendant and requires him to ask the State to impose a harsher punishment upon himself than the State itself has determined appropriate.

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C. Prosecution in Another Jurisdiction

Furthermore, another section of the USAM 9-27.240, Initiating and Declining Charges Because of a Prosecution in Another Jurisdiction, would also prohibit any federal charges here.

In determining whether prosecution should be declined because the person is subject to prosecution in another jurisdiction, the attorney for the government should weigh all relevant considerations, including:

1. The strength of the other jurisdiction's interest in prosecution;
2. The other jurisdictions ability and willingness to prosecute effectively; and
3. The probable sentence or other consequences if the person is convicted in the other jurisdiction.

There can be no dispute that the State of Florida had a strong interest in this prosecution and the ability and the willingness to prosecute it. Furthermore, the behavior alleged here is certainly one of local interest and of particular interest to the State authorities who conducted a 13 month investigation. This is not a civil rights case from the 1960's brought half heartedly and resulting in an acquittal. The sentence agreed to by the State, while it may not be to the federal authorities liking, is certainly within the parameters of sentences for these types of crimes and does not warrant federal intervention.

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D. Payments of Money

The federal authorities have also insisted that any plea with the State of Florida must require Mr. Epstein to agree to be sued by as many as 40 of the women, that he not contest jurisdiction or the facts of those suits and that each woman be entitled to \$150,000 in damages (or an amount agreed to by the parties). It is apparent that the federal authorities have inappropriately tried to impose upon Mr. Epstein penalties provided for in 18 U.S.C. § 2255(a).

The federal prosecutors have attempted to circumvent the requirements of that statute by essentially making anyone who claims to be a victim automatically entitled to a \$150,000 payment without any requirement of proof of injury, which the statute requires. Prosecutors shouldn't be in the business of helping alleged victims of *state* crimes secure financial settlements especially here where some of the victims may be suspect.

In addition, a threat by a prosecutor to prosecute unless payments are made to *potential* prosecution witnesses is highly inappropriate and not something that I have ever encountered before.⁷ In United States v. Singleton, 165 F.3d 1297, 1302 (10th Cir. 1999) the Court frowned upon such behavior:

Our conclusion in no way permits an agent of the government to step beyond the limits of his or her office to make an offer to a witness other than one traditionally exercised by the sovereign. A prosecutor who offers something other than a concession normally granted by the

⁷ While federal law provides for restitution to victims and prosecutors have required restitution as part of plea agreements, it is done in situations where the victims are readily identifiable and their losses are reasonably ascertainable. Here, without any proof, the prosecutors demanded payments to unknown individuals who may not have been harmed at all. What is more, the government has stated that it takes no position as to validity of these alleged victim's claims.

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government in exchange for testimony is no longer the alter ego of the sovereign and is divested of the protective mantle of the government.

The demand for such payments for unproven "victims" in amounts unrelated to any rational standard is beyond the bounds of any legitimate or even rational governmental conduct.

In sum, coercing Mr. Epstein to pay \$150,000 to 40 or so "victims" when no determination has been made that they are entitled to any compensation, in any amount, is unknown to me in my experience and is beyond mere heavy handedness: it is oppressive.

Conclusion

There was no reason for federal authorities to interfere in this case. The State of Florida devoted substantial resources investigating the case and considered all the evidence, including its strengths and weaknesses, in determining the appropriate sentence to resolve this matter. That sentence would have ensured that the defendant would never engage in such conduct again.

In my experience, as a line prosecutor, as a prosecutor in charge of a United States Attorney's office, and as a defense attorney involved in criminal cases throughout the country, I have never encountered a situation like this one where a federal prosecutor injects himself into a state proceeding and used threats of federal prosecution to force changes in the outcome of a state proceeding not merely to one more to his liking, but one which has no rational relationship to the situation. As unusual as this would be if

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there were a clear federal interest here, it is all the more shocking in this instance: a matter that is solely of state concern - - local sex crimes having no interstate or national importance - - with no attendant federal crime.

Furthermore, even if these federal statutes somehow applied to the situation here, it would still not be appropriate to bring these charges. The federal statutes were meant to address exploitation of minors, trafficking in illegal sex across state and national borders, and child pornography. What we have here is one individual seeking sexual gratification in the privacy of his own home and if he did something inappropriate, it is not for the federal government to intrude by ignoring the Petite Policy and other similar restrictions, as well as our traditional concepts of federalism. The situation here is not what Congress had in mind when it enacted these statutes. If the federal authorities believe that the states are not properly policing the sex trade, the remedy should be to lobby Congress for stronger statutes, not to interfere in a state proceeding in order to make some kind of statement. It is not the federal government's role to police the states' exercise of prosecutorial discretion, barring a serious impropriety. Surely, this is not that situation. If the true motivation of federal prosecutors here is simply their personal dislike of Mr. Epstein, or mere personal dislike for the crime or of their sympathy for the women, those are clearly impermissible considerations and are improper. See USAM 9-27.260(A)(2).

In my judgment and experience, it would be most appropriate for the prosecutors in the United States Attorney's office to advise the State authorities that they have no

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further interest in these proceedings and that State and the defendant are free to negotiate whatever resolution they deem appropriate.

Sincerely,



Herbert J. Stern

HJS:lt

FEDERAL BUREAU OF INVESTIGATION

Precedence: IMMEDIATE

Date: 12/12/2007

To: Miami

Attn: SAC [REDACTED]
SSRA [REDACTED]

From: Seattle

Squad C1/GCE/OC/VC

Contact: SA [REDACTED] [REDACTED] [REDACTED]

Approved By: [REDACTED]

Drafted By: [REDACTED]

Case ID #: [REDACTED]

Title: COPPERFIELD, DAVID
AKA KOTKIN, DAVID SETH;
[REDACTED] - VICTIM;
WSTA - NON-LCN;
OO: SEATTLE

Administrative: Reference telcal to SSRA [REDACTED] [REDACTED] at 1049 hours on 12/13/2007.

Synopsis: To request SAC authority for travel of two Seattle Division agents to conduct witness interviews within the Miami Division territory.

Details: Seattle is investigating allegations of sexual assault committed by David Copperfield, a.k.a. David Seth Kotkin date of birth [REDACTED], Social Security Number [REDACTED]. In the course of the investigation a number of potential witnesses have been identified who are believed to reside with Miami's territory. These witnesses may have had a relationship with Copperfield or may have worked for Copperfield. These witnesses may be served grand jury subpoenas.

Two of the anticipated interviews are with females that are or maybe witnesses in Miami case [REDACTED], an investigation regarding sexual misconduct of Jeffery Epstein. Those two women are [REDACTED] and [REDACTED] [REDACTED] was previously interviewed by Miami. [REDACTED] has provided a statement to the media stating that she worked for Epstein and that he "groomed" her. [REDACTED] and [REDACTED] are both contained in Copperfield's "business list" which appears to be a compilation of females that he targeted for sexual conquest.

To: Miami From: Seattle
Re: [REDACTED], 12/12/2007

The entries for [REDACTED] and [REDACTED] both note that the females are "Jeff Epstein guest{sic}." [REDACTED] entry states that "he (believed to be Epstein) says that she's not loyal, doesn't play the game." A review of the evidence seized from search warrants executed on Copperfield's residence, warehouse and at the MGM Grand Hollywood Theater where he performs, show a number of other occasions when he provided complimentary tickets to Epstein and his guests. Epstein's name and information is contained within Copperfield's personal telephone list. A clear connection between Copperfield and Epstein exists that requires further investigation to determine if they both shared a predilection for minors. In addition, the investigation needs to determine if they engaged in referring possible victims to each other.

