

PLEA AGREEMENT DRAFTS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No.

UNITED STATES OF AMERICA

vs.

JEFFREY EPSTEIN,

Defendant.

PLEA AGREEMENT

The United States Attorney for the Southern District of Florida ("the United States"), and Jeffrey Epstein (hereinafter referred to as the "defendant") enter into the following agreement:

1. The defendant agrees to plead guilty to a two-count Information which charges the defendant as follows. Count 1 charges that the defendant attempted to intentionally harass another person, that is, S.K., in an attempt to delay, prevent, and dissuade S.K. from attending or testifying in an official proceeding, that is a federal grand jury appearance in the Southern District of Florida, in violation of Title 18, U.S.C., § 1512(d)(1). Count 2 charges that the defendant attempted to intentionally harass another person, that is, N.M., in an attempt to delay, prevent, and dissuade N.M. from attending or testifying in an official proceeding, that is a federal grand jury appearance in the Southern District of Florida, in violation of Title 18, U.S.C. § 1512(d)(1).

2. The defendant agrees and understands that the above charges involve the United States Attorney's Office's and the Federal Bureau of Investigation's own investigation in his conduct, and the conduct of others, between in and around early 2001 through in and around

September 2007 involving conspiring with others known and unknown to commit an offense against the United States, in violation of Title 18, U.S.C., §§ 2422(b) and 2423(b); all in violation of Title 18, United States Code, §§ 371 and 18 U.S.C. 2423(e); and violating Title 18, U.S.C., §§ 2422(b); 2423(b) and (f); and Title 18, U.S.C., §§ 1591(a)(1) and (2). This agreement resolves the federal criminal liability of the defendant and any co-conspirators in the Southern District of Florida growing out of any criminal conduct by those persons known to the United States Attorney's Office for the Southern District of Florida as of the date of this plea agreement, including but not limited to the above-described scheme.

3. The United States agrees that, upon entry of the defendant's guilty plea, its Grand Jury investigation will be suspended, and all pending Grand Jury subpoenas will be held in abeyance unless and until the defendant violates any term of this agreement, as explained in paragraph 20, *infra*. The defendant likewise agrees to withdraw his pending motion to intervene and to quash certain grand jury subpoenas. The defendant further agrees that the current custodian of certain computer equipment shall maintain that evidence inviolate until all of the terms of this agreement have been satisfied. Provided that the defendant does not breach this agreement, the Government agrees that it will not seek to initiate federal investigation or prosecution for conduct subject to this agreement.

4. Epstein shall enter his guilty plea to the federal Information no later than November 5, 2007. Epstein shall consent to the plea being entered and sentence imposed by a United States magistrate judge pursuant to 18 U.S.C. § 3401(a). Pursuant to 18 U.S.C. § 3401(c), Epstein and the Government agree to recommend to the Magistrate-Judge that the Pre-Sentence Investigation Report not be requested in which case Epstein and the Government agree that the sentence shall be imposed on the date of plea, that Epstein be released on bail, that

travel shall not be restricted during the period of bail and that Epstein be permitted to self-report to the facility designated by the United States Bureau of Prisons to commence his sentence 75 days after sentencing. If the Court requires a Pre-Sentence Investigation Report, Epstein shall be sentenced on a later date but the parties agree to the bail, travel and self-report conditions as outlined in this paragraph.

5. The defendant further understands and acknowledges that, as to each of Counts 1 and 2 of the Information, the Court may impose a statutory maximum term of imprisonment of up to one (1) year, to be followed by a term of supervised release of up to a maximum of one (1) year. In addition to terms of imprisonment and supervised release, the Court may impose a fine of up to \$100,000 as to each count.

6. The defendant further understands and acknowledges that, in addition to any sentence imposed under paragraph 3 of this Agreement, a special assessment in the amount of \$50 will be imposed on the defendant, which must be paid at or before the time of sentencing.

7. The parties agree, that pursuant to Fed. R. Crim. P. 11(c)(1)(c), the defendant receive a sentence of eighteen (18) months' imprisonment, to be followed by one (1) year of supervised release; and a fine of \$200,000. The parties' further agree that the Court impose one year of home confinement as a special condition of supervised release. The parties further agree that there should is no restitution for the offenses charged.

8. The parties agree that the United States Sentencing Guidelines as applied would result in a sentencing range of 10-16 months, a range resulting from the application of U.S.S.G. 2J1.2 base offense level of 14, with no enhancement or cross-reference, reduced by two levels for acceptance of responsibility. The parties further agree to a 2-month upward departure from the guidelines.

9. The defendant agrees to fund a Trust set up in concert with the Government and under the supervision of the 15th Judicial Circuit in and for Palm Beach County. The defendant agrees that a Trustee will be appointed by the Circuit Court and that funds from the Trust will be available to be disbursed at the Trustee's discretion to an agreed list of persons who seek reimbursement and make a good faith showing to the Trustee that they suffered injury as a result of the conduct of the defendant. The defendant waives his right to contest liability or damages up to an amount agreed to by the parties for any settlements entered into by the Trustee. The defendant's waiver is not to be construed as an admission of civil or criminal liability in regards to any of those who seek compensation from the Trust. The parties further agree that any person receiving funds from the Trust will be required to waive their right to separately pursue damages pursuant to 18 U.S.C. § 2255.

10. The defendant further understands and acknowledges that he must undertake certain actions with the State Attorney's Office for the 15th Judicial Circuit in and for Palm Beach County (hereinafter, "State Attorney's Office") in order to satisfy the United States' federal interest in the investigation and prosecution of his offenses, in accordance with the Justice Department's *Petite* Policy. The defendant understands and acknowledges that the United States Attorney has no authority to require the State Attorney's Office to abide by any terms of this Agreement. The defendant understands that it is his obligation to undertake discussion with the State Attorney's Office to ensure compliance with these procedures.

11. In addition to entering a guilty plea in the instant case, the defendant and the Palm Beach County State Attorney's Office have agreed that the defendant will plead guilty to one (1) count of solicitation of prostitution, in violation of Fl. Stat. § 796.07 under the Indictment as currently pending against him (Case No. 2006-cf-009495AXXXMB). The defendant further

agrees to plead guilty to an Information filed by the Palm Beach County State Attorney's Office charging one (1) count of a violation of the following Florida Statute: Coercing a person to become a prostitute in violation of Fl. Stat. § 796.04. The terms of the plea are that the defendant will be adjudicated guilty and be placed on sixty (60) months' probation to run concurrently with the federal sentence referenced above. The defendant will enter his plea to the indictment at least 7 days before he begins his federal sentence but not prior to the defendant's sentencing before a federal judge. The defendant will enter his successive plea to the Information after the conclusion of his federal sentence and supervised release.

12. The defendant agrees to waive all challenges to the Information filed by the State Attorney's Office and to waive the right to appeal his conviction and sentence in the state court.

13. The defendant agrees to provide to the U.S. Attorney's Office copies of all proposed agreements with the Palm Beach County State Attorney's Office prior to entering into those agreements.

14. The defendant agrees that the timely completion of these actions is material to this agreement and is supported by independent consideration and that a breach of any one of these conditions allows the United States to elect to terminate the agreement and to investigate and prosecute the defendant for any and all federal offenses as defined on page 2, *supra*.

15. The United States reserves the right to inform the Court and, if a Presentence Report is ordered by the Magistrate-Judge despite the joint agreement of the parties that no such report shall be requested, the probation office of all facts pertinent to the sentencing process, including all relevant information concerning the offenses committed as well as concerning the defendant and the defendant's background, and to respond to any questions from the Court and the Probation Office and to any misstatements of fact or law. Subject only to the express terms

of any agreed-upon sentencing recommendations contained in this Agreement, this Office further reserves the right to make any recommendation as to the quality and quantity of punishment. The Government will not oppose the defendant's request that the Magistrate-Judge recommend to the Bureau of Prisons that the sentence be served at a federal prison camp.

16. The defendant is aware that the sentence has not yet been determined by the Court. The defendant also is aware that any estimate of the probable sentencing range or sentence that the defendant may receive, whether that estimate comes from the defendant's attorney or the government, is a prediction, not a promise, and is not binding on the government or the Court. The defendant understands further that any recommendation that the government makes to the Court as to sentencing, whether pursuant to this agreement or otherwise, is not binding on the Court and the Court may disregard the recommendation in its entirety.

17. After timely fulfilling all the terms and conditions of the Agreement, no prosecution for the offenses set out on pages 1 and 2 of this Agreement will be instituted in this District, and the charges against the defendant if any, will be dismissed.

18. After timely fulfilling the terms and conditions of this Agreement, the United States agrees that no prosecution will be instituted or initiated against the defendant for any and all criminal charges which might otherwise in the future be brought against the defendant that arise out of the ongoing FBI federal investigation for offenses that include but are not limited to those listed above.

19. The defendant's fulfilling the terms and conditions of the Agreement also precludes the initiation of any and all criminal charges which might otherwise in the future be brought against Sarah Kellen, Adriana Ross, Lesley Groff, and Nadia Marcinkova or any employee of N.E.S. for any criminal charge that arises out of the ongoing federal investigation as

described above; Further, the United States Attorney's Office will not request, initiate, or in any way encourage immigration authorities to institute immigration proceedings against Ross or Marcinkova as a result of the ongoing investigation.

20. If the defendant fails in any way to fulfill each one of his obligations under this Plea Agreement, the United States, and only the United States, may elect to be released from its commitments under this Plea Agreement. If the United States elects to void the Plea Agreement because of a breach by the defendant, then the United States agrees not to use the defendant's guilty plea against him. However, the United States may prosecute the defendant for any and all Federal crimes that he has committed related to this case and may seek if there is a conviction any sentence for such crimes up to and including the statutory maximums. The defendant expressly waives any statute of limitations defense as to the offenses listed on page 2, *supra* and any constitutional or statutory speedy trial defense to such a prosecution, except to the extent that such a defense exists as of the date he signs this Plea Agreement. Finally, the defendant understands that his violation of the terms of this Plea Agreement would not entitle him to withdraw his guilty plea.

21. By signing this agreement, the defendant asserts and certifies that he is aware of the fact that the Sixth Amendment to the Constitution of the United States provides that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial. The defendant further is aware that Rule 48(b) of the Federal Rules of Criminal Procedure provides that the Court may dismiss an indictment, information, or complaint for unnecessary delay in presenting a charge to the Grand Jury, filing an information, or in bringing a defendant to trial. The defendant hereby requests that the United States Attorney for the Southern District of Florida defer such prosecution. The defendant agrees and consents that any delay from the date

of this Agreement to the date of initiation of prosecution, as provided for in the terms expressed herein, shall be deemed to be a necessary delay at his own request, and he hereby waives any defense to such prosecution on the ground that such delay operated to deny him rights under Rule 48(b) of the Federal Rules of Criminal Procedure and the Sixth Amendment to the Constitution of the United States to a speedy trial or to bar the prosecution by reason of the running of the statute of limitations for a period of months equal to the period between the signing of this agreement and the breach of this agreement, for the offenses listed on pages 1 and 2 *infra*. The defendant further asserts and certifies that he understands that the Fifth Amendment and Rule 7(a) of the Federal Rules of Criminal Procedure provide that all felonies must be charged in an indictment presented to a grand jury. The defendant hereby agrees and consents that, if a prosecution against him is instituted for the offenses listed on pages 1 and 2, *infra*, it may be by way of an Information signed and filed by the United States Attorney, and hereby waives his right to be indicted by a grand jury.

22. This is the entire agreement and understanding between the United States and the defendant. There are no other agreements, promises, representations, or understandings.

Date: _____

By:
R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

Date: _____

By:
JEFFREY EPSTEIN, DEFENDANT

Date: _____

By:

GERALD LEFCOURT, ESQ.
ATTORNEY FOR DEFENDANT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. _____

UNITED STATES OF AMERICA

vs.

JEFFREY EPSTEIN,

Defendant.

PLEA AGREEMENT

The United States Attorney for the Southern District of Florida (“the United States”), and Jeffrey Epstein (hereinafter referred to as the “defendant”) enter into the following agreement:

1. The defendant agrees to plead guilty to a two-count Information which charges that the defendant intentionally harassed two other persons, that is, S.K. and N.M., in an attempt to delay, prevent, and dissuade those persons from reporting to a law enforcement officer of the United States the commission of a federal offense; in violation of Title 18, United States Code, Sections 1512(d)(2) and 2.
2. The defendant agrees and understands that the above charges involve his conduct, and the criminal conduct of others, between in and around early 2001 through in and around September 2007. This agreement resolves the federal criminal liability of the defendant and any co-conspirators in the Southern District of Florida growing out of any

criminal conduct by those persons known to the United States Attorney's Office for the Southern District of Florida as of the date of this plea agreement.

