

# **EXHIBIT**

# **8**

[REDACTED] (USAFLS)

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From: [REDACTED] (USAFLS)  
Sent: Tuesday, September 18, 2007 2:53 PM  
Subject: 'Jay Lefkowitz'  
Factual proffer

Hi Jay – I didn't want us to get sidetracked during the conference call. I want to make sure that we have a factual basis for "harassment." [REDACTED] somewhere else is a different 1512 offense with a 10 year cap. This is the factual proffer that I drafted up earlier this afternoon, to give you an idea of what it would look like.

When I include a factual proffer in a plea agreement, I usually use prefatory language like: The parties agree that, had this case proceeded to trial, the United States would have proven the following facts beyond a reasonable doubt, and that the following facts are true and correct and are sufficient to support a plea of guilty .



Epstein Plea  
Proffer.doc

[REDACTED]  
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[REDACTED]