Although not all of the seized CART evidence has been reviewed, there appears to be a 13 year gap in Copperfield's records. At this point investigators have not located hard copy files for the time period of 1993 to 2005. This time period is reflective of the time period in which Epstein would have likely become aware of the investigation into his alleged sexual misconduct.

Agents hope that interviews of [REDACTED] and [REDACTED] will be probative of whether the relationship between Epstein and Copperfield included illegal activities. If such a relationship existed there is a significant and legitimate concern regarding the preservation of evidence currently being held by the Miami Division and Epstein's defense counsel in regards to the investigation of Epstein. In light of the impending plea agreement with Epstein, the Seattle Division seeks to interview these witnesses in a timely fashion.

[REDACTED] Assistant United States Attorney (AUSA) of the Western District of Washington, has conferred with Miami AUSA, [REDACTED], regarding the interview of [REDACTED] AUSA [REDACTED] position is that no Miami agents should participate in the interviews. It is anticipated that AUSA [REDACTED] will also discuss with AUSA [REDACTED] the possibility of an interview with [REDACTED]

Pending the resolution of the above interviews the Seattle FBI requests authority for SA [REDACTED] and SA [REDACTED] to travel to interview [REDACTED] and other witnesses with no known connection to the Epstein investigation.

To: Miami From: Seattle
Re: [REDACTED], 12/12/2007

LEAD(s):

Set Lead 1: (Action)

MIAMI

AT MIAMI

SAC concurrence requested for SA [REDACTED] [REDACTED] and SA [REDACTED] [REDACTED] to travel to the Miami Division on Monday, December 17, 2007, returning to Seattle on Friday, December 21, 2007.

◆◆341dph03.ec

JEFFREY EPSTEIN
Timeline-Summary

2/20/2007--Meeting (US: [REDACTED], [REDACTED] and [REDACTED]
[REDACTED] DEF: Lilly Sanchez and Gerald Lefcourt).

6/26/2007--Meeting (US: [REDACTED], [REDACTED], [REDACTED]
[REDACTED], [REDACTED], [REDACTED], DEF: Alan
Dershowitz, Roy Black, Gerald Lefcourt and Lilly Sanchez).

[REDACTED]

7/26/2007--Meeting (US: [REDACTED], [REDACTED], [REDACTED]
[REDACTED], [REDACTED] (conference call), [REDACTED]
[REDACTED] and [REDACTED]).

[REDACTED]

7/31/2007--Meeting (US: [REDACTED], [REDACTED], [REDACTED]
[REDACTED], [REDACTED], [REDACTED] and [REDACTED],
DEF: Roy Black, Gerald Lefcourt and Lilly Sanchez).

[REDACTED]

8/31/2007--Meeting (US: [REDACTED], [REDACTED],
[REDACTED] and [REDACTED]).

[REDACTED]

9/7/2007--Meeting (US: Alexander Acosta, [REDACTED], [REDACTED]
[REDACTED], [REDACTED], [REDACTED], [REDACTED] DEF: Kenneth Starr, Jay
Lefkowitz, Lilly Sanchez).

9/12/2007--Meeting (US: [REDACTED], [REDACTED] and [REDACTED]
[REDACTED], DEF: Jay Lefkowitz, Gerald Lefcourt and Jack
Goldberger, STATE OF FLORIDA: Barry Krisher and Lanna
Belohlavek).

9/18/2007--Rescheduled date for computer hearing. (Hearing
initially set for 9/13/2007).

9/24/2007--Non-Prosecution Agreement signed.

9/25/2007--Scheduled date for Federal Indictment.



U.S. Department of Justice

Draft

United States Attorney
Southern District of Florida

[REDACTED]
West Palm Beach, FL 33401

Facsimile: [REDACTED]

December 11, 2007

DELIVERY BY ELECTRONIC MAIL

Jay P. Lefkowitz, Esq.
Kirkland & Ellis LLP

[REDACTED]
New York, New York 10022-4675

Re: Jeffrey Epstein

Dear Jay:

I am writing not to respond to your asserted "policy concerns" regarding Mr. Epstein's Non-Prosecution Agreement, which will be addressed by the United States Attorney, but the time has come for me to respond to the ever-increasing attacks on my role in the investigation and negotiations.

It is an understatement to say that I am surprised by your allegations regarding my role because I thought that we had worked very well together in resolving this dispute and because I had described you to others as a man of integrity. I also am surprised because I feel that I bent over backwards to keep in mind the effect that the agreement would have on Mr. Epstein and to make sure that you (and he) understood the repercussions of the agreement. For example, I brought to your attention that one potential plea could result in no gain time for your client; I correct one of your calculations of the Sentencing Guidelines that would have resulted in Mr. Epstein spending far more time in prison than you projected; I contacted the Bureau of Prisons to see whether Mr. Epstein would be eligible for the prison camp that you desired; and I told you my suspicions about the source of the press "leak" and suggested ways to avoid the press. Importantly, I continued to work with you in a professional manner even after I learned that you had been proceeding in bad faith for several weeks – thinking that I had incorrectly concluded that solicitation of minors to engage in prostitution was a registrable offense and that you would "fool" our Office into letting Mr. Epstein plead to a non-registrable offense. Even now, when it is clear that neither you nor your client ever intended to abide by the terms of the agreement that he signed, I have never alleged misconduct on your part.

The first allegation that you raise is that I "assiduously" hid from you the fact that [REDACTED]

EFTA01718572

██████ is a friend of my boyfriend and that I have a "longstanding relationship" with ██████. I informed you that I selected ██████ because he was a friend and classmate of two people whom I respected, and that I had never met or spoken with ██████ prior to contacting him about this case. All of those facts are true. I still have never met ██████, and, at the time that he and I spoke about this case, he did not know about my relationship with his friend. You suggest that I should have explicitly informed you that one of the referrals came from my "boyfriend" rather than simply a "friend," which is the term I used, but it is not my nature to discuss my personal relationships with opposing counsel. Your attacks on me and on the victims establish why I wanted to find someone whom I could trust with safeguarding the victims' best interests in the face of intense pressure from an unlimited number of highly skilled and well paid attorneys. ██████ was that person.

One of your letters suggests a business relationship between Mr. Ocariz and my boyfriend. This is patently untrue and neither my boyfriend nor I would have received any financial benefit from Mr. Ocariz's appointment. Furthermore, after Mr. Ocariz learned more about Mr. Epstein's actions (as described below), he expressed a willingness to handle the case *pro bono*, with no financial benefit even to himself. Furthermore, you were given several other options to choose from, including the Podhurst firm, which was later selected by Judge Davis. You rejected those other options.

You also allege that I improperly disclosed information about the case to ██████. I provided ██████ with a bare bones summary of the agreement's terms related to his appointment to help him decide whether the case was something he and his firm would be willing to undertake. I did not provide ██████ with facts related to the investigation because they were confidential and instead recommended that he "Google" Mr. Epstein's name for background information. When ██████ asked for additional information to assist his firm in addressing conflicts issues, I forwarded those questions to you, and you raised objections for the first time. I did not share any further information about Mr. Epstein or the case. Since ██████ had been told that you concurred in his selection, out of professional courtesy, I informed ██████ of the Office's decision to use a Special Master to make the selection and told him that the Office had made contact with Judge ██████. We have had no further contact since then and I have never had contact with Judge ██████. I understand from you that ██████ contacted Judge ██████. You criticize his decision to do so, yet you feel that you and your co-counsel were entitled to contact Judge Davis to try to "lobby" him to select someone to your liking, despite the fact that the Non-Prosecution Agreement vested the Office with the exclusive right to select the attorney representative.

Another reason for my surprise about your allegations regarding misconduct related to the Section 2255 litigation is your earlier desire to have me perform the role of "facilitator" to convince the victims that the lawyer representative was selected by the Office to represent their interests alone and that the out-of-court settlement of their claims was in their best interests. You now state that doing the same things that you had asked me to do earlier is improper meddling in civil litigation.