3. The United States agrees that, upon entry of the defendant's guilty plea, its Grand Jury investigation will be suspended, and all pending litigation between the parties will be held in abeyance unless and until the defendant violates any term of this agreement, as explained in paragraph 18, *infra*. Both parties agree to maintain their evidence inviolate until all of the terms of this agreement have been satisfied.

4. The defendant is aware that the sentence will be imposed by the Court after considering the Federal Sentencing Guidelines and Policy Statements (hereinafter "Sentencing Guidelines"). The defendant acknowledges and understands that the Court will compute an advisory sentence under the Sentencing Guidelines and that the applicable guidelines will be determined by the Court relying in part on the results of a Pre-Sentence Investigation by the Court's probation office, which investigation will commence after the guilty plea has been entered. The defendant is also aware that, under certain circumstances, the Court may depart from the advisory sentencing guideline range that it has computed, and may raise or lower that advisory sentence under the Sentencing Guidelines. The defendant is further aware and understands that the Court is required to consider the advisory guideline range determined under the Sentencing Guidelines, but is not bound to impose that sentence; the Court is permitted to tailor the ultimate sentence in light of other statutory concerns, and such sentence may be either more severe or less severe than the Sentencing Guidelines'

advisory sentence. Knowing these facts, the defendant understands and acknowledges that the Court has the authority to impose any sentence within and up to the statutory maximum authorized by law for the offenses identified in paragraph 1 and that the defendant may not withdraw the plea solely as a result of the sentence imposed.

5. The defendant further understands and acknowledges that, as to each of Counts 1 and 2 of the Information, the Court may impose a statutory maximum term of imprisonment of up to one (1) year, to be followed by a term of supervised release of up to a maximum of one (1) year. In addition to terms of imprisonment and supervised release, the Court may impose a fine of up to \$100,000 as to each count.

6. The defendant further understands and acknowledges that, in addition to any sentence imposed under paragraph 4 of this Agreement, a special assessment in the amount of \$50 will be imposed on the defendant, which must be paid at or before the time of sentencing.

7. The defendant understands that the Court will order that he must pay full restitution to all victims of the offenses to which he is pleading guilty. The defendant understands that the amount of restitution owed to each victim will be determined at or before sentencing.

8. The parties agree to jointly recommend that the defendant receive a sentence of eighteen (18) months' imprisonment, to be followed by one (1) year of supervised release, and a fine of \$200,000. The parties' further agree to jointly recommend that the Court

impose one year of home confinement as a special condition of supervised release.

9. The defendant agrees that, if any of the victims identified in the federal investigation file suit pursuant to 18 U.S.C. § 2255, the defendant will not contest the jurisdiction of the U.S. District Court for the Southern District of Florida over his person and/or the subject matter, and the defendant will not contest that the identified victims are persons who, while minors, were victims of violations of Title 18, United States Code, Sections(s) 2422 and/or 2423. The United States agrees to provide the defendant's attorneys with a list of the identified victims, which will not exceed forty, after the defendant has signed this agreement and has been sentenced. The United States further agrees to make a motion with the United States District Court for the Southern District of Florida for the appointment of a guardian ad litem for the identified victims and the defendant's counsel may contact the identified victims through that guardian.

10. The United States has reached this agreement with the defendant in response to the defendant's request to globally resolve his state and federal criminal liability. To do so, the defendant further understands and acknowledges that he must undertake certain actions with the State Attorney's Office for the 15th Judicial Circuit in and for Palm Beach County (hereinafter, "State Attorney's Office").

11. In addition to entering a guilty plea in the instant case, the defendant agrees that, prior to his sentencing on the federal charges, he will plead guilty to an Information filed by the State Attorney's Office charging an offense for which the defendant must register

as a sex offender, that is, solicitation of minors to engage in prostitution, in violation of Fl. Stat. 796.03. The defendant agrees that he will waive all challenges to the Information filed by the State Attorney's Office and waive the right to appeal his conviction and sentence in the state court.

12. The defendant agrees that he will make a binding recommendation that the 15th Judicial Circuit Court impose a sentence of at least eighteen (18) months' imprisonment to be followed by at least twelve (12) months of community control/home confinement to be served upon the defendant's release from federal prison. The defendant further represents that he has had discussions with the State Attorney's Office, which has agreed to likewise make this recommendation. The sentences imposed by the 15th Judicial Circuit Court may run concurrently with the federal sentence imposed pursuant to this agreement.

13. The defendant agrees to provide to the U.S. Attorney's Office copies of all proposed agreements with the State Attorney's Office prior to entering into those agreements.

14. The defendant agrees that the timely completion of these actions is material to this agreement and is supported by independent consideration and that a breach of any one of these conditions allows the United States to elect to terminate the agreement and to investigate and prosecute the defendant for any and all federal offenses.

15. The United States reserves the right to inform the Court and the probation office of all facts pertinent to the sentencing process, including all relevant information concerning the offenses committed, whether charged or not, as well as concerning the

defendant and the defendant's background, and to respond to any questions from the Court and the Probation Office and to any misstatements of fact or law. Subject only to the express terms of any agreed-upon sentencing recommendations contained in this Agreement, this Office further reserves the right to make any recommendation as to the quality and quantity of punishment.

16. The defendant is aware that the sentence has not yet been determined by the Court. The defendant also is aware that any estimate of the probable sentencing range or sentence that the defendant may receive, whether that estimate comes from the defendant's attorney, the government, or the probation office, is a prediction, not a promise, and is not binding on the government, the probation office or the Court. The defendant understands further that any recommendation that the government makes to the Court as to sentencing, whether pursuant to this agreement or otherwise, is not binding on the Court and the Court may disregard the recommendation in its entirety. The defendant understands and acknowledges, as previously acknowledged in paragraph 4 above, that the defendant may not withdraw his plea based upon the Court's decision not to accept a sentencing recommendation made by the defendant, the government, or a recommendation made jointly by both the defendant and the government.

17. **WAIVER OF RIGHT TO APPEAL AND COLLATERALLY ATTACK THE SENTENCE.** The defendant is aware that Title 18, United States Code, Section 3742

affords the defendant the right to appeal the sentence imposed in this case. Acknowledging this, in exchange for the undertakings made by the United States in this plea agreement, the defendant hereby waives all rights conferred by Section 3742 to appeal any sentence imposed, including any restitution order, or to appeal the manner in which the sentence was imposed, unless the sentence exceeds the maximum permitted by statute. The defendant further voluntarily and expressly waives, to the maximum extent permitted by federal law, the right to collaterally attack his sentence in any post-conviction proceeding, including a motion on any ground brought under 28 U.S.C. § 2254, 28 U.S.C. § 2255, 18 U.S.C. § 3572, or 18 U.S.C. § 3771. The defendant further understands that nothing in this agreement shall affect the government's right and/or duty to appeal as set forth in Title 18, United States Code, Section 3742(b). However, if the United States appeals the defendant's sentence pursuant to Section 3742(b), the defendant shall be released from the above waiver of appellate rights. By signing this agreement, the defendant acknowledges that he has discussed the appeal waiver set forth in this agreement with his attorney.

18. If the defendant fails in any way to fulfill each one of his obligations under this Plea Agreement, the United States, and only the United States, may elect to be released from its commitments under this Plea Agreement. If the United States elects to void the Plea Agreement because of a breach by the defendant, then the United States agrees not to use the defendant's guilty plea against him. However, the United States may prosecute the defendant for any and all Federal crimes that he has committed related to this case and may seek any

sentence for such crimes up to and including the statutory maximums. The defendant expressly waives any statute of limitations defense and any constitutional or statutory speedy trial defense to such a prosecution, except to the extent that such a defense exists as of the date he signs this Plea Agreement. Finally, the defendant understands that his violation of the terms of this Plea Agreement would not entitle him to withdraw his guilty plea.

19. This is the entire agreement and understanding between the United States and the defendant. There are no other agreements, promises, representations, or understandings.

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

Date: _____

By: _____
A. MARIE VILLAFANA
ASSISTANT UNITED STATES ATTORNEY

Date: _____

By: _____
JEFFREY EPSTEIN, DEFENDANT

Date: _____

By: _____
ROY BLACK, ESQ.
ATTORNEY FOR DEFENDANT

Date: _____

By: _____
GERALD LEFCOURT, ESQ.
COUNSEL TO DEFENDANT

UNITED STATES DISTRICT COURT
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PLEA AGREEMENT

The United States Attorney for the Southern District of Florida ("the United States"), and Jeffrey Epstein (hereinafter referred to as the "defendant") enter into the following agreement:

1. The defendant agrees to plead guilty to a two-count Information which charges the defendant as follows. Count 1 charges that the defendant attempted to intentionally harass another person, that is, S.K., in an attempt to delay, prevent, and dissuade S.K. from attending or testifying in an official proceeding, that is a federal grand jury appearance in the Southern District of Florida, in violation of Title 18, U.S.C., § 1512(d)(1). Count 2 charges that the defendant attempted to intentionally harass another person, that is, N.M., in an attempt to delay, prevent, and dissuade N.M. from attending or testifying in an official proceeding, that is a federal grand jury appearance in the Southern District of Florida, in violation of Title 18, U.S.C., § 1512(d)(1). Count 1 charges that the defendant intentionally harassed another person, that is, L.G., in an attempt to delay, prevent, and dissuade L.G. from attending or testifying in an official proceeding, that is a Federal Grand Jury appearance in the Southern District of Florida, in violation of Title 18, United States Code, Sections

~~1512(d)(1) and 2; and Count 2 charges that the defendant intentionally harassed another person, that is, N.M., in an attempt to delay, prevent, and dissuade N.M. from reporting to a law enforcement officer of the United States the commission of a federal offense; in violation of Title 18, United States Code, Sections 1512(d)(2) and 2.~~

2. The defendant agrees and understands that the above charges involve the United States Attorney's Office's and the Federal Bureau of Investigation's own investigation in his conduct, and the conduct of others, between in and around early 2001 through in and around September 2007 involving a conspiring with others known and unknown to commit an offense against the United States, in violation of Title 18, U.S.C., §§ 2422(b) and 2423(b); all in violation of Title 18, U.S.C., § 371 and 18 USC 2423(c); and violating Title 18, U.S.C., §§ 2422(b) and 2423(b) and (f); and Title 18, U.S.C., §§ 1591(a)(1) and (2) conspiracy to solicit minors to engage in prostitution and to travel in interstate commerce to engage in illicit sexual conduct. This agreement resolves the federal criminal liability of the defendant and any co-conspirators in the Southern District of Florida growing out of any criminal conduct by those persons known to the United States Attorney's Office for the Southern District of Florida as of the date of this plea agreement, including but not limited to the above-described scheme.

3. The United States agrees that, upon entry of the defendant's guilty plea, its Grand Jury investigation will be suspended, and all pending Grand Jury subpoenas will be held in abeyance unless and until the defendant violates any term of this agreement, as explained in paragraph 2049, infra. The defendant likewise agrees to withdraw his pending motion to intervene and to quash certain grand jury subpoenas. The defendant further agrees that the current custodian of certain computer equipment shall maintain that evidence inviolate until all of the terms of this agreement

have been satisfied. Provided that the defendant does not breach this agreement, the Government agrees that it will not seek to initiate federal investigation or prosecution for conduct subject to this agreement.