Much of your letter reiterates the challenges to [REDACTED] investigation that have already been submitted to the Office on several occasions and you suggest that I have kept that information from those who reviewed the proposed indictment package. Contrary to your suggestion, those submissions were attached to and incorporated in the proposed indictment package, so your suggestion that I tried to hide something from the reviewers is false. I also take issue with the duplicity of stating that we must accept as true those parts of the Recarey reports and witness statements that you like and we must accept as false those parts that you do not like. You and your co-counsel also impressed upon me from the beginning the need to undertake an independent investigation. It seems inappropriate now to complain because our independent investigation uncovered facts that are unfavorable to your client.

You complain that I “forced” your client and the State Attorney’s Office to proceed on charges that they do not believe in, yet you do not want our Office to inform the State Attorney’s Office of facts that support the additional charge nor do you want any of the victims of that charge to contact Ms. Belohlavek or the Court. [REDACTED] opinion may change if she knows the full scope of your client’s actions. Also, it has always been my intention to have Mr. Epstein plead to federal, not state, charges. You and I spent several weeks trying to identify and put together a plea to federal charges that your client was willing to accept. Yet your letter now accuses me of “manufacturing” charges of obstruction of justice, making obscene phone calls, and violating child privacy laws. When Mr. Lourie told you that those charges would “embarrass the Office,” he meant that the Office was unwilling to bend the facts to satisfy Mr. Epstein’s desired prison sentence – a statement with which I agree.

I hope that you understand how your accusations that I imposed “ultimatums” and “forced” you and your client to agree to unconscionable contract terms cannot square with the true facts of this case. As explained in letters from Messrs. Acosta and Sloman, the indictment was postponed for more than five months to allow you and Mr. Epstein’s other attorneys to make presentations to the Office to convince the Office not to prosecute. Those presentations were unsuccessful. As you mention in your letter, I – a simple line AUSA – handled the primary negotiations for the Office, and conducted those negotiations with you, Ms. Sanchez, Mr. Lewis, and a host of other highly skilled and experienced practitioners. The agreement itself was signed by Mr. Epstein, Ms. Sanchez, and Mr. Lefcourt, whose experience speaks for itself. You and I spent hours negotiating the terms, including when to use “a” versus “the” and other minutiae. When you and I could not reach agreement, you repeatedly went over my head, involving Messrs. Lourie, Menchel, Sloman, and Acosta in the negotiations at various times. In any and all plea negotiations the defendant understands that his options are to plead or to continue with the investigation and proceed to trial. Those were the same options that were proposed to Mr. Epstein, and they are not “persecution or intimidation tactics.” Mr. Epstein chose to sign the agreement with the advice of a multitude of extremely noteworthy counsel.

You also make much of the fact that the names of the victims were not released to Mr. Epstein prior to signing the Agreement. You never asked for such a term. During an earlier

meeting, where Mr. Black was present, he raised the concern that you now voice. Mr. Black and I did not have a chance to discuss the issue, but I had already conceived of a way to resolve that issue if it were raised during negotiations. As I stated, it was not, leading me to believe that it was not a matter of concern to the defense. Since the signing of the Non-Prosecution Agreement, the agents and I have vetted the list of victims more than once. In one instance, we decided to remove a name because, although the minor victim was touched inappropriately by Mr. Epstein, we decided that the link to a payment was insufficient to call it "prostitution." I have always remained open to a challenge to the list, so your suggestion that Mr. Epstein was forced to write a blank check is simply unfounded.

Your last set of allegations relates to the investigation of the matter. For instance, you claim that some of the victims were informed of their right to collect damages prior to a thorough investigation of their allegations against Mr. Epstein. This also is false. None of the victims was informed of the right to sue under Section 2255 prior to the investigation of the claims. Three victims were notified shortly after the signing of the Non-Prosecution Agreement of the general terms of that Agreement. You raised objections to any victim notification, and no further notifications were done. Throughout this process you have seen that I have prepared this case as though it would proceed to trial. Notifying the witnesses of the possibility of damages claims prior to concluding the matter by plea or trial would only undermine my case. If my reassurances are insufficient, the fact that not a single victim has threatened to sue Mr. Epstein should assure you of the integrity of the investigation.¹

With respect to [REDACTED], [REDACTED] I contacted her attorney – who was paid for by Mr. Epstein and was directed by counsel for Mr. Epstein to demand immunity – and asked only whether he still represented [REDACTED] and if he wanted me to send the victim notification letter to him. He asked what the letter would say and I told him that the letter would be forthcoming in about a week and that I could not provide him with the terms. With respect to [REDACTED] status as a victim, you again want us to accept as true only facts that are beneficial to your client and to reject as false anything detrimental to him. [REDACTED] made a number of statements that are contradicted by documentary evidence and a review of her recorded statement shows her lack of credibility with respect to a number of statements. Based upon all of the evidence collected, [REDACTED] is classified as a victim as defined by statute. Of course, that does not mean that [REDACTED] considers herself a victim or that she would seek damages from Mr. Epstein. I believe that a number of the identified victims will not seek damages, but that does not negate their legal status as victims.

I understand that you and your co-counsel perceive a strategic advantage to removing me from the case, and that perhaps my willingness to allow others to speak for me emboldened your

¹There are numerous other unfounded allegations in your letter about document demands, the money laundering investigation, contacting potential witnesses, speaking with the press, and the like. These allegations have been raised and disproven earlier and need not be readdressed.

JAY P. LEFKOWITZ, ESQ.
DECEMBER 11, 2007
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criticisms. I hope that you now understand that your accusations are unfounded, and that you can no longer continue unchecked your attack on the credibility of myself and the agents. In the future, I recommend that you address your accusations to me so that I can correct any misunderstandings before you make false allegations to others in the Department.

Sincerely,

R. Alexander Acosta
United States Attorney

By:


Assistant United States Attorney

cc: R. Alexander Acosta, U.S. Attorney
, First Assistant U.S. Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No: _____

18 U.S.C. § 371
18 U.S.C. § 2423(e)
18 U.S.C. § 2423(d)
18 U.S.C. § 1591(a)(2)
18 U.S.C. § 2422(b)
18 U.S.C. § 2423(b)
18 U.S.C. § 1591(a)(1)

UNITED STATES OF AMERICA

vs.

JEFFREY EPSTEIN,

[REDACTED], a/k/a "[REDACTED],"
and [REDACTED]

Defendants.

_____ /

INDICTMENT

The Grand Jury charges that:

BACKGROUND

At all times relevant to this Indictment:

1. Defendant JEFFREY EPSTEIN employed defendants [REDACTED] [REDACTED] to perform, among other things, services as personal assistants.
2. Defendant JEFFREY EPSTEIN owned a property located at [REDACTED] Palm Beach, Florida, in the Southern District of Florida.

3. Defendant JEFFREY EPSTEIN was the principal owner of JEGE, INC., a Delaware corporation. JEGE, INC.'s sole business activities related to the operation and ownership of a Boeing 727-31 aircraft bearing tail number N908JE.

4. Defendant JEFFREY EPSTEIN served as president, sole director, and sole shareholder of JEGE, INC., and had the power to direct all of its operations.

5. Defendant JEFFREY EPSTEIN was a principal owner of Hyperion Air, Inc., a Delaware corporation. Hyperion Air, Inc.'s sole business activities related to the operation and ownership of a Gulfstream G-1159B aircraft bearing tail number N909JE.

6. Defendant JEFFREY EPSTEIN served as president, sole director, and sole shareholder of Hyperion Air, Inc., and had the power to direct all of its operations.

7. Pursuant to Florida Statutes Section 794.05, a "person 24 years of age or older who engages in sexual activity with a person 16 or 17 years of age commits a felony of the second degree." For purposes of "this section, 'sexual activity' means oral, anal, or vaginal penetration by, or union with, the sexual organ of another; however, sexual activity does not include an act done for a bona fide medical purpose." Florida Statutes Section 794.021 states that "ignorance of the age [of the victim] is no defense," and that neither "misrepresentation of age by [the victim] nor a bona fide belief that such person is over the specified age [shall] be a defense."

8. Pursuant to Florida Statutes Sections 800.04(5)(a) and 800.04(5)(c)(2), an adult "who intentionally touches in a lewd or lascivious manner the breasts, genitals, genital area, or buttocks, or the clothing covering them, of a person less than 16 years of age, or forces or

entices a person under 16 years of age to so touch the perpetrator, commits lewd or lascivious molestation,” which is a felony of the second degree if the victim is 12 years of age or older but less than 16 years of age.

9. Pursuant to Florida Statutes Sections 800.04(6)(a) and 800.04(6)(b), an adult “who [i]ntentionally touches a person under 16 years of age in a lewd or lascivious manner or [s]olicits a person under 16 years of age to commit a lewd or lascivious act commits lewd or lascivious conduct,” which is a felony of the second degree.

10. Pursuant to Florida Statutes Sections 800.04(7)(a) and 800.04(7)(c), an adult “who: (1) [i]ntentionally masturbates; (2) [i]ntentionally exposes the genitals in a lewd or lascivious manner; or (3) [i]ntentionally commits any other sexual act that does not involve actual physical or sexual contact with the victim, including, but not limited to . . . the simulation of any act involving sexual activity in the presence of a victim who is less than 16 years of age, commits lewd or lascivious exhibition,” which is a felony of the second degree.

11. Pursuant to Florida Statutes Section 800.04(2), “[n]either the victim’s lack of chastity nor the victim’s consent is a defense to the crimes proscribed by [Section 800.04].”

12. Pursuant to Florida Statutes Section 800.04(3), “[t]he perpetrator’s ignorance of the victim’s age, the victim’s misrepresentation of his or her age, or the perpetrator’s bona fide belief of the victim’s age cannot be raised as a defense in a prosecution under [Section 800.04].”

13. Pursuant to Florida Statutes Section 800.02, a “person who commits any unnatural and lascivious act with another person commits a misdemeanor of the second degree.”

14. Defendant JEFFREY EPSTEIN was over the age of 24 and did not have any medical licensure.

15. During the period of their involvement with the Defendants, Jane Does # 3 and 10 attended [REDACTED] High School in Palm Beach County.

16. During the periods of their involvement with the Defendants, Jane Does # 5, 6, 8, 12, 13, 14, 15, 16, 17, 18, and 19 attended [REDACTED] High School in Palm Beach County.

17. During the period of her involvement with the Defendants, Jane Doe #7 attended [REDACTED] High School in Palm Beach County.

18. During the period of her involvement with the Defendants, Jane Doe #9 attended [REDACTED] High School in Palm Beach County.

19. During the period of her involvement with the Defendants, Jane Doe #11 attended [REDACTED] High School in Palm Beach County.

COUNT 1
(Conspiracy: 18 U.S.C. § 371)

20. Paragraphs 1 through 19 of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

21. From at least as early as 2001, the exact date being unknown to the Grand Jury, through in or around October 2005, in Palm Beach County, in the Southern District of Florida, and elsewhere, the defendants,

JEFFREY EPSTEIN,

[REDACTED]
[REDACTED], a/k/a [REDACTED]
and
[REDACTED]

did knowingly and willfully combine, conspire, confederate and agree with each other and with others known and unknown to commit an offense against the United States, that is, to

use a facility or means of interstate or foreign commerce to knowingly persuade, induce, and entice individuals who had not attained the age of 18 years to engage in prostitution, in violation of Title 18, United States Code, Section 2422(b).

Purpose and Object of the Conspiracy

22. It was the purpose and object of the conspiracy to procure females under the age of 18 to travel to [REDACTED] Palm Beach, Florida so that JEFFREY EPSTEIN could, in exchange for money, engage in lewd conduct with those minor females in order to satisfy JEFFREY EPSTEIN's prurient interests.

Manner and Means

23. The manner and means by which the defendants and other participants sought to accomplish the purpose and object of the conspiracy included the following:

(a) It was part of the conspiracy that Defendants [REDACTED] [REDACTED] [REDACTED] a/k/a [REDACTED] and [REDACTED] [REDACTED] would contact minor females via the use of cellular and other telephones to arrange appointments for minor females to travel to [REDACTED] [REDACTED] to allow Defendant JEFFREY EPSTEIN to engage in lewd conduct with them.

(b) It was further a part of the conspiracy that Defendants JEFFREY EPSTEIN, [REDACTED] and [REDACTED] a/k/a [REDACTED] would make payments to, or cause payments to be made to, minor females in exchange for engaging in lewd conduct.

(c) It was further a part of the conspiracy that Defendants JEFFREY EPSTEIN, [REDACTED] and [REDACTED] a/k/a [REDACTED] would ask females to recruit other minor females to engage in lewd conduct with Defendant JEFFREY EPSTEIN.

(d) It was further a part of the conspiracy that Defendants JEFFREY EPSTEIN, [REDACTED] and [REDACTED] a/k/a "[REDACTED]" would make payments to, or cause payments to be made to, the recruiters for bringing additional minor females to [REDACTED] [REDACTED] to engage in lewd conduct with Defendant JEFFREY EPSTEIN.

(e) It was further a part of the conspiracy that Defendant JEFFREY EPSTEIN would pay minor females to engage in lewd conduct with Defendant [REDACTED] [REDACTED] to satisfy Defendant JEFFREY EPSTEIN's prurient interests.

Overt Acts

24. In furtherance of this conspiracy and to effect the objects thereof, there was committed by at least one of the co-conspirators herein, at least one of the following overt acts, among others, in the Southern District of Florida:

- (1) In 2001, Defendant [REDACTED] led Jane Doe #2 from the kitchen of [REDACTED] upstairs to Defendant JEFFREY EPSTEIN's bedroom at [REDACTED] [REDACTED]
- (2) In the beginning of 2001, Defendant JEFFREY EPSTEIN engaged in sexual intercourse with Jane Doe #1, who was then a seventeen-year-old girl, in the presence of Jane Doe #2, who was then a fourteen-year-old girl.
- (3) In or around 2001, Defendant JEFFREY EPSTEIN masturbated in the presence of Jane Doe #2, who was then a fourteen-year-old girl.
- (4) In or around 2001, Defendant JEFFREY EPSTEIN made a payment of \$300 to Jane Doe #2.

(5) In or around 2001, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #2 to make an appointment for Jane Doe #2 to travel to [REDACTED]

(6) In or around 2002, Defendant JEFFREY EPSTEIN paid \$400 to Jane Doe #2, who was then fifteen years' old, to [REDACTED].

(7) In or around 2002, Defendant JEFFREY EPSTEIN asked Jane Doe #2 if she had any younger friends who would be interested in engaging in similar activities with him.

(8) In or around 2003, Defendant [REDACTED] took nude photographs of Jane Doe #2, who was then a sixteen-year-old girl.

(9) In or around 2003, Defendant [REDACTED] made a payment of \$500 to Jane Doe #2 in exchange for posing for nude photographs.

(10) In or around 2003, Defendant [REDACTED] told Jane Doe #2 that Defendant JEFFREY EPSTEIN had asked [REDACTED] to take nude photographs of Jane Doe #2.

(11) In or around 2003, Defendant JEFFREY EPSTEIN masturbated in the presence of Jane Doe #2, who was then a sixteen-year-old girl.

(12) In or around 2003, Defendant JEFFREY EPSTEIN made a payment of \$300 to Jane Doe #2, who was then a sixteen-year-old girl.