4. Epstein shall enter his guilty plea to both federal Information no later than November 5, 2007. Epstein shall consent to the plea being entered and sentence imposed by a United States magistrate judge pursuant to 18 U.S.C. § 3401 (a). Pursuant to 18 U.S.C. § 3401(c), Epstein and the Government agree to recommend to ~~Court~~Magistrate the Magistrate-Judge that the Pre-Sentence Investigation Report ~~be waived~~not be requested ~~in which case Epstein and the Government agree that the sentence shall be imposed on the date of plea, that Epstein be released on bail, that travel shall not be restricted during the period of bail and that Epstein be permitted to self-report to the facility designated by the United States Bureau of Prisons to commence his sentence 75 days after sentencing. If the Court requires a Pre-Sentence Investigation Report, Epstein shall be sentenced on a later date but the parties agree to the bail, travel and self-report conditions as outlined in this paragraph.~~The defendant is aware that the sentence will be imposed by the Court after considering the Federal Sentencing Guidelines and Policy Statements (hereinafter "Sentencing Guidelines"). The defendant acknowledges and understands that the Court will compute an advisory sentence under the Sentencing Guidelines and that the applicable guidelines will be determined by the Court relying in part on the results of a Pre-Sentence Investigation by the Court's probation office, which investigation will commence after the guilty plea has been entered. The defendant is also aware that, under certain circumstances, the Court may depart from the advisory sentencing guideline range that it has computed, and may raise or lower that advisory sentence under the Sentencing Guidelines. The defendant is further aware and understands that the Court is required to consider the advisory

~~guideline range determined under the Sentencing Guidelines, but is not bound to impose that sentence; the Court is permitted to tailor the ultimate sentence in light of other statutory concerns; and such sentence may be either more severe or less severe than the Sentencing Guidelines' advisory sentence. Knowing these facts, the defendant understands and acknowledges that the Court has the authority to impose any sentence within and up to the statutory maximum authorized by law for the offenses identified in paragraph 1 and that the defendant may not withdraw the plea solely as a result of the sentence imposed.~~

5. The defendant further understands and acknowledges that, as to each of Counts 1 and 2 of the Information, the Court may impose a statutory maximum term of imprisonment of up to one (1) year, to be followed by a term of supervised release of up to a maximum of one (1) year. In addition to terms of imprisonment and supervised release, the Court may impose a fine of up to \$100,000 as to each count.

6. The defendant further understands and acknowledges that, in addition to any sentence imposed under paragraph 3 of this Agreement, a special assessment in the amount of \$50 will be imposed on the defendant, which must be paid at or before the time of sentencing.

~~7. The defendant understands that the Court will order that he must pay full restitution to all victims of the offense to which he is pleading guilty. The defendant understands that the amount of restitution owed to each victim will be determined at or before sentencing.~~

~~7.8. The parties agree to jointly recommend pursuant to Fed. R. Crim. P. 11(c)(1)(c) that the defendant receive a sentence of eighteen (18) months' imprisonment, to be followed by two one (21) years of supervised release; and a fine of \$200,000. The parties' further agree to jointly recommend that the Court impose one (1) year of home confinement as a special condition of~~

supervised release. The parties further agree that there should be no restitution for the offenses charged.

8. The parties agree that the United States Sentencing Guidelines as applied would result in a sentencing range of 10-16 months, a range resulting from the application of U.S.S.G. 2J1.2 base offense level of 14, with no enhancement or cross-reference, reduced by two levels for acceptance of responsibility. The parties further agree to a 2-month upward departure from the guidelines.

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~~attorneys with a list of the identified victims, which will not exceed forty, after the defendant has signed this agreement and has been sentenced. The United States further agrees to make a motion with the United States District Court for the Southern District of Florida for the appointment of a guardian ad litem for the identified victims and the defendant's counsel may contact the identified victims through that guardian.~~

4010. The defendant further understands and acknowledges that he must undertake certain actions with the State Attorney's Office for the 15th Judicial Circuit in and for Palm Beach County (hereinafter, "State Attorney's Office") in order to satisfy the United States' federal interest in the investigation and prosecution of his offenses, in accordance with the Justice Department's *Petite* policy. ~~Epstein~~The defendant understands and acknowledges that the United States Attorney has no authority to require the State Attorney's Office to abide by any terms of this Agreement. ~~Epstein~~The defendant understands that it is his obligation to undertake discussion with the State Attorney's Office to ensure compliance with these procedures.

411. In addition to entering a guilty plea in the instant case, the defendant and the Palm Beach County State Attorney's Office have agreed that the defendant will plead guilty to one (1) count of solicitation of prostitution, in violation of FL. Stat. § 796.07 under the Indictment as currently pending against him (Case No. 2006-cf-009495AXXXMB). The defendant further agrees to plead guilty to an Information filed by the Palm Beach County State Attorney's Office charging one (1) count of a violation of the following Florida Statute: Coercing a person to become a prostitute in violation of FL. Stat. § 796.04. The terms of the plea are that the defendant will be adjudicated guilty and be placed on sixty (60) months' probation to run concurrently with the federal sentence referenced above. The defendant will enter his plea to the indictment at least 7 days before

he begins his federal sentence but not prior to the defendants sentencing before a federal judge. The defendant will enter his successive plea to the Information after the conclusion of his federal sentence and supervised release.

~~12.~~ The defendant agrees that he and the Palm Beach County State Attorney's Office will make a joint, binding recommendation that the Court impose a sentence of at least eighteen (18) months' imprisonment to be followed by at least twelve (12) months of community control/home confinement to be served upon the defendant's release from federal prison. Those sentences may run concurrently with the federal sentence imposed pursuant to this agreement.

~~13.~~ The defendant agrees to waive all challenges to the Information filed by the State Attorney's Office and to waive the right to appeal his conviction and sentence in the state court.

~~14.~~ The defendant agrees to provide to the U.S. Attorney's Office copies of all proposed agreements with the Palm Beach County State Attorney's Office prior to entering into those agreements.

~~15.~~ The defendant agrees that the timely completion of these actions is material to this agreement and is supported by independent consideration and that a breach of any one of these conditions allows the United States to elect to terminate the agreement and to investigate and prosecute ~~Epstein~~ the defendant for any and all federal offenses as defined on page 2, *supra*.

~~16.~~ The United States reserves the right to inform the Court and if a presentence report is ordered by the magistrate judge despite the joint agreement of the parties that no such report shall be requested, the probation office of all facts pertinent to the sentencing process, including all relevant information concerning the offenses committed, ~~whether charged or not,~~ as well as concerning the

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defendant and the defendant's background, and to respond to any questions from the Court and the Probation Office and to any misstatements of fact or law. Subject only to the express terms of any agreed-upon sentencing recommendations contained in this Agreement, this Office further reserves the right to make any recommendation as to the quality and quantity of punishment. The Government will not oppose the defendant's request that the Magistrate-Judge recommend to the Bureau of Prisons that the sentence be served at a federal prison camp.

16. The defendant is aware that the sentence has not yet been determined by the Court. The defendant also is aware that any estimate of the probable sentencing range or sentence that the defendant may receive, whether that estimate comes from the defendant's attorney or the government, ~~or the probation office~~, is a prediction, not a promise, and is not binding on the government, ~~the probation office~~ or the Court. The defendant understands further that any recommendation that the government makes to the Court as to sentencing, whether pursuant to this agreement or otherwise, is not binding on the Court and the Court may disregard the recommendation in its entirety. ~~The defendant understands and acknowledges, as previously acknowledged in paragraph 4 above, that the defendant may not withdraw his plea based upon the Court's decision not to accept a sentencing recommendation made by the defendant, the government, or a recommendation made jointly by both the defendant and the government.~~

17. After timely fulfilling all the terms and conditions of the Agreement, no prosecution for the offenses set out on pages 1 and 2 of this Agreement will be instituted in this District, and the charges against Epstein if any, will be dismissed.

18. After timely fulfilling the terms and conditions of this Agreement, the United States agrees that no prosecution will be instituted or initiated against the defendant for any and all criminal

charges which might otherwise in the future be brought against the defendant that arise out of the ongoing FBI federal investigation for offenses that include but are not limited to those listed above.

19. The defendant's fulfilling the terms and conditions of the Agreement also precludes the initiation of any and all criminal charges which might otherwise in the future be brought against Sarah Kellen, Adriana Ross, Lesley Groff, and Nadia Marcinkova or any employee of N.E.S. for any criminal charge that arises out of the ongoing federal investigation as described above; Further, the United States Attorney's Office will not request, initiate, or in any way encourage immigration authorities to institute immigration proceedings against Ross or Marcinkova as a result of the ongoing investigation.

~~18. **WAIVER OF RIGHT TO APPEAL AND COLLATERALLY ATTACK THE SENTENCE.** The defendant is aware that Title 18, United States Code, Section 3742 affords the defendant the right to appeal the sentence imposed in this case. Acknowledging this, in exchange for the undertakings made by the United States in this plea agreement, the defendant hereby waives all rights conferred by Section 3742 to appeal any sentence imposed, including any restitution order, or to appeal the manner in which the sentence was imposed, unless the sentence exceeds the maximum permitted by statute. The defendant further voluntarily and expressly waives, to the maximum extent permitted by federal law, the right to collaterally attack his sentence in any post-conviction proceeding, including a motion on any ground brought under 28 U.S.C. § 2254, 28 U.S.C. § 2255, 18 U.S.C. § 3572, or 18 U.S.C. § 3771. The defendant further understands that nothing in this agreement shall affect the government's right and/or duty to appeal as set forth in Title 18, United States Code, Section 3742(b). However, if the United States appeals the defendant's sentence pursuant to Section 3742(b), the defendant shall be released from the above waiver of appellate~~

~~rights. By signing this agreement, the defendant acknowledges that he has discussed the appeal waiver set forth in this agreement with his attorney.~~

4920. If the defendant fails in any way to fulfill each one of his obligations under this Plea Agreement, the United States, and only the United States, may elect to be released from its commitments under this Plea Agreement. If the United States elects to void the Plea Agreement because of a breach by the defendant, then the United States agrees not to use the defendant's guilty plea against him. However, the United States may prosecute the defendant for any and all Federal crimes that he has committed related to this case and may seek if there is a conviction any sentence for such crimes up to and including the statutory maximums. The defendant expressly waives any statute of limitations defense as to the offenses listed on page 2, supra and any constitutional or statutory speedy trial defense to such a prosecution, except to the extent that such a defense exists as of the date he signs this Plea Agreement. Finally, the defendant understands that his violation of the terms of this Plea Agreement would not entitle him to withdraw his guilty plea.

21. By signing this agreement, the defendant asserts and certifies that he is aware of the fact that the Sixth Amendment to the Constitution of the United States provides that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial. The defendant further is aware that Rule 48(b) of the Federal Rules of Criminal Procedure provides that the Court may dismiss an indictment, information, or complaint for unnecessary delay in presenting a charge to the Grand Jury, filing an information, or in bringing a defendant to trial. The defendant hereby requests that the United States Attorney for the Southern District of Florida defer such prosecution. The defendant agrees and consents that any delay from the date of this Agreement to the date of initiation of prosecution, as provided for in the terms expressed herein, shall be deemed to be a necessary delay

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at his own request, and he hereby waives any defense to such prosecution on the ground that such delay operated to deny him rights under Rule 48(b) of the Federal Rules of Criminal Procedure and the Sixth Amendment to the Constitution of the United States to a speedy trial or to bar the prosecution by reason of the running of the statute of limitations for a period of months equal to the period between the signing of this agreement and the breach of this agreement, for the offenses listed on pages 1 and 2 infra. The defendant further asserts and certifies that he understands that the Fifth Amendment and Rule 7(a) of the Federal Rules of Criminal Procedure provide that all felonies must be charged in an indictment presented to a grand jury. The defendant hereby agrees and consents that, if a prosecution against him is instituted for the offenses listed on pages 1 and 2 infra, it may be by way of an Information signed and filed by the United States Attorney, and hereby waives his right to be indicted by a grand jury.

2022. This is the entire agreement and understanding between the United States and the defendant. There are no other agreements, promises, representations, or understandings.

Date: _____

By:
R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

Date: _____

By:
JEFFREY EPSTEIN, DEFENDANT

Date: _____

By:
GERALD LEFCOURT, ESQ.

ATTORNEY FOR DEFENDANT

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EFTA00176639

My version from 9/18
w/Andy's comments

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. _____

UNITED STATES OF AMERICA

vs.

JEFFREY EPSTEIN,

Defendant.

PLEA AGREEMENT

The United States Attorney for the Southern District of Florida ("the United States"), and Jeffrey Epstein (hereinafter referred to as the "defendant") enter into the following agreement:

1. The defendant agrees to plead guilty to a two-count Information which charges the defendant as follows. Count 1 charges that the defendant intentionally harassed another person, that is, L.G., in an attempt to delay, prevent, and dissuade L.G. from attending or testifying in an official proceeding, that is a Federal Grand Jury appearance in the Southern District of Florida, in violation of Title 18, United States Code, Sections 1512(d)(2) and 2; and Count 2 charges that the defendant intentionally harassed another person, that is, N.M., in an attempt to delay, prevent, and dissuade N.M. from reporting to a law enforcement officer of the United States the commission of a federal offense; in violation of Title 18, United States Code, Sections 1512(d)(2) and 2.