(13) In or around 2003, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #2 to make an appointment for Jane Doe #2 to travel to [REDACTED]

(14) In or around 2003, JEFFREY EPSTEIN engaged in sexual intercourse with an unidentified female in the presence of Jane Doe #2, who was then a sixteen-year-old girl.

(15) In or around 2003, Defendant JEFFREY EPSTEIN paid \$300 to Jane Doe #2, who was then a sixteen-year-old girl, for allowing an unidentified female to perform oral sex on Jane Doe #2 in EPSTEIN's presence.

(16) In or around the spring of 2003, Defendant JEFFREY EPSTEIN masturbated in the presence of Jane Doe #4, who was then a fifteen-year-old girl.

(17) In or around the spring of 2003, Defendant JEFFREY EPSTEIN made a payment of \$200 to Jane Doe #4.

(18) In or around 2004, Defendant JEFFREY EPSTEIN directed Jane Doe #4, who was then a sixteen- or seventeen-year-old girl, to [REDACTED]

(19) In or around 2004, Defendant JEFFREY EPSTEIN [REDACTED] of an adult female in the presence of Jane Doe #4, who was then a sixteen- or seventeen-year-old girl.

(20) In or around 2004, Defendant JEFFREY EPSTEIN made a payment of \$200 to Jane Doe #4.

(21) In or around 2004, Defendant JEFFREY EPSTEIN instructed Jane Doe #4 to [REDACTED].

(22) In or around 2004, Defendant JEFFREY EPSTEIN [REDACTED] [REDACTED] of Jane Doe #4, who was then a sixteen- or seventeen-year-old girl.

(23) In or around the first half of 2004, Defendant JEFFREY EPSTEIN offered to pay Jane Doe #6 to bring additional girls to [REDACTED].

(24) In or around the first half of 2004, Defendant [REDACTED] made a payment of \$200 to Jane Doe #6 for recruiting a minor female to travel to [REDACTED].

(25) In or around the first half of 2004, Defendant JEFFREY EPSTEIN [REDACTED] Jane Doe #8, who was then a seventeen-year-old girl.

(26) On or about March 11, 2004, Defendants JEFFREY EPSTEIN, [REDACTED] [REDACTED] and [REDACTED] traveled from [REDACTED], to Palm Beach County, Florida aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

(27) In or around March 2004, Defendants JEFFREY EPSTEIN and [REDACTED] [REDACTED] caused Jane Doe #5, who was then a seventeen-year-old girl, to travel to [REDACTED] Palm Beach, Florida.

(28) In or around March 2004, Defendant JEFFREY EPSTEIN masturbated in the presence of Jane Doe #5, who was then a seventeen-year-old girl.

(29) In or around March 2004, Defendant JEFFREY EPSTEIN made a payment of \$200 to Jane Doe #5.

(30) On or about May 1, 2004, Defendants JEFFREY EPSTEIN, [REDACTED] [REDACTED] and [REDACTED] [REDACTED] traveled from New York, New York to Palm Beach County, Florida aboard the Boeing 727 aircraft owned by JECE, INC.

(31) On or about May 14, 2004, Defendants JEFFREY EPSTEIN, [REDACTED] [REDACTED] and [REDACTED] [REDACTED] traveled from Canada to Palm Beach County, Florida aboard the Boeing 727 aircraft owned by JECE, INC.

(32) On or about May 14, 2004, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #6.

(33) In or around May 2004, Defendant [REDACTED] led Jane Doe #6 from the kitchen at [REDACTED] upstairs to Defendant JEFFREY EPSTEIN's bedroom at 358 El Brillo Way.

(34) In or around May 2004, Defendant JEFFREY EPSTEIN masturbated in the presence of Jane Doe #6, who was then a sixteen-year-old girl.

(35) In or around May 2004, Defendant JEFFREY EPSTEIN made a payment of \$200 to Jane Doe #6.

(36) On or about June 11, 2004, Defendants JEFFREY EPSTEIN and [REDACTED] traveled from Chicago, Illinois to Palm Beach County, Florida aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

(37) On or about June 11, 2004, Defendant [REDACTED] made one or more telephone calls to a telephone used by Jane Doe #6.

(38) On or about June 20, 2004, Defendant [REDACTED] made one or more telephone calls to a telephone used by Jane Doe #6.

(39) On or about June 20, 2004, Defendants JEFFREY EPSTEIN and [REDACTED] [REDACTED] traveled from the U.S. Virgin Islands to Palm Beach County, Florida aboard the Boeing 727 aircraft owned by JEGER, INC.

(40) On or about July 4, 2004, Defendants JEFFREY EPSTEIN, [REDACTED] [REDACTED] and [REDACTED] [REDACTED] traveled from Aspen, Colorado to Palm Beach County, Florida aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

(41) On or about July 4, 2004, Defendant [REDACTED] made one or more telephone calls to a telephone used by Jane Doe #7.

(42) In or around July 2004, Defendant JEFFREY EPSTEIN led Jane Doe #3, who was then a fifteen-year-old girl, and Jane Doe #7, who was then a sixteen-year-old girl, from the kitchen [REDACTED] upstairs to Defendant JEFFREY EPSTEIN's bedroom at [REDACTED]

(43) In or around July 2004, Defendant JEFFREY EPSTEIN masturbated in the presence of Jane Doe #7, who was then a sixteen-year-old girl.

(44) In or around July 2004, Defendant JEFFREY EPSTEIN instructed Jane Doe #7, who was then a sixteen-year-old girl, to [REDACTED].

(45) In or around July 2004, Defendant JEFFREY EPSTEIN [REDACTED] Jane Doe #7, who was then a sixteen-year-old girl.

(46) In or around July 2004, Defendant JEFFREY EPSTEIN made a payment of \$200 to Jane Doe #7.

(47) In or around July 2004, Defendant JEFFREY EPSTEIN told Jane Doe #7 that if she reported to anyone what had occurred at Defendant JEFFREY EPSTEIN's home, bad things could happen to her.

(48) In or around July 2004, Defendant JEFFREY EPSTEIN [REDACTED] [REDACTED] of Jane Doe #8, who was then a seventeen-year-old girl.

(49) In or around July 2004, Defendant JEFFREY EPSTEIN masturbated in the presence of Jane Doe #8, who was then a seventeen-year-old girl.

(50) In or around July 2004, Defendant JEFFREY EPSTEIN made a payment of \$200 to Jane Doe #8.

(51) On or about July 15, 2004, Defendant [REDACTED] placed one or more telephone calls to a telephone used by Jane Doe #7.

(52) On or about July 15, 2004, Defendant [REDACTED] placed one or more telephone calls to a telephone used by Jane Doe #8.

(53) On or about July 16, 2004, Defendant [REDACTED] placed one or more telephone calls to a telephone used by Jane Doe #7.

(54) On or about July 16, 2004, Defendants JEFFREY EPSTEIN, [REDACTED] [REDACTED] and [REDACTED] [REDACTED] traveled from [REDACTED] to Palm Beach County, Florida aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

(55) On or about July 16, 2004, Defendant [REDACTED] caused Jane Doe #8 to make one or more telephone calls to a telephone used by Jane Doe #9.

(56) On or about July 17, 2004, Defendant [REDACTED] placed one or more telephone calls to a telephone used by Jane Doe #8.

(57) On or about July 18, 2004, Defendant [REDACTED] placed one or more telephone calls to a telephone used by Jane Doe #6.

(58) On or about July 18, 2004, Defendant [REDACTED] placed one or more telephone calls to a telephone used by Jane Doe #8.

(59) On or about July 22, 2004, Defendant [REDACTED] placed one or more telephone calls to a telephone used by Jane Doe #6.

(60) On or about July 22, 2004, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #8.

(61) On or about July 22, 2004, Defendant [REDACTED] placed one or more telephone calls to a telephone used by Jane Doe #9.

(62) On or about July 22, 2004, Defendants JEFFREY EPSTEIN, [REDACTED] and [REDACTED] traveled from the U.S. Virgin Islands to Palm Beach County, Florida aboard the Boeing 727 aircraft owned by JEGER, INC.

(63) In or around the last half of 2004, Defendants JEFFREY EPSTEIN and [REDACTED] engaged in oral sex and sexual intercourse in the presence of Jane Doe #8, who was then a seventeen-year-old girl.

(64) In or around the last half of 2004, Defendant JEFFREY EPSTEIN [REDACTED] Jane Doe #8, who was then a seventeen-year-old girl.

(65) In or around the last half of 2004, Defendant JEFFREY EPSTEIN made a payment of \$300 or more to Jane Doe #8.

(66) In or around the last half of 2004, Defendant JEFFREY EPSTEIN [REDACTED] Jane Doe #9, who was then a seventeen-year-old girl.

(67) In or around the last half of 2004, Defendant JEFFREY EPSTEIN made a payment of \$200 to Jane Doe #9.

(68) In or around the last half of 2004, Defendant JEFFREY EPSTEIN masturbated in the presence of Jane Doe #10, who was then a seventeen-year-old girl.

(69) In or around the last half of 2004, Defendant JEFFREY EPSTEIN [REDACTED] Jane Doe #10, who was then a seventeen-year-old girl.

(70) In or around the last half of 2004, Defendant JEFFREY EPSTEIN attempted to [REDACTED] Jane Doe #10, who was then a seventeen-year-old girl.

(71) In or around the last half of 2004, Defendant JEFFREY EPSTEIN made a payment of \$200 to Jane Doe #10.

(72) In or around the last half of 2004, Defendant [REDACTED] led Jane Doe #13 from the kitchen [REDACTED] upstairs to Defendant JEFFREY EPSTEIN's bedroom at [REDACTED]

(73) In or around the last half of 2004, Defendant JEFFREY EPSTEIN asked Jane Doe #13 to provide her telephone number.

(74) In or around the last half of 2004, Defendant JEFFREY EPSTEIN instructed Jane Doe #13, who was then a seventeen-year-old girl, to [REDACTED].

(75) In or around the last half of 2004, Defendant JEFFREY EPSTEIN masturbated in the presence of Jane Doe #13, who was then a seventeen-year old girl.

(76) In or around the last half of 2004, Defendant JEFFREY EPSTEIN made a payment of \$300 to Jane Doe #13.

(77) On or about August 19, 2004, Defendants JEFFREY EPSTEIN and [REDACTED] traveled from [REDACTED] to Palm Beach County, Florida aboard the Boeing 727 aircraft owned by JEGER, INC.

(78) On or about August 21, 2004, Defendant [REDACTED] placed one or more calls to a telephone used by Jane Doe #11.

(79) On or about August 25, 2004, Defendants JEFFREY EPSTEIN, [REDACTED] and [REDACTED] traveled from [REDACTED] to Palm Beach County, Florida aboard the Boeing 727 aircraft owned by JEGER, INC.

(80) In or around the last quarter of 2004, Defendant [REDACTED] caused Jane Doe #5 to place a telephone call to Jane Doe #12.

(81) In or around the last quarter of 2004, Defendants JEFFREY EPSTEIN and [REDACTED] caused Jane Doe #5 to travel with Jane Doe #12 to [REDACTED]

(82) In or around the last quarter of 2004, Defendant JEFFREY EPSTEIN masturbated in the presence of Jane Doe #12, who was then a sixteen-year-old girl.

(83) In or around the last quarter of 2004, Defendant JEFFREY EPSTEIN [REDACTED] Jane Doe #12, who was then a sixteen-year-old girl.

(84) In or around the last quarter of 2004, Defendant JEFFREY EPSTEIN made a payment of \$200 to Jane Doe #12.

(85) In or around the last quarter of 2004, Defendant JEFFREY EPSTEIN caused a payment to be made to Jane Doe #5 for recruiting Jane Doe #12 to travel to [REDACTED]

(86) On or about October 2, 2004, Defendants JEFFREY EPSTEIN, [REDACTED] and [REDACTED] traveled from the U.S. Virgin Islands to Palm Beach County, Florida aboard the Boeing 727 aircraft owned by JEJE, INC.

(87) On or about October 29, 2004, Defendants JEFFREY EPSTEIN, [REDACTED] and [REDACTED] traveled from [REDACTED] to Palm Beach County, Florida aboard the Gulfstream aircraft owned by Hyperion Air, INC.

(88) In or around the end of 2004, Defendant [REDACTED] led Jane Doe #19, who was then a sixteen-year-old girl, from the kitchen [REDACTED] upstairs to Defendant JEFFREY EPSTEIN's bedroom at [REDACTED]

(89) In or around the end of 2004, Defendant JEFFREY EPSTEIN masturbated in the presence of Jane Doe #19, who was then a sixteen-year-old girl.

(90) In or around the end of 2004, Defendant JEFFREY EPSTEIN made a payment of \$200 to Jané Doe #19.

(91) In or around the end of 2004, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #5 to arrange for Jane Doe #19 to travel to [REDACTED]

(92) On or about November 10, 2004, Defendants JEFFREY EPSTEIN and [REDACTED] traveled from [REDACTED] to Palm Beach County, Florida aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

(93) On or about November 18, 2004, Defendants JEFFREY EPSTEIN, [REDACTED] [REDACTED] a/k/a [REDACTED] and [REDACTED] [REDACTED] traveled from [REDACTED] to Palm Beach County, Florida aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

(94) In or around December 2004, Defendant [REDACTED] caused Jane Doe #12 to place a telephone call to Jane Doe #15.

(95) In or around December 2004, Defendant JEFFREY EPSTEIN made a payment of \$100 to Jane Doe #12 for bringing Jane Doe #15 to [REDACTED]

(96) In or around December 2004, Defendant [REDACTED] led Jane Doe #15 from the kitchen of [REDACTED] upstairs to Defendant JEFFREY EPSTEIN's bedroom at [REDACTED]

(97) In or around December 2004, Defendant JEFFREY EPSTEIN masturbated in the presence of Jane Doe #15, who was then a sixteen-year-old girl.

(98) In or around December 2004, Defendant JEFFREY EPSTEIN [REDACTED] Jane Doe #15, who was then a sixteen-year-old girl.

(99) In or around December 2004, Defendant JEFFREY EPSTEIN [REDACTED] Jane Doe #15, who was then a sixteen-year-old girl.

(100) In or around December 2004, Defendant JEFFREY EPSTEIN made a payment of \$200 to Jane Doe #15, who was then a sixteen-year-old girl.

(101) On or about December 3, 2004, Defendants JEFFREY EPSTEIN, [REDACTED] and [REDACTED] a/k/a "[REDACTED]," traveled from New York, New York to Palm Beach County, Florida aboard the Boeing 727 aircraft owned by JEGE, INC.

(102) On or about December 4, 2004, Defendant [REDACTED] provided a written message to Defendant JEFFREY EPSTEIN regarding Jane Does # 8 and 9, stating: "[Jane Doe #9] would like to work @ 4:00 pm if possible. [[Jane Doe #8] is scheduled for 5:00 today.] the movie is @ 7:30".

(103) On or about December 6, 2004, Defendant [REDACTED] placed one or more calls to a telephone used by Jane Doe #14.