This is our std plea language

2. The defendant agrees and understands that the above charges involve his conduct, and the conduct of others, between in and around early 2001 through in and around September 2007 involving a conspiracy to solicit minors to engage in prostitution and to travel in interstate commerce to engage in illicit sexual conduct. This agreement resolves the federal criminal liability of the defendant and any co-conspirators in the Southern District of Florida growing out of any criminal conduct by those persons known to the United States Attorney's Office for the Southern District of Florida as of the date of this plea agreement, including but not limited to the above-described scheme.

3. The United States agrees that, upon entry of the defendant's guilty plea, its Grand Jury investigation will be suspended, and all pending Grand Jury subpoenas will be held in abeyance unless and until the defendant violates any term of this agreement, as explained in paragraph 19, *infra*. The defendant likewise agrees to withdraw his pending motion to intervene and to quash certain grand jury subpoenas. The defendant further agrees that the current custodian of certain computer equipment shall maintain that evidence inviolate until all of the terms of this agreement have been satisfied.

4. The defendant is aware that the sentence will be imposed by the Court after considering the Federal Sentencing Guidelines and Policy Statements (hereinafter "Sentencing Guidelines"). The defendant acknowledges and understands that the Court will compute an advisory sentence under the Sentencing Guidelines and that the applicable guidelines will be determined by the Court relying in part on the results of a Pre-Sentence

Investigation by the Court's probation office, which investigation will commence after the guilty plea has been entered. The defendant is also aware that, under certain circumstances, the Court may depart from the advisory sentencing guideline range that it has computed, and may raise or lower that advisory sentence under the Sentencing Guidelines. The defendant is further aware and understands that the Court is required to consider the advisory guideline range determined under the Sentencing Guidelines, but is not bound to impose that sentence; the Court is permitted to tailor the ultimate sentence in light of other statutory concerns, and such sentence may be either more severe or less severe than the Sentencing Guidelines' advisory sentence. Knowing these facts, the defendant understands and acknowledges that the Court has the authority to impose any sentence within and up to the statutory maximum authorized by law for the offenses identified in paragraph 1 and that the defendant may not withdraw the plea solely as a result of the sentence imposed.

5. The defendant further understands and acknowledges that, as to each of Counts 1 and 2 of the Information, the Court may impose a statutory maximum term of imprisonment of up to one (1) year, to be followed by a term of supervised release of up to a maximum of one (1) year. In addition to terms of imprisonment and supervised release, the Court may impose a fine of up to \$100,000 as to each count.

6. The defendant further understands and acknowledges that, in addition to any sentence imposed under paragraph 3 of this Agreement, a special assessment in the amount of \$50 will be imposed on the defendant, which must be paid at or before the time of

sentencing.

7. The defendant understands that the Court will order that he must pay full restitution to all victims of the offense to which he is pleading guilty. The defendant understands that the amount of restitution owed to each victim will be determined at or before sentencing.

8. The parties agree to jointly recommend that the defendant receive a sentence of eighteen (18) months' imprisonment, to be followed by two (2) years of supervised release; and a fine of \$200,000. The parties' further agree to jointly recommend that the Court impose one year of home confinement as a special condition of supervised release.

9. The defendant agrees that, if any of the victims identified in the federal investigation file suit pursuant to 18 U.S.C. § 2255, the defendant will not contest the jurisdiction of the U.S. District Court for the Southern District of Florida over his person and/or the subject matter, and the defendant will not contest that the identified victims are persons who, while minors, were victims of violations of Title 18, United States Code, Sections(s) 2422 and/or 2423. The United States agrees to provide the defendant's attorneys with a list of the identified victims, which will not exceed forty, after the defendant has signed this agreement and has been sentenced. The United States further agrees to make a motion with the United States District Court for the Southern District of Florida for the appointment of a guardian ad litem for the identified victims and the defendant's counsel may contact the identified victims through that guardian.

10. The defendant further understands and acknowledges that he must undertake certain actions with the State Attorney's Office for the 15th Judicial Circuit in and for Palm Beach County (hereinafter, "State Attorney's Office") in order to satisfy the United States' federal interest in the investigation and prosecution of his offenses, in accordance with the Justice Department's *Petite* policy. Epstein understands and acknowledges that the United States Attorney has no authority to require the State Attorney's Office to abide by any terms of this Agreement. Epstein understands that it is his obligation to undertake discussion with the State Attorney's Office to ensure compliance with these procedures.

11. In addition to entering a guilty plea in the instant case, the defendant agrees to plead guilty to an Information filed by the Palm Beach County State Attorney's Office charging an offense for which the defendant must register as a sex offender, that is, solicitation of minors to engage in prostitution, in violation of Fl. Stat. 796.03. The defendant must enter this guilty plea before he is sentenced on the federal offenses.

12. The defendant agrees that he and the Palm Beach County State Attorney's Office will make a joint, binding recommendation that the Court impose a sentence of at least eighteen (18) months' imprisonment to be followed by at least twelve (12) months of community control/home confinement to be served upon the defendant's release from federal prison. Those sentences may run concurrently with the federal sentence imposed pursuant to this agreement. **[NB: The other option is: The defendant and the Palm Beach County State Attorney's Office shall make a joint, binding recommendation that the Court**

impose a sentence of at least sixty (60) months' probation, which will include at least twelve (12) months of community control/home confinement to be served upon the defendant's release from federal prison.]

13. The defendant agrees to waive all challenges to the Information filed by the State Attorney's Office and to waive the right to appeal his conviction and sentence in the state court.

14. The defendant agrees to provide to the U.S. Attorney's Office copies of all proposed agreements with the Palm Beach County State Attorney's Office prior to entering into those agreements.

15. The defendant agrees that the timely completion of these actions is material to this agreement and is supported by independent consideration and that a breach of any one of these conditions allows the United States to elect to terminate the agreement and to investigate and prosecute Epstein for any and all federal offenses.

16. The United States reserves the right to inform the Court and the probation office of all facts pertinent to the sentencing process, including all relevant information concerning the offenses committed, whether charged or not, as well as concerning the defendant and the defendant's background, and to respond to any questions from the Court and the Probation Office and to any misstatements of fact or law. Subject only to the express terms of any agreed-upon sentencing recommendations contained in this Agreement, this Office further reserves the right to make any recommendation as to the quality and quantity

Handwritten note:
I can include
Palm Beach
County State
Attorney's
Office

of punishment.

17. The defendant is aware that the sentence has not yet been determined by the Court. The defendant also is aware that any estimate of the probable sentencing range or sentence that the defendant may receive, whether that estimate comes from the defendant's attorney, the government, or the probation office, is a prediction, not a promise, and is not binding on the government, the probation office or the Court. The defendant understands further that any recommendation that the government makes to the Court as to sentencing, whether pursuant to this agreement or otherwise, is not binding on the Court and the Court may disregard the recommendation in its entirety. The defendant understands and acknowledges, as previously acknowledged in paragraph 4 above, that the defendant may not withdraw his plea based upon the Court's decision not to accept a sentencing recommendation made by the defendant, the government, or a recommendation made jointly by both the defendant and the government.

18. **WAIVER OF RIGHT TO APPEAL AND COLLATERALLY ATTACK THE SENTENCE.** The defendant is aware that Title 18, United States Code, Section 3742 affords the defendant the right to appeal the sentence imposed in this case. Acknowledging this, in exchange for the undertakings made by the United States in this plea agreement, the defendant hereby waives all rights conferred by Section 3742 to appeal any sentence imposed, including any restitution order, or to appeal the manner in which the sentence was imposed, unless the sentence exceeds the maximum permitted by statute. The defendant

further voluntarily and expressly waives, to the maximum extent permitted by federal law, the right to collaterally attack his sentence in any post-conviction proceeding, including a motion on any ground brought under 28 U.S.C. § 2254, 28 U.S.C. § 2255, 18 U.S.C. § 3572, or 18 U.S.C. § 3771. The defendant further understands that nothing in this agreement shall affect the government's right and/or duty to appeal as set forth in Title 18, United States Code, Section 3742(b). However, if the United States appeals the defendant's sentence pursuant to Section 3742(b), the defendant shall be released from the above waiver of appellate rights. By signing this agreement, the defendant acknowledges that he has discussed the appeal waiver set forth in this agreement with his attorney.

19. If the defendant fails in any way to fulfill each one of his obligations under this Plea Agreement, the United States, and only the United States, may elect to be released from its commitments under this Plea Agreement. If the United States elects to void the Plea Agreement because of a breach by the defendant, then the United States agrees not to use the defendant's guilty plea against him. However, the United States may prosecute the defendant for any and all Federal crimes that he has committed related to this case and may seek any sentence for such crimes up to and including the statutory maximums. The defendant expressly waives any statute of limitations defense and any constitutional or statutory speedy trial defense to such a prosecution, except to the extent that such a defense exists as of the date he signs this Plea Agreement. Finally, the defendant understands that his violation of the terms of this Plea Agreement would not entitle him to withdraw his guilty plea.

20. This is the entire agreement and understanding between the United States and the defendant. There are no other agreements, promises, representations, or understandings.

Date: _____

By: _____
R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

Date: _____

By: _____
JEFFREY EPSTEIN, DEFENDANT

Date: _____

By: _____
GERALD LEFCOURT, ESQ.
ATTORNEY FOR DEFENDANT

From Jay
9/19 4:30 pm

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No.

UNITED STATES OF AMERICA

vs.

JEFFREY EPSTEIN,

Defendant.

PLEA AGREEMENT

The United States Attorney for the Southern District of Florida ("the United States"), and Jeffrey Epstein (hereinafter referred to as the "defendant") enter into the following agreement:

1. The defendant agrees to plead guilty to a two-count Information which charges the defendant as follows. Count 1 charges that the defendant attempted to intentionally harass another person, that is, S.K., in an attempt to delay, prevent, and dissuade S.K. from attending or testifying in an official proceeding, that is a federal grand jury appearance in the Southern District of Florida, in violation of Title 18, U.S.C., § 1512(d)(1). Count 2 charges that the defendant attempted to intentionally harass another person, that is, N.M., in an attempt to delay, prevent, and dissuade N.M. from attending or testifying in an official proceeding, that is a federal grand jury appearance in the Southern District of Florida, in violation of Title 18, U.S.C., § 1512(d)(1). Count 1 charges that the defendant intentionally harassed another person, that is, L.G., in an attempt to delay, prevent, and dissuade L.G. from attending or testifying in an official proceeding, that is a Federal Grand Jury appearance in the Southern District of Florida, in violation of Title 18, United States Code, Sections

~~1512(d)(1) and 2; and Count 2 charges that the defendant intentionally harassed another person, that is, N.M., in an attempt to delay, prevent, and dissuade N.M. from reporting to a law enforcement officer of the United States the commission of a federal offense; in violation of Title 18, United States Code, Sections 1512(d)(2) and 2.~~

2. The defendant agrees and understands that the above charges involve the United States Attorney's Office's and the Federal Bureau of Investigation's own investigation in his conduct, and the conduct of others, between in and around early 2001 through in and around September 2007 involving a conspiring with others known and unknown to commit an offense against the United States, in violation of Title 18, U.S.C., §§ 2422(b) and 2423(b); all in violation of Title 18, U.S.C., § 371 and 18 USC 2423(e); and violating Title 18, U.S.C., §§ 2422(b) and 2423(b) and (f); and Title 18, U.S.C., §§ 1591(a)(1) and (2) conspiracy to solicit minors to engage in prostitution and to travel in interstate commerce to engage in illicit sexual conduct. This agreement resolves the federal criminal liability of the defendant and any co-conspirators in the Southern District of Florida growing out of any criminal conduct by those persons known to the United States Attorney's Office for the Southern District of Florida as of the date of this plea agreement, including but not limited to the above-described scheme.

3. The United States agrees that, upon entry of the defendant's guilty plea, its Grand Jury investigation will be suspended, and all pending Grand Jury subpoenas will be held in abeyance unless and until the defendant violates any term of this agreement, as explained in paragraph 2019, *infra*. The defendant likewise agrees to withdraw his pending motion to intervene and to quash certain grand jury subpoenas. The defendant further agrees that the current custodian of certain computer equipment shall maintain that evidence inviolate until all of the terms of this agreement

have been satisfied. Provided that the defendant does not breach this agreement, the Government agrees that it will not seek to initiate federal investigation or prosecution for conduct subject to this agreement.

4. Epstein shall enter his guilty plea to both federal Information no later than November 5, 2007. Epstein shall consent to the plea being entered and sentence imposed by a United States magistrate judge pursuant to 18 U.S.C. § 3401 (a). Pursuant to 18 U.S.C. § 3401(c), Epstein and the Government agree to recommend to ~~Court Magistrate~~ the Magistrate-Judge that the Pre-Sentence Investigation Report ~~be waived~~ not be requested – in which case Epstein and the Government agree that the sentence shall be imposed on the date of plea, that Epstein be released on bail, that travel shall not be restricted during the period of bail and that Epstein be permitted to self-report to the facility designated by the United States Bureau of Prisons to commence his sentence 75 days after sentencing. If the Court requires a Pre-Sentence Investigation Report, Epstein shall be sentenced on a later date but the parties agree to the bail, travel and self-report conditions as outlined in this paragraph. ~~The defendant is aware that the sentence will be imposed by the Court after considering the Federal Sentencing Guidelines and Policy Statements (hereinafter “Sentencing Guidelines”). The defendant acknowledges and understands that the Court will compute an advisory sentence under the Sentencing Guidelines and that the applicable guidelines will be determined by the Court relying in part on the results of a Pre-Sentence Investigation by the Court’s probation office, which investigation will commence after the guilty plea has been entered. The defendant is also aware that, under certain circumstances, the Court may depart from the advisory sentencing guideline range that it has computed, and may raise or lower that advisory sentence under the Sentencing Guidelines. The defendant is further aware and understands that the Court is required to consider the advisory~~

~~guideline range determined under the Sentencing Guidelines, but is not bound to impose that sentence; the Court is permitted to tailor the ultimate sentence in light of other statutory concerns; and such sentence may be either more severe or less severe than the Sentencing Guidelines' advisory sentence. Knowing these facts, the defendant understands and acknowledges that the Court has the authority to impose any sentence within and up to the statutory maximum authorized by law for the offenses identified in paragraph 1 and that the defendant may not withdraw the plea solely as a result of the sentence imposed.~~

5. The defendant further understands and acknowledges that, as to each of Counts 1 and 2 of the Information, the Court may impose a statutory maximum term of imprisonment of up to one (1) year, to be followed by a term of supervised release of up to a maximum of one (1) year. In addition to terms of imprisonment and supervised release, the Court may impose a fine of up to \$100,000 as to each count.

6. The defendant further understands and acknowledges that, in addition to any sentence imposed under paragraph 3 of this Agreement, a special assessment in the amount of \$50 will be imposed on the defendant, which must be paid at or before the time of sentencing.

~~7. The defendant understands that the Court will order that he must pay full restitution to all victims of the offense to which he is pleading guilty. The defendant understands that the amount of restitution owed to each victim will be determined at or before sentencing.~~

~~7.8. The parties agree to jointly recommend pursuant to Fed. R. Crim. P. 11(c)(1)(c) that the defendant receive a sentence of eighteen (18) months' imprisonment, to be followed by two (2) years of supervised release; and a fine of \$200,000. The parties' further agree to jointly recommend that the Court impose one (1) year of home confinement as a special condition of~~

supervised release. The parties further agree that there should be no restitution for the offenses charged.

8. The parties agree that the United States Sentencing Guidelines as applied would result in a sentencing range of 10-16 months, a range resulting from the application of U.S.S.G. 2J1.2 base offense level of 14, with no enhancement or cross-reference, reduced by two levels for acceptance of responsibility. The parties further agree to a 2-month upward departure from the guidelines.

99. The defendant agrees to fund a Trust set up in concert with the Government and under the supervision of the 15th Judicial Circuit in and for Palm Beach County. The defendant agrees that a Trustee will be appointed by the Circuit Court and that funds from the Trust will be available to be disbursed at the Trustee's discretion to an agreed list of persons who seek reimbursement and make a good faith showing to the Trustee that they suffered injury as a result of the conduct of the defendant. The defendant waives his right to contest liability or damages up to an amount agreed to by the parties for any settlements entered into by the Trustee. The defendant's waiver is not to be construed as an admission of civil or criminal liability in regards to any of those who seek compensation from the Trust. The parties further agree that any person receiving funds from the Trust will be required to waive their right to separately pursue damages pursuant to 18 U.S.C. § 2255. The defendant agrees that, if any of the victims identified in the federal investigation file suit pursuant to 18 U.S.C. § 2255, the defendant will not contest the jurisdiction of the U.S. District Court for the Southern District of Florida over his person and/or the subject matter, and the defendant will not contest that the identified victims are persons who, while minors, were victims of violations of Title 18, United States Code, Sections(s) 2422 and/or 2423. The United States agrees to provide the defendant's

attorneys with a list of the identified victims, which will not exceed forty, after the defendant has signed this agreement and has been sentenced. The United States further agrees to make a motion with the United States District Court for the Southern District of Florida for the appointment of a guardian ad litem for the identified victims and the defendant's counsel may contact the identified victims through that guardian.

10. The defendant further understands and acknowledges that he must undertake certain actions with the State Attorney's Office for the 15th Judicial Circuit in and for Palm Beach County (hereinafter, "State Attorney's Office") in order to satisfy the United States' federal interest in the investigation and prosecution of his offenses, in accordance with the Justice Department's *Petite* policy. ~~Epstein~~The defendant understands and acknowledges that the United States Attorney has no authority to require the State Attorney's Office to abide by any terms of this Agreement. ~~Epstein~~The defendant understands that it is his obligation to undertake discussion with the State Attorney's Office to ensure compliance with these procedures.

11. In addition to entering a guilty plea in the instant case, the defendant and the Palm Beach County State Attorney's Office have agreed that the defendant will plead guilty to one (1) count of solicitation of prostitution, in violation of FL Stat. § 796.07 under the Indictment as currently pending against him (Case No. 2006-cf-009495AXXXMB). The defendant further agrees to plead guilty to an Information filed by the Palm Beach County State Attorney's Office charging one (1) count of a violation of the following Florida Statute: Coercing a person to become a prostitute in violation of Fl. Stat. § 796.04. The terms of the plea are that the defendant will be adjudicated guilty and be placed on sixty (60) months' probation to run concurrently with the federal sentence referenced above. The defendant will enter his plea to the indictment at least 7 days before

he begins his federal sentence but not prior to the defendant's sentencing before a federal judge. The defendant will enter his successive plea to the Information after the conclusion of his federal sentence and supervised release.

12. The defendant agrees that he and the Palm Beach County State Attorney's Office will make a joint, binding recommendation that the Court impose a sentence of at least eighteen (18) months' imprisonment to be followed by at least twelve (12) months of community control/home confinement to be served upon the defendant's release from federal prison. Those sentences may run concurrently with the federal sentence imposed pursuant to this agreement.

13. The defendant agrees to waive all challenges to the Information filed by the State Attorney's Office and to waive the right to appeal his conviction and sentence in the state court.

14. The defendant agrees to provide to the U.S. Attorney's Office copies of all proposed agreements with the Palm Beach County State Attorney's Office prior to entering into those agreements.

15. The defendant agrees that the timely completion of these actions is material to this agreement and is supported by independent consideration and that a breach of any one of these conditions allows the United States to elect to terminate the agreement and to investigate and prosecute ~~Epstein~~ the defendant for any and all federal offenses as defined on page 2, *supra*.

16. The United States reserves the right to inform the Court and if a presentence report is ordered by the magistrate judge despite the joint agreement of the parties that no such report shall be requested, the probation office of all facts pertinent to the sentencing process, including all relevant information concerning the offenses committed, whether charged or not, as well as concerning the

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defendant and the defendant's background, and to respond to any questions from the Court and the Probation Office and to any misstatements of fact or law. Subject only to the express terms of any agreed-upon sentencing recommendations contained in this Agreement, this Office further reserves the right to make any recommendation as to the quality and quantity of punishment. The Government will not oppose the defendant's request that the Magistrate-Judge recommend to the Bureau of Prisons that the sentence be served at a federal prison camp.

1716. The defendant is aware that the sentence has not yet been determined by the Court. The defendant also is aware that any estimate of the probable sentencing range or sentence that the defendant may receive, whether that estimate comes from the defendant's attorney or the government, ~~or the probation office~~, is a prediction, not a promise, and is not binding on the government, ~~the probation office~~ or the Court. The defendant understands further that any recommendation that the government makes to the Court as to sentencing, whether pursuant to this agreement or otherwise, is not binding on the Court and the Court may disregard the recommendation in its entirety. ~~The defendant understands and acknowledges, as previously acknowledged in paragraph 4 above, that the defendant may not withdraw his plea based upon the Court's decision not to accept a sentencing recommendation made by the defendant, the government, or a recommendation made jointly by both the defendant and the government.~~

17. After timely fulfilling all the terms and conditions of the Agreement, no prosecution for the offenses set out on pages 1 and 2 of this Agreement will be instituted in this District, and the charges against Epstein if any, will be dismissed.

18. After timely fulfilling the terms and conditions of this Agreement, the United States agrees that no prosecution will be instituted or initiated against the defendant for any and all criminal

charges which might otherwise in the future be brought against the defendant that arise out of the ongoing FBI federal investigation for offenses that include but are not limited to those listed above.

19. The defendant's fulfilling the terms and conditions of the Agreement also precludes the initiation of any and all criminal charges which might otherwise in the future be brought against Sarah Kellen, Adriana Ross, Lesley Groff, and Nadia Marcinkova or any employee of N.E.S. for any criminal charge that arises out of the ongoing federal investigation as described above; Further, the United States Attorney's Office will not request, initiate, or in any way encourage immigration authorities to institute immigration proceedings against Ross or Marcinkova as a result of the ongoing investigation.

~~18. **WAIVER OF RIGHT TO APPEAL AND COLLATERALLY ATTACK THE SENTENCE.** The defendant is aware that Title 18, United States Code, Section 3742 affords the defendant the right to appeal the sentence imposed in this case. Acknowledging this, in exchange for the undertakings made by the United States in this plea agreement, the defendant hereby waives all rights conferred by Section 3742 to appeal any sentence imposed, including any restitution order, or to appeal the manner in which the sentence was imposed, unless the sentence exceeds the maximum permitted by statute. The defendant further voluntarily and expressly waives, to the maximum extent permitted by federal law, the right to collaterally attack his sentence in any post-conviction proceeding, including a motion on any ground brought under 28 U.S.C. § 2254, 28 U.S.C. § 2255, 18 U.S.C. § 3572, or 18 U.S.C. § 3771. The defendant further understands that nothing in this agreement shall affect the government's right and/or duty to appeal as set forth in Title 18, United States Code, Section 3742(b). However, if the United States appeals the defendant's sentence pursuant to Section 3742(b), the defendant shall be released from the above waiver of appellate~~

~~rights. By signing this agreement, the defendant acknowledges that he has discussed the appeal waiver set forth in this agreement with his attorney.~~

1920. If the defendant fails in any way to fulfill each one of his obligations under this Plea Agreement, the United States, and only the United States, may elect to be released from its commitments under this Plea Agreement. If the United States elects to void the Plea Agreement because of a breach by the defendant, then the United States agrees not to use the defendant's guilty plea against him. However, the United States may prosecute the defendant for any and all Federal crimes that he has committed related to this case and may seek if there is a conviction any sentence for such crimes up to and including the statutory maximums. The defendant expressly waives any statute of limitations defense as to the offenses listed on page 2, supra and any constitutional or statutory speedy trial defense to such a prosecution, except to the extent that such a defense exists as of the date he signs this Plea Agreement. Finally, the defendant understands that his violation of the terms of this Plea Agreement would not entitle him to withdraw his guilty plea.

21. By signing this agreement, the defendant asserts and certifies that he is aware of the fact that the Sixth Amendment to the Constitution of the United States provides that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial. The defendant further is aware that Rule 48(b) of the Federal Rules of Criminal Procedure provides that the Court may dismiss an indictment, information, or complaint for unnecessary delay in presenting a charge to the Grand Jury, filing an information, or in bringing a defendant to trial. The defendant hereby requests that the United States Attorney for the Southern District of Florida defer such prosecution. The defendant agrees and consents that any delay from the date of this Agreement to the date of initiation of prosecution, as provided for in the terms expressed herein, shall be deemed to be a necessary delay

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at his own request, and he hereby waives any defense to such prosecution on the ground that such delay operated to deny him rights under Rule 48(b) of the Federal Rules of Criminal Procedure and the Sixth Amendment to the Constitution of the United States to a speedy trial or to bar the prosecution by reason of the running of the statute of limitations for a period of months equal to the period between the signing of this agreement and the breach of this agreement, for the offenses listed on pages 1 and 2 infra. The defendant further asserts and certifies that he understands that the Fifth Amendment and Rule 7(a) of the Federal Rules of Criminal Procedure provide that all felonies must be charged in an indictment presented to a grand jury. The defendant hereby agrees and consents that, if a prosecution against him is instituted for the offenses listed on pages 1 and 2 infra, it may be by way of an Information signed and filed by the United States Attorney, and hereby waives his right to be indicted by a grand jury.

2022. This is the entire agreement and understanding between the United States and the defendant. There are no other agreements, promises, representations, or understandings.

Date: _____

By:
R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

Date: _____

By:
JEFFREY EPSTEIN, DEFENDANT

Date: _____

By:
GERALD LEFCOURT, ESQ.

1 1000 10

ATTORNEY FOR DEFENDANT

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**In Re:
Investigation of
Jeffrey Epstein**

AGREEMENT

IT APPEARING that the City of Palm Beach Police Department and the State Attorney's Office for the 15th Judicial Circuit in and for Palm Beach County (hereinafter the "State Attorney's Office") have conducted an investigation into the conduct of Jeffrey Epstein (hereinafter "Epstein");

IT APPEARING that the State Attorney's Office has charged Epstein with three counts of solicitation of prostitution in violation of Florida Statutes Section 796.07;

IT APPEARING that the United States Attorney's Office and the Federal Bureau of Investigation have conducted their own investigation of the offenses and Epstein's background;

IT APPEARING to the United States Attorney's Office and the Federal Bureau of Investigation that Epstein may have committed offenses against the United States from in or around 2001 through in or around October 2005, including:

(1) knowingly and willfully conspiring with others known and unknown to commit offenses against the United States, in violation of Title 18, United States Code, Section 2422(b) and 2423(b); all in violation of Title 18, United States Code, Section 371 and 18 USC 2423(e); and

(2) knowingly and willfully violating 18 USC 2422(b) and 2, 18 USC 2423(b), and 18 USC 1591(a)(1),(2);

IT APPEARING, after an investigation of the offenses and Epstein's background, that the interest of the United States pursuant to the Petite policy will be served by the following procedure;

THEREFORE, on the authority of R. Alexander Acosta, United States Attorney for the Southern District of Florida, prosecution of these offenses shall be deferred in favor of prosecution by the State of Florida and prosecution of violations of 18 USC 1512(d) and 18 USC 371, 113(a)(5) by the United States, provided that Epstein abides by the following conditions and the requirements of this Agreement set forth below.

Should Epstein be proven to have violated any of the conditions of this Agreement, the United States Attorney may at any time initiate prosecution against Epstein for any offense listed above. In this case, the United States Attorney will furnish Epstein with notice specifying the conditions of the Agreement that he has violated.

Epstein's fulfilling the terms and conditions of the Agreement resolves any and all outstanding federal grand jury subpoenas that have requested witness testimony and/or the production of documents and/or computers in relation to the investigation that is the subject of the Agreement. Each subpoena will be withdrawn upon the execution of the Agreement and will not be re-issued absent reliable evidence of a violation of the Agreement. Epstein and his counsel agree that the computers that are currently under subpoena will be safeguarded in their current condition by Epstein's counsel or their agents until the terms and conditions of the Agreement are fulfilled. Provided that Epstein does not breach this agreement, the Government agrees that it will not seek to initiate federal investigation or prosecution for conduct subject to this agreement.

Epstein understands that the United States Attorney has no authority to require the State Attorney's Office to abide by any terms of this agreement. Epstein understands that it is his obligation to undertake discussion with the State Attorney's Office to ensure compliance with these procedures, which compliance will be necessary to satisfy the United States' interest, pursuant to the *Petite* policy.

By signing this agreement, Epstein asserts and certifies that each of these terms is material to this agreement and is supported by independent consideration and that a breach of any one of these conditions allows the United States to elect to terminate the agreement and to investigate and prosecute Epstein for any and all federal offenses listed above at pg 1.

By signing this agreement, Epstein asserts and certifies that he is aware of the fact that the Sixth Amendment to the Constitution of the United States provides that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial. Epstein further is aware that Rule 48(b) of the Federal Rules of Criminal Procedure provides that the Court may dismiss an indictment, information, or complaint for unnecessary delay in presenting a charge to the Grand Jury, filing an information, or in bringing a defendant to trial. Epstein hereby requests that the United States Attorney for the Southern District of Florida defer such prosecution. Epstein agrees and consents that any delay from the date of this Agreement to the date of initiation of prosecution, as provided for in the terms expressed herein, shall be deemed to be a necessary delay at his own request, and he hereby waives any defense to such prosecution on the ground that such delay operated to deny him rights under Rule 48(b) of the Federal Rules of Criminal Procedure and the Sixth Amendment to the Constitution of the United States to a speedy trial or to bar the prosecution by reason of the running of the statute of limitations for a period of months equal to the period between the signing of this agreement and the breach of this agreement. Epstein further asserts and certifies that he understands that the Fifth Amendment and Rule 7(a) of the Federal Rules of Criminal Procedure provide that all felonies must be charged in an indictment presented to a grand jury. Epstein hereby agrees and consents that, if a prosecution against him is instituted, it may be by way of an Information signed and filed by the United States Attorney, and hereby waives his right to be indicted by a grand jury.

Terms of the Agreement:

1. Epstein shall plead guilty to the criminal charge in the Indictment as currently pending against him in the 15th Judicial Circuit in and for Palm Beach County and in addition shall plead guilty to a 1 count Information filed by the State Attorney's Office charging a violation of the following Florida Statute: Procuring person under age of 18 for prostitution in violation of F.S.A. § 796.03.
2. Epstein and the State Attorney's Office shall make a joint, binding recommendation that the Court impose a sentence as follows:
 - (a) Epstein shall enter a plea agreement with the State Attorney's Office forthwith and thereafter enter his plea of guilty to the Indictment (Case # 2006cf009495AXXXMB) on a date after the date of imposition of his federal sentence as described in paragraph 5 and 6, infra but before the beginning of his term of federal imprisonment. Epstein shall thereafter be required to enter his plea of guilty to the Information within 7 days after the completion of his federal term of imprisonment.
 - (b) Following the term of federal imprisonment Epstein shall be placed on three (3) years probation.
 - (c) As a special condition to that probation, Epstein will serve the first (1) year in community control.
 - (d) Following community control, Epstein shall serve the remaining two (2) years of Probation on the charge that presently pending in the state Indictment
3. Epstein shall waive all challenges to the Information filed by the State Attorney's Office and shall waive the right to appeal his conviction and sentence unless the Court imposes a sentence that exceeds the terms of the joint recommendation in which case Epstein reserves the right to withdraw his plea and to exercise at his sole election any other right to appeal
4. Epstein shall provide to the U.S. Attorney's Office copies of all proposed agreements with the State Attorney's Office prior to entering into those agreements;
5. Epstein shall plead guilty to an Information charging one (1) count charging a violation of 18 USC 1512(d) and one (1) count charging simple assault within the maritime and territorial jurisdiction of the United States in violation of 18 USC §113(a)(5) and 18 USC §7(5).
6. Epstein and the Government shall make a joint recommendation that the Court impose the maximum sentence of eighteen (18) months. Epstein,

include
in the
state
agreement
not now

he can
withdraw
but we
go forward

what
we do
then?

acknowledging his right to appeal under 18 U.S.C. § 3742, hereby waives the rights conferred by § 3742 to appeal any sentence imposed, including any restitution order, or to appeal the manner in which the sentence was imposed, unless the sentence exceeds the maximum permitted by statute or is the result of an upward departure or upward variance from the guideline range that the Court establishes at sentencing.

7. Epstein shall enter his guilty plea to the federal Information no later than November 5, 2007. ~~Epstein and the Government agree to submit an agreed statement of facts in lieu of the Pre-Sentence Investigation Report, which shall be waived, and Epstein and the Government agree that sentence shall be imposed on the date of plea, that Epstein be released on bail, that travel shall not be restricted during the period of bail and that Epstein be permitted to self-report to the facility designated by the United States Bureau of Prisons to commence his sentence 75 days after sentencing. Epstein and the Government further agree that the Government shall not object to Epstein's request that the Court recommend to the Bureau of Prisons that Epstein be designated to serve his sentence at a federal prison camp; and~~

8. Epstein agrees to fund a Trust set up in concert with the Government and under the supervision of the 15th Judicial Circuit in and for Palm Beach County. Epstein agrees that a Trustee will be appointed by the Circuit Court and that funds from the Trust will be available to be disbursed at the Trustee's discretion to an agreed list of persons who seek reimbursement and make a good faith showing to the Trustee that they suffered injury as a result of the conduct of Epstein. Epstein waives his right to contest liability or damages up to an amount agreed to by the parties for any settlements entered into by the Trustee. Epstein's waiver is not to be construed as an admission of civil or criminal liability in regards to any of those who seek compensation from the Trust.

After timely fulfilling the terms and conditions of this Agreement, the United States agrees that no prosecution will be instituted or initiated against Epstein for any and all criminal charges which might otherwise in the future be brought against Epstein that arise out of the ongoing FBI federal investigation for offenses that include but are not limited to those listed above that could be brought under 18 U.S.C. §2423(b),(e) and (f), 18 U.S.C. §2422(b), 18 U.S.C. §1591 or conspiracies or attempts to violate such statutes or for any other offense that is or has been the subject of the federal investigation being conducted by the Federal Bureau of Investigations and/or the United States Attorney's Office.

Epstein's fulfilling the terms and conditions of the Agreement also precludes the initiation of any and all criminal charges which might otherwise in the future be brought against Sarah Kellen, Adriana Ross, Lesley Groff, and Nadia Marcinkova or any employee of N.E.S. for any criminal charge that arises out of the ongoing federal investigation as described above; Further, no immigration proceeding will be instituted against Ross or Marcinkova as a result of the ongoing investigation

will be an upward departure
no

no

By signing this Agreement, Epstein asserts and certifies that the above has been read and explained to him. Epstein hereby states that he understands the conditions of this Agreement and agrees to comply with them.

Dated: _____

JEFFREY EPSTEIN

Dated: _____

GERALD LEFCOURT, ESQ.
COUNSEL TO JEFFREY EPSTEIN

Dated: _____

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

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

Case No. _____

UNITED STATES OF AMERICA

vs.

JEFFREY EPSTEIN,

Defendant.

_____ /

PLEA AGREEMENT

The United States Attorney for the Southern District of Florida (“the United States”), Jeffrey Epstein (hereinafter referred to as the “defendant”), and counsel for the defendant, subject to approval by the Court, have agreed upon a negotiated plea pursuant to Rule 11 of the Federal Rules of Criminal Procedure and governed in part by Rule 11(c)(1)(C), the terms of which are as follows:

1. The defendant agrees to plead guilty to the Information which charges that the defendant did knowingly and willfully combine, conspire, confederate and agree with persons 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); all in violation of Title 18, United States Code, Section 371.

2. The defendant is aware that the statutory maximum sentence for the offense listed in paragraph one is five (5) years' imprisonment, to be followed by up to three years' supervised release. In addition to terms of imprisonment and supervised release, the Court may impose a fine of up to \$250,000.

3. The defendant also has been advised and understands that under the Sex Offender Registration and Notification Act, he must register as a sex offender and keep the registration current in each of the following jurisdictions: where he resides; where he is an employee; and where he is a student. The defendant understands and acknowledges that the requirements for registration include providing his name, his residence address, and the names and addresses of any places where he is or will be an employee or a student, among other information. The defendant further understands that, not later than three business days after any change of name, residence, employment, or student status, he must inform at least one jurisdiction in which he resides, is an employee, or is a student of such change. The defendant has been advised, and understands, that failure to comply with these obligations subjects him to prosecution for failure to register under federal law, 18 U.S.C. § 2250, which is punishable by a fine or imprisonment, or both.

4. The defendant further understands and acknowledges that, in addition to any sentence imposed under paragraph 2 of this Agreement, a special assessment in the amount of \$100 will be imposed on the defendant, which must be paid at or before the time of sentencing.

5. The defendant understands that the Court will order that he must pay full restitution to all victims of the offense to which he is pleading guilty. The defendant understands that the amount of restitution owed to each victim will be determined at or before sentencing.

6. This Plea Agreement is governed, in part, by Federal Rule of Criminal Procedure 11(c)(1)(C). The parties have agreed that the defendant's sentence imposed by the Court shall be two (2) years' imprisonment to be followed by three (3) years' supervised release, and a \$250,000 fine. If the Court accepts and imposes the agreed term of imprisonment, the defendant may not withdraw this plea. If the Court rejects the agreement, and the defendant elects to withdraw his plea, the United States may prosecute the defendant for any and all Federal crimes that he has committed related to this case and may seek any sentence for such crimes up to and including the statutory maximums.

7. The United States reserves the right to inform the Court and the probation office of all facts pertinent to the sentencing process, including all relevant information concerning the offenses committed, whether charged or not, as well as concerning the defendant and the defendant's background, and to respond to any questions from the Court and the Probation Office and to any misstatements of fact or law.

8. The defendant understands and agrees that federal law mandates that he be taken into federal custody upon the entry of his guilty plea.

9. **WAIVER OF RIGHT TO APPEAL AND COLLATERALLY ATTACK**

THE SENTENCE. The defendant is aware that Title 18, United States Code, Section 3742 affords the defendant the right to appeal the sentence imposed in this case. Acknowledging this, in exchange for the undertakings made by the United States in this plea agreement, the defendant hereby waives all rights conferred by Section 3742 to appeal any sentence imposed, including any restitution order, or to appeal the manner in which the sentence was imposed, unless the sentence exceeds the maximum permitted by statute or is the result of an upward departure or upward variance from the guideline range that the Court establishes at sentencing. The defendant further voluntarily and expressly waives, to the maximum extent permitted by federal law, the right to collaterally attack his sentence in any post-conviction proceeding, including a motion on any ground brought under 28 U.S.C. § 2254, 28 U.S.C. § 2255, 18 U.S.C. § 3572, or 18 U.S.C. § 3771. The defendant further understands that nothing in this agreement shall affect the government's right and/or duty to appeal as set forth in Title 18, United States Code, Section 3742(b). However, if the United States appeals the defendant's sentence pursuant to Section 3742(b), the defendant shall be released from the above waiver of appellate rights. By signing this agreement, the defendant acknowledges that he has discussed the appeal waiver set forth in this agreement with his attorney.

10. If the defendant fails in any way to fulfill each one of his obligations under this Plea Agreement, the United States, and only the United States, may elect to be released from its commitments under this Plea Agreement. If the United States elects to void the Plea

Agreement because of a breach by the defendant, then the United States agrees not to use the defendant's guilty plea against him. However, the United States may prosecute the defendant for any and all Federal crimes that he has committed related to this case and may seek any sentence for such crimes up to and including the statutory maximums. The defendant expressly waives any statute of limitations defense and any constitutional or statutory speedy trial defense to such a prosecution, except to the extent that such a defense exists as of the date he signs this Plea Agreement. Finally, the defendant understands that his violation of the terms of this Plea Agreement would not entitle him to withdraw his guilty plea.

11. This is the entire agreement and understanding between the United States and the defendant. There are no other agreements, promises, representations, or understandings.

Date: _____

By: _____
R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

Date: _____

By: _____
JEFFREY EPSTEIN, DEFENDANT

Date: _____

By: _____
ROY BLACK, ESQ.
ATTORNEY FOR DEFENDANT

**IN RE:
INVESTIGATION OF
JEFFREY EPSTEIN**

NON-PROSECUTION AGREEMENT

IT APPEARING that Jeffrey Epstein (hereinafter "Epstein") has committed offenses against the United States from in or around 2001 through in or around October 2005, including:

- (1) knowingly and willfully conspiring 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, or entice minor females to engage in prostitution, in violation of Title 18, United States Code, Section 2422(b); all in violation of Title 18, United States Code, Section 371;
- (2) knowingly and willfully conspiring with others known and unknown to travel in interstate commerce for the purpose of engaging in illicit sexual conduct, as defined in 18 U.S.C. § 2423(f), with minor females, in violation of Title 18, United States Code, Section 2423(b); all in violation of Title 18, United States Code, Section 2423(e);
- (3) using a facility or means of interstate or foreign commerce to knowingly persuade, induce, or entice minor females to engage in prostitution; in violation of Title 18, United States Code, Sections 2422(b) and 2;
- (4) traveling in interstate commerce for the purpose of engaging in illicit sexual conduct, as defined in 18 U.S.C. § 2423(f), with minor females; in violation of Title 18, United States Code, Section 2423(b); and
- (5) knowingly, in and affecting interstate and foreign commerce, recruiting, enticing, and obtaining by any means a person, knowing that the person had not attained the age of 18 years and would be caused to engage in a commercial sex act as defined in 18 U.S.C. § 1591(c)(1); in violation of Title 18, United States Code, Sections 1591(a)(1) and 2; and

IT APPEARING that Epstein has accepted responsibility for his behavior by his signature

on this Agreement; and

IT APPEARING, after an investigation of the offenses and Epstein's background, that the interest of the United States and Epstein's own interest and the interest of justice will be served by the following procedure;

THEREFORE, on the authority of R. Alexander Acosta, United States Attorney for the Southern District of Florida, prosecution in this District for these offenses shall be deferred in favor of prosecution by the State of Florida, provided that Epstein abides by the following conditions and the requirements of this Agreement set forth below.

Should Epstein violate any of the conditions of this Agreement, the United States Attorney may at any time initiate prosecution against Epstein for any offense. In this case, the United States Attorney will furnish Epstein with notice specifying the conditions of the Agreement which he has violated.

After timely fulfilling all the terms and conditions of the Agreement, no prosecution for the offenses set out on page 1 of this Agreement will be instituted in this District, and the charges against Epstein if any, will be dismissed.

Terms of the Agreement:

1. Epstein shall plead guilty (not nolo contendere) to an Information filed by the State Attorney's Office for the 15th Judicial Circuit in and for Palm Beach County (hereinafter, the "State Attorney's Office") charging violations of the following Florida Statutes:
 - (a) lewd and lascivious battery on a child, in violation of Fl. Stat. 800.04(4);
 - (b) solicitation of minors to engage in prostitution, in violation of Fl. Stat. 796.03; and
 - (c) engaging in sexual activity with minors at least sixteen years of age, in violation of Fl. Stat. 794.05.
2. Epstein and the State Attorney's Office shall make a joint, binding recommendation that Epstein serve at least two years in prison, without any opportunity for withholding adjudication or sentencing; and without probation or community control in lieu of imprisonment.
3. Epstein shall waive all challenges to the Information filed by the State Attorney's Office and shall waive the right to appeal his conviction and

sentence.

4. Epstein shall provide to the U.S. Attorney's Office copies of all proposed agreements with the State Attorney's Office prior to entering into those agreements.
5. Epstein agrees that, if any of the victims identified in the federal investigation file suit pursuant to 18 U.S.C. § 2255, Epstein will not contest the jurisdiction of the U.S. District Court for the Southern District of Florida over his person and/or the subject matter, and Epstein will not contest that the identified victims are persons who, while minors, were victims of violations of Title 18, United States Code, Sections(s) 2422 and/or 2423.
6. The United States shall provide Epstein's attorneys with a list of the identified victims, which will not exceed forty, after Epstein has signed this agreement and entered his guilty plea. The United States shall make a motion with the United States District Court for the Southern District of Florida for the appointment of a guardian ad litem for the identified victims and Epstein's counsel may contact the identified victims through that counsel.
7. Epstein shall enter his guilty plea and be sentenced not later than September 28, 2007, and shall begin service of his sentence not later than October 15, 2007.
8. Epstein shall serve at least 21 months in a state correctional institution.

By signing this agreement, Epstein asserts and certifies that each of these terms is material to this agreement and is supported by independent consideration and that a breach of any one of these conditions allows the United States to elect to terminate the agreement and to investigate and prosecute Epstein for any and all federal offenses.

By signing this agreement, Epstein asserts and certifies that he is aware of the fact that the Sixth Amendment to the Constitution of the United States provides that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial. Epstein further is aware that Rule 48(b) of the Federal Rules of Criminal Procedure provides that the Court may dismiss an indictment, information, or complaint for unnecessary delay in presenting a charge to the Grand Jury, filing an information, or in bringing a defendant to trial. Epstein hereby requests that the United States Attorney for the Southern District of Florida defer such prosecution. Epstein agrees and consents that any delay from the date of this Agreement to the date of initiation of prosecution, as provided for in the terms expressed herein, shall be deemed to be a necessary delay at his own request, and he hereby waives any defense to such prosecution on the ground that such delay operated to deny him rights under Rule 48(b) of the Federal Rules of Criminal Procedure and the Sixth Amendment to the Constitution of the United States to a speedy trial or to bar the prosecution by reason of the

running of the statute of limitations for a period of months equal to the period between the signing of this agreement and the breach of this agreement. Epstein further asserts and certifies that he understands that the Fifth Amendment and Rule 7(a) of the Federal Rules of Criminal Procedure provide that all felonies must be charged in an indictment presented to a grand jury. Epstein hereby agrees and consents that, if a prosecution against him is instituted, it may be by way of an Information signed and filed by the United States Attorney, and hereby waives his right to be indicted by a grand jury.

By signing this agreement, Epstein asserts and certifies that the above has been read and explained to him. Epstein hereby states that he understands the conditions of this Non-Prosecution Agreement and agrees to comply with them.

Dated: _____

JEFFREY EPSTEIN

Dated: _____

ROY BLACK, ESQ.
COUNSEL TO JEFFREY EPSTEIN

Dated: _____

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

Timing -
Penalties -

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. _____

UNITED STATES OF AMERICA

vs.

JEFFREY EPSTEIN,

Defendant.

_____ /

PLEA AGREEMENT

The United States Attorney for the Southern District of Florida ("the United States"), and Jeffrey Epstein (hereinafter referred to as the "defendant") enter into the following agreement:

1. The defendant agrees to plead guilty to a two-count Information which charges the defendant as follows. Count 1 charges that the defendant intentionally harassed another person, that is, L.G., in an attempt to delay, prevent, and dissuade L.G. from attending or testifying in an official proceeding, that is a Federal Grand Jury appearance in the Southern District of Florida, in violation of Title 18, United States Code, Sections 1512(d)(2) and 2; and Count 2 charges that the defendant intentionally harassed another person, that is, N.M., in an attempt to delay, prevent, and dissuade N.M. from reporting to a law enforcement officer of the United States the commission of a federal offense; in violation of Title 18, United States Code, Sections 1512(d)(2) and 2.

2. The defendant agrees and understands that the above charges involve his conduct, and the conduct of others, between in and around early 2001 through in and around September 2007 involving a conspiracy to solicit minors to engage in prostitution and to travel in interstate commerce to engage in illicit sexual conduct. This agreement resolves the federal criminal liability of the defendant and any co-conspirators in the Southern District of Florida growing out of any criminal conduct by those persons known to the United States Attorney's Office for the Southern District of Florida as of the date of this plea agreement, including but not limited to the above-described scheme.

3. The United States agrees that, upon entry of the defendant's guilty plea, its Grand Jury investigation will be suspended, and all pending Grand Jury subpoenas will be held in abeyance unless and until the defendant violates any term of this agreement, as explained in paragraph 19, *infra*. The defendant likewise agrees to withdraw his pending motion to intervene and to quash certain grand jury subpoenas. The defendant further agrees that the current custodian of certain computer equipment shall maintain that evidence inviolate until all of the terms of this agreement have been satisfied.

4. The defendant is aware that the sentence will be imposed by the Court after considering the Federal Sentencing Guidelines and Policy Statements (hereinafter "Sentencing Guidelines"). The defendant acknowledges and understands that the Court will compute an advisory sentence under the Sentencing Guidelines and that the applicable guidelines will be determined by the Court relying in part on the results of a Pre-Sentence

Investigation by the Court's probation office, which investigation will commence after the guilty plea has been entered. The defendant is also aware that, under certain circumstances, the Court may depart from the advisory sentencing guideline range that it has computed, and may raise or lower that advisory sentence under the Sentencing Guidelines. The defendant is further aware and understands that the Court is required to consider the advisory guideline range determined under the Sentencing Guidelines, but is not bound to impose that sentence; the Court is permitted to tailor the ultimate sentence in light of other statutory concerns, and such sentence may be either more severe or less severe than the Sentencing Guidelines' advisory sentence. Knowing these facts, the defendant understands and acknowledges that the Court has the authority to impose any sentence within and up to the statutory maximum authorized by law for the offenses identified in paragraph 1 and that the defendant may not withdraw the plea solely as a result of the sentence imposed.

5. The defendant further understands and acknowledges that, as to each of Counts 1 and 2 of the Information, the Court may impose a statutory maximum term of imprisonment of up to one (1) year, to be followed by a term of supervised release of up to a maximum of one (1) year. In addition to terms of imprisonment and supervised release, the Court may impose a fine of up to \$100,000 as to each count.

6. The defendant further understands and acknowledges that, in addition to any sentence imposed under paragraph 3 of this Agreement, a special assessment in the amount of \$50 will be imposed on the defendant, which must be paid at or before the time of

sentencing.

7. The defendant understands that the Court will order that he must pay full restitution to all victims of the offense ^{to} which he is pleading guilty. The defendant understands that the amount of restitution owed to each victim will be determined at or before sentencing.

8. The parties agree to jointly recommend that the defendant receive a sentence of eighteen (18) months' imprisonment, to be followed by ^{one} ~~two~~ (1) years of supervised release; and a fine of \$200,000. The parties' further agree to jointly recommend that the Court impose one year of home confinement as a special condition of supervised release.

9. The defendant agrees that, if any of the victims identified in the federal investigation file suit pursuant to 18 U.S.C. § 2255, the defendant will not contest the jurisdiction of the U.S. District Court for the Southern District of Florida over his person and/or the subject matter, and the defendant will not contest that the identified victims are persons who, while minors, were victims of violations of Title 18, United States Code, Sections(s) 2422 and/or 2423. The United States agrees to provide the defendant's attorneys with a list of the identified victims, which will not exceed forty, after the defendant has signed this agreement and has been sentenced. The United States further agrees to make a motion with the United States District Court for the Southern District of Florida for the appointment of a guardian ad litem for the identified victims and the defendant's counsel may contact the identified victims through that guardian.

10. The defendant further understands and acknowledges that he must undertake certain actions with the State Attorney's Office for the 15th Judicial Circuit in and for Palm Beach County (hereinafter, "State Attorney's Office") in order to satisfy the United States' federal interest in the investigation and prosecution of his offenses, in accordance with the Justice Department's *Petite* policy. ~~Epstein~~ ^{The Δ} understands and acknowledges that the United States Attorney has no authority to require the State Attorney's Office to abide by any terms of this Agreement. ~~Epstein~~ ^{The Δ} understands that it is his obligation to undertake discussion with the State Attorney's Office to ensure compliance with these procedures.

11. In addition to entering a guilty plea in the instant case, the defendant agrees to plead guilty to an Information filed by the Palm Beach County State Attorney's Office charging an offense for which the defendant must register as a sex offender, that is, solicitation of minors to engage in prostitution, in violation of Fl. Stat. 796.03. The defendant must enter this guilty plea before he is sentenced on the federal offenses.

12. The defendant agrees that he and the Palm Beach County State Attorney's Office will make a joint, binding recommendation that the Court impose a sentence of at least eighteen (18) months' imprisonment to be followed by at least twelve (12) months of community control/home confinement to be served upon the defendant's release from federal prison. Those sentences may run concurrently with the federal sentence imposed pursuant to this agreement. **[NB: The other option is: The defendant and the Palm Beach County State Attorney's Office shall make a joint, binding recommendation that the Court**

impose a sentence of at least sixty (60) months' probation, which will include at least twelve (12) months of community control/home confinement to be served upon the defendant's release from federal prison.]

13. The defendant agrees to waive all challenges to the Information filed by the State Attorney's Office and to waive the right to appeal his conviction and sentence in the state court. *unless it exceeds*

14. The defendant agrees to provide to the U.S. Attorney's Office copies of all proposed agreements with the Palm Beach County State Attorney's Office prior to entering into those agreements.

15. The defendant agrees that the timely completion of these actions is material to this agreement and is supported by independent consideration and that a breach of any one of these conditions allows the United States to elect to terminate the agreement and to investigate and prosecute Epstein for any and all federal offenses.

16. The United States reserves the right to inform the Court and the probation office of all facts pertinent to the sentencing process, including all relevant information concerning the offenses committed, whether charged or not, as well as concerning the defendant and the defendant's background, and to respond to any questions from the Court and the Probation Office and to any misstatements of fact or law. Subject only to the express terms of any agreed-upon sentencing recommendations contained in this Agreement, this Office further reserves the right to make any recommendation as to the quality and quantity

of punishment.

17. The defendant is aware that the sentence has not yet been determined by the Court. The defendant also is aware that any estimate of the probable sentencing range or sentence that the defendant may receive, whether that estimate comes from the defendant's attorney, the government, or the probation office, is a prediction, not a promise, and is not binding on the government, the probation office or the Court. The defendant understands further that any recommendation that the government makes to the Court as to sentencing, whether pursuant to this agreement or otherwise, is not binding on the Court and the Court may disregard the recommendation in its entirety. The defendant understands and acknowledges, as previously acknowledged in paragraph 4 above, that the defendant may not withdraw his plea based upon the Court's decision not to accept a sentencing recommendation made by the defendant, the government, or a recommendation made jointly by both the defendant and the government.

18. **WAIVER OF RIGHT TO APPEAL AND COLLATERALLY ATTACK THE SENTENCE.** The defendant is aware that Title 18, United States Code, Section 3742 affords the defendant the right to appeal the sentence imposed in this case. Acknowledging this, in exchange for the undertakings made by the United States in this plea agreement, the defendant hereby waives all rights conferred by Section 3742 to appeal any sentence imposed, including any restitution order, or to appeal the manner in which the sentence was imposed, unless the sentence exceeds the maximum permitted by statute. The defendant

further voluntarily and expressly waives, to the maximum extent permitted by federal law, the right to collaterally attack his sentence in any post-conviction proceeding, including a motion on any ground brought under 28 U.S.C. § 2254, 28 U.S.C. § 2255, 18 U.S.C. § 3572, or 18 U.S.C. § 3771. The defendant further understands that nothing in this agreement shall affect the government's right and/or duty to appeal as set forth in Title 18, United States Code, Section 3742(b). However, if the United States appeals the defendant's sentence pursuant to Section 3742(b), the defendant shall be released from the above waiver of appellate rights. By signing this agreement, the defendant acknowledges that he has discussed the appeal waiver set forth in this agreement with his attorney.

19. If the defendant fails in any way to fulfill each one of his obligations under this Plea Agreement, the United States, and only the United States, may elect to be released from its commitments under this Plea Agreement. If the United States elects to void the Plea Agreement because of a breach by the defendant, then the United States agrees not to use the defendant's guilty plea against him. However, the United States may prosecute the defendant for any and all Federal crimes that he has committed related to this case and may seek any sentence for such crimes up to and including the statutory maximums. The defendant expressly waives any statute of limitations defense and any constitutional or statutory speedy trial defense to such a prosecution, except to the extent that such a defense exists as of the date he signs this Plea Agreement. Finally, the defendant understands that his violation of the terms of this Plea Agreement would not entitle him to withdraw his guilty plea.

20. This is the entire agreement and understanding between the United States and the defendant. There are no other agreements, promises, representations, or understandings.

Date: _____

By: _____
R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

Date: _____

By: _____
JEFFREY EPSTEIN, DEFENDANT

Date: _____

By: _____
GERALD LEFCOURT, ESQ.
ATTORNEY FOR DEFENDANT

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

Case No. _____

UNITED STATES OF AMERICA

vs.

JEFFREY EPSTEIN,

Defendant.

_____ /

PLEA AGREEMENT

The United States Attorney for the Southern District of Florida (“the United States”), and Jeffrey Epstein (hereinafter referred to as the “defendant”) enter into the following agreement:

1. The defendant agrees to plead guilty to the Information which charges the defendant with two counts of intentionally harassing another person, that is, Jane Does #1 and 2, in an attempt to delay, prevent, and dissuade Jane Does #1 and 2 from reporting to a law enforcement officer of the United States the commission of a federal offense; in violation of Title 18, United States Code, Sections 1512(d)(2) and 2.
2. The defendant is aware that the sentence will be imposed by the Court after considering the Federal Sentencing Guidelines and Policy Statements (hereinafter “Sentencing Guidelines”). The defendant acknowledges and understands that the Court will compute an advisory sentence under the Sentencing Guidelines and that the applicable

guidelines will be determined by the Court relying in part on the results of a Pre-Sentence Investigation by the Court's probation office, which investigation will commence after the guilty plea has been entered. The defendant is also aware that, under certain circumstances, the Court may depart from the advisory sentencing guideline range that it has computed, and may raise or lower that advisory sentence under the Sentencing Guidelines. The defendant is further aware and understands that the Court is required to consider the advisory guideline range determined under the Sentencing Guidelines, but is not bound to impose that sentence; the Court is permitted to tailor the ultimate sentence in light of other statutory concerns, and such sentence may be either more severe or less severe than the Sentencing Guidelines' advisory sentence. Knowing these facts, the defendant understands and acknowledges that the Court has the authority to impose any sentence within and up to the statutory maximum authorized by law for the offenses identified in paragraph 1 and that the defendant may not withdraw the plea solely as a result of the sentence imposed.

3. The defendant further understands and acknowledges that, as to each of Counts 1 and 2 of the Information, the Court may impose a statutory maximum term of imprisonment of up to one (1) year, to be followed by a term of supervised release of up to a maximum of one (1) year. In addition to terms of imprisonment and supervised release, the Court may impose a fine of up to \$100,000 as to each count.

4. The defendant further understands and acknowledges that, in addition to any sentence imposed under paragraph 3 of this Agreement, a special assessment in the amount

of \$50 will be imposed on the defendant, which must be paid at or before the time of sentencing.

5. The defendant understands that the Court will order that he must pay full restitution to all victims of the offense to which he is pleading guilty. The defendant understands that the amount of restitution owed to each victim will be determined at or before sentencing.

6. The defendant agrees that, if any of the victims identified in the federal investigation file suit pursuant to 18 U.S.C. § 2255, the defendant will not contest the jurisdiction of the U.S. District Court for the Southern District of Florida over his person and/or the subject matter, and the defendant will not contest that the identified victims are persons who, while minors, were victims of violations of Title 18, United States Code, Sections(s) 2422 and/or 2423. The United States agrees to provide the defendant's attorneys with a list of the identified victims, which will not exceed forty, after the defendant has signed this agreement and has been sentenced. The United States further agrees to make a motion with the United States District Court for the Southern District of Florida for the appointment of a guardian ad litem for the identified victims and the defendant's counsel may contact the identified victims through that guardian.

7. The defendant agrees to plead guilty (not nolo contendere) to an Information filed by the Palm Beach County State Attorney's Office charging an offense for which the defendant must register as a sex offender, that is, solicitation of minors to engage in prostitution, in violation of Fl. Stat. 796.03. The defendant and the Palm Beach County State Attorney's Office shall make a joint, binding recommendation that the Court impose a sentence of at least thirty (30) months, to be

divided as follows:

- (a) the defendant shall begin by serving at least twenty (20) months in prison, without any opportunity for withholding adjudication or sentencing, and without probation or community control in lieu of imprisonment; and
- (b) following the term of imprisonment, the defendant shall serve ten (10) months of community control/home confinement with electronic monitoring.

8. The defendant shall waive all challenges to the Information filed by the State Attorney's Office and shall waive the right to appeal his conviction and sentence in the state court.

9. The defendant shall provide to the U.S. Attorney's Office copies of all proposed agreements with the Palm Beach County State Attorney's Office prior to entering into those agreements.

10. The United States reserves the right to inform the Court and the probation office of all facts pertinent to the sentencing process, including all relevant information concerning the offenses committed, whether charged or not, as well as concerning the defendant and the defendant's background, and to respond to any questions from the Court and the Probation Office and to any misstatements of fact or law. Subject only to the express terms of any agreed-upon sentencing