(104) On or about December 13, 2004, Defendant JEFFREY EPSTEIN traveled from the U.S. Virgin Islands to Palm Beach County, Florida, aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

(105) On or about December 17, 2004, Defendants JEFFREY EPSTEIN and [REDACTED] [REDACTED] traveled from [REDACTED] to Palm Beach County, Florida aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

(106) On or about December 18, 2004, Defendant [REDACTED] caused Jane Doe #12 to place one or more telephone calls to a telephone used by Jane Doe #15.

(107) In or around the last half of 2004 or January 2005, Defendant [REDACTED] [REDACTED] [REDACTED] Jane Doe #9, who was then a seventeen-year-old girl, in the presence of Defendant JEFFREY EPSTEIN.

(108) In or around the last half of 2004 or January 2005, Defendant [REDACTED] [REDACTED] and Defendant JEFFREY EPSTEIN performed sexual acts in the presence of Jane Doe #9, who was then a seventeen-year-old girl.

(109) In or around the end of 2004 and the beginning of 2005, Defendant JEFFREY EPSTEIN [REDACTED] Jane Doe #13, who was then a seventeen-year-old girl.

(110) On or about December 23, 2004, Defendant JEFFREY EPSTEIN caused a Western Union wire transfer order to be sent to Jane Doe #13.

(111) On or about December 29, 2004, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #8.

(112) On or about December 30, 2004, Defendant [REDACTED] used a credit card to purchase Broadway tickets as an eighteenth birthday gift for Jane Doe #8.

(113) On or about January 1, 2005, Defendants JEFFREY EPSTEIN, [REDACTED], and [REDACTED] traveled from [REDACTED] to Palm Beach County, Florida aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

(114) In or around the first quarter of 2005, Defendant JEFFREY EPSTEIN [REDACTED] Jane Doe #13, who was then a seventeen-year-old girl.

(115) In or around the first quarter of 2005, Defendant JEFFREY EPSTEIN engaged in sexual intercourse with Jane Doe #13, who was then a seventeen-year-old girl.

(116) In or around the first quarter of 2005, Defendant JEFFREY EPSTEIN performed oral sex on Jane Doe #13, who was then a seventeen-year-old girl.

(117) In or around the first quarter of 2005, Defendant JEFFREY EPSTEIN made a payment of \$600 to Jane Doe #13.

(118) In or around the first quarter of 2005, Defendants JEFFREY EPSTEIN and [REDACTED] caused Jane Doe #17 to place a telephone call to Jane Doe #18 to ask her to travel to [REDACTED]

(119) In or around the first quarter of 2005, Defendant JEFFREY EPSTEIN made a payment to Jane Doe #17 for recruiting Jane Doe #18 to travel to [REDACTED]

(120) In or around the first quarter of 2005, Defendant JEFFREY EPSTEIN masturbated in the presence of Jane Doe #18, who was then a sixteen-year-old girl.

(121) In or around the first quarter of 2005, Defendant JEFFREY EPSTEIN instructed Jane Doe #18, who was then a sixteen-year-old girl, to remove all of her clothing.

(122) In or around the first quarter of 2005, Defendant JEFFREY EPSTEIN [REDACTED]
[REDACTED] Jane Doe #18, who was then a sixteen-year-old girl.

(123) In or around the first quarter of 2005, Defendant JEFFREY EPSTEIN made a payment of \$200 to Jane Doe #18, who was then a sixteen-year-old girl.

(124) In or around the first half of 2005, Defendant [REDACTED] made a payment of \$200 to Jane Doe #6 for recruiting another minor female to travel to [REDACTED]
[REDACTED].

(125) In or around the first half of 2005, Defendant [REDACTED] led Jane Doe #14 from the kitchen [REDACTED] upstairs to Defendant JEFFREY EPSTEIN's bedroom at [REDACTED]

(126) In or around the first half of 2005, Defendant JEFFREY EPSTEIN instructed Jane Doe #14, who was then a seventeen-year-old girl, to [REDACTED]
[REDACTED]

(127) In or around the first half of 2005, Defendant JEFFREY EPSTEIN [REDACTED] Jane Doe #14.

(128) In or around the first half of 2005, Defendant JEFFREY EPSTEIN made a payment of \$200 to Jane Doe #14.

(129) In or around the first nine months of 2005, Defendant JEFFREY EPSTEIN masturbated in the presence of Jane Doe #17, who was then a seventeen-year-old girl.

(130) In or around the first nine months of 2005, Defendant JEFFREY EPSTEIN [REDACTED] Jane Doe #17, who was then a seventeen-year-old girl.

(131) In or around the first nine months of 2005, Defendant JEFFREY EPSTEIN asked Jane Doe #17, who was then a seventeen-year-old girl, how old she was.

(132) In or around the first nine months of 2005, Defendant JEFFREY EPSTEIN engaged in sexual activity with Defendant [REDACTED] [REDACTED] in the presence of Jane Doe #17, who was then a seventeen-year-old girl.

(133) In or around the first nine months of 2005, Defendant JEFFREY EPSTEIN asked Jane Doe #17, who was then a seventeen-year-old girl, [REDACTED] Defendant [REDACTED] [REDACTED]

(134) On or about January 6, 2005, Defendant JEFFREY EPSTEIN traveled from [REDACTED] to Palm Beach County, Florida, aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

(135) On or about January 7, 2005, Defendant [REDACTED] a/k/a "[REDACTED]," placed one or more calls to a telephone used by Jane Doe #14.

(136) On or about January 8, 2005, Defendant [REDACTED] placed one or more telephone calls to a telephone used by Jane Doe #13.

(137) On or about January 9, 2005, Defendant [REDACTED] a/k/a "[REDACTED] [REDACTED]" placed one or more telephone calls to a telephone used by Jane Doe #13.

(138) On or about January 14, 2005, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #4.

(139) On or about January 14, 2005, Defendants JEFFREY EPSTEIN, [REDACTED] [REDACTED] a/k/a "[REDACTED] and [REDACTED] [REDACTED] traveled from the U.S. Virgin Islands to Palm Beach County, Florida, aboard the Boeing 727 aircraft owned by JEGE, INC.

(140) On or about January 14, 2005, Defendant [REDACTED] placed one or more telephone calls to a telephone used by Jane Doe #9.

(141) On or about January 19, 2005, Defendants JEFFREY EPSTEIN, [REDACTED] [REDACTED] a/k/a "[REDACTED] and [REDACTED] [REDACTED] traveled from New York, New York to Palm Beach County, Florida aboard the Boeing 727 aircraft owned by JEGE, INC.

(142) On or about January 27, 2005, Defendant [REDACTED] a/k/a "[REDACTED] [REDACTED] placed one or more telephone calls to a telephone used by Jane Doe #9.

(143) On or about January 28, 2005, Defendant [REDACTED] placed one or more telephone calls to a telephone used by Jane Doe #9.

(144) In or around the February 2005, Defendant JEFFREY EPSTEIN caused a payment of \$200 to be made to Jane Doe #8 for recruiting Jane Doe #14 to travel to [REDACTED]

(145) In or around February 2005, Defendants JEFFREY EPSTEIN and [REDACTED] caused Jane Doe #10 to recruit Jane Doe #11 to travel to [REDACTED]

(146) In or around February 2005, Defendant JEFFREY EPSTEIN masturbated in the presence of Jane Doe #11, who was then a seventeen-year-old girl.

(147) In or around February 2005, Defendant JEFFREY EPSTEIN [REDACTED] [REDACTED] Jane Doe #11, who was then a seventeen-year-old girl.

(148) In or around February 2005, Defendant JEFFREY EPSTEIN made a payment of \$200 to Jane Doe #11.

(149) On or about February 1, 2005, Defendant [REDACTED] placed one or more telephone calls to a telephone used by Jane Doe #13.

(150) On or about February 1, 2005, Defendant [REDACTED] [REDACTED] placed one or more telephone calls to a telephone used by Jane Doe #9.

(151) On or about February 3, 2005, Defendants JEFFREY EPSTEIN, [REDACTED] and [REDACTED] traveled from [REDACTED] to Palm Beach County, Florida, aboard the Boeing 727 aircraft owned by JEGE, INC.

(152) On or about February 4, 2005, Defendant [REDACTED] placed one or more telephone calls to a telephone used by Jane Doe #14.

(153) On or about February 6, 2005, Defendants JEFFREY EPSTEIN and [REDACTED] caused Jane Doe #5 to make one or more telephone calls to Jane Doe #16.

(154) On or about February 6, 2005, Defendants JEFFREY EPSTEIN and [REDACTED] caused Jane Doe #5 to transport Jane Doe #16 to [REDACTED] Palm Beach, Florida.

(155) On or about February 6, 2005, Defendant JEFFREY EPSTEIN masturbated in the presence of Jane Doe #16, who was then a fourteen-year-old girl.

(156) On or about February 6, 2005, Defendant JEFFREY EPSTEIN [REDACTED] Jane Doe #16, who was then a fourteen-year-old girl.

(157) On or about February 6, 2005, Defendant JEFFREY EPSTEIN [REDACTED] Jane Doe #16, who was then a fourteen-year-old girl.

(158) On or about February 6, 2005, Defendant JEFFREY EPSTEIN made a payment of \$300 to Jane Doe #16.

(159) On or about February 6, 2005, Defendant JEFFREY EPSTEIN made a payment of \$200 to Jane Doe #5.

(160) On or about February 10, 2005, Defendant [REDACTED] placed one or more telephone calls to a telephone used by Jane Doe #13.

(161) On or about February 10, 2005, Defendants JEFFREY EPSTEIN, [REDACTED] [REDACTED] a/k/a [REDACTED] and [REDACTED] traveled from New York, New York to Palm Beach County, Florida, aboard the Boeing 727 aircraft owned by JEGE, INC.

(162) On or about February 10, 2005, Defendant ██████████ placed one or more telephone calls to a telephone used by Jane Doe #14.

(163) On or about February 21, 2005, Defendant ██████████ placed one or more telephone calls to a telephone used by Jane Doe #14.

(164) On or about February 21, 2005, Defendants EPSTEIN, ██████████ and ██████████ traveled from the U.S. Virgin Islands to Palm Beach County, Florida, aboard the Boeing 727 aircraft owned by JEGE, INC.

(165) On or about February 23, 2005, Defendant ██████████ placed a telephone call to a telephone used by Jane Doe #4.

(166) On or about February 24, 2005, Defendant ██████████ placed one or more telephone calls to a telephone used by Jane Doe #14.

(167) On or about February 24, 2005, Defendants JEFFREY EPSTEIN, ██████████ ██████████ and ██████████ traveled from ██████████ to Palm Beach County, Florida, aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

(168) In or around March 2005, Defendant JEFFREY EPSTEIN ██████████ ██████████ Jane Doe #11, who was then a seventeen-year-old girl.

(169) On or about March 1, 2005, Defendant ██████████ a/k/a "██████████" ██████████ placed one or more telephone calls to a telephone used by Jane Doe #13.

(170) On or about March 4, 2005, Defendants JEFFREY EPSTEIN, ██████████ ██████████ a/k/a "██████████" and ██████████ ██████████ traveled from New York, New York to Palm Beach County, Florida aboard the Boeing 727 aircraft owned by JEGE, INC.

(171) On or about March 16, 2005, Defendant [REDACTED] placed one or more telephone calls to a telephone used by Jane Doe #13.

(172) On or about March 17, 2005, Defendant [REDACTED] placed one or more telephone calls to a telephone used by Jane Doe #14.

(173) On or about March 18, 2005, Defendant JEFFREY EPSTEIN traveled from New York, New York to Palm Beach County, Florida aboard the Boeing 727 aircraft owned by JEGE, INC.

(174) On or about March 18, 2005, Defendant [REDACTED] left a telephone message for Defendant JEFFREY EPSTEIN regarding Jane Doe #6, stating: "Is it ok if [Jane Doe #6] will come at 5?"

(175) On or about March 21, 2005, Defendant [REDACTED] a/k/a "[REDACTED]" placed one or more telephone calls to a telephone used by Jane Doe #13.

(176) On or about March 29, 2005, Defendant [REDACTED] placed one or more telephone calls to a telephone used by Jane Doe #6.

(177) On or about March 29, 2005, Defendant [REDACTED] placed one or more telephone calls to a telephone used by Jane Doe #5.

(178) On or about March 29, 2005, Defendant [REDACTED] placed one or more telephone calls to a telephone used by Jane Doe #13.

(179) On or about March 30, 2005, Defendant [REDACTED] placed one or more calls to a telephone used by Jane Doe #5.

(180) On or about March 30, 2005, Defendant [REDACTED] placed one or more telephone calls to a telephone used by Jane Doe #14.

(181) On or about March 31, 2005, Defendant [REDACTED] placed one or more telephone calls to a telephone used by Jane Doe #14.

(182) On or about March 31, 2005, Defendant [REDACTED] placed one or more calls to a telephone used by Jane Doe #5.

(183) On or about March 31, 2005, Defendant [REDACTED] [REDACTED] placed one or more telephone calls to a telephone used by Jane Doe #8.

(184) On or about March 31, 2005, Defendant [REDACTED] a/k/a [REDACTED] [REDACTED] placed one or more telephone calls to a telephone used by Jane Doe #14.

(185) On or about March 31, 2005, Defendant JEFFREY EPSTEIN traveled from New York, New York to Palm Beach County, Florida, aboard the Boeing 727 aircraft owned by JEGE, INC.

(186) On or about March 31, 2005, Defendants JEFFREY EPSTEIN and [REDACTED] [REDACTED] caused Jane Doe #5 to make a call to a telephone used by Jane Doe #16.

(187) On or about April 1, 2005, Defendants JEFFREY EPSTEIN and [REDACTED] [REDACTED] caused Jane Doe #5 to make one or more calls to a telephone used by Jane Doe #16.

(188) On or about April 1, 2005, Defendant [REDACTED] placed one or more telephone calls to a telephone used by Jane Doe #8.

(189) On or about April 2, 2005, Defendant [REDACTED] a/k/a [REDACTED] [REDACTED] placed one or more telephone calls to a telephone used by Jane Doe #17.

(190) On or about April 2, 2005, Defendant [REDACTED] a/k/a [REDACTED] [REDACTED] placed one or more telephone calls to a telephone used by Jane Doe #14.

(191) On or about May 19, 2005, Defendant [REDACTED] placed one or more telephone calls to a telephone used by Jane Doe #14.

(192) On or about May 19, 2005, Defendant [REDACTED] placed one or more telephone calls to a telephone used by Jane Doe #17.

(193) On or about May 19, 2005, Defendants JEFFREY EPSTEIN, [REDACTED] [REDACTED] and [REDACTED] a/k/a [REDACTED] traveled from [REDACTED] [REDACTED] to Palm Beach County, Florida, aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

(194) On or about June 30, 2005, Defendant [REDACTED] caused one or more telephone calls to a telephone used by Jane Doe #17.

(195) On or about June 30, 2005, Defendants JEFFREY EPSTEIN and [REDACTED] [REDACTED] traveled from [REDACTED] to Palm Beach County, Florida aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

(196) In or around July 2005, Defendant [REDACTED] led Jane Doe #18 from the kitchen [REDACTED] upstairs to Defendant JEFFREY EPSTEIN's bedroom at [REDACTED].

(197) On or about July 2, 2005, Defendant [REDACTED] placed one or more telephone calls to a telephone used by Jane Doe #17.

(198) On or about July 22, 2005, Defendant [REDACTED] placed one or more telephone calls to a telephone used by Jane Doe #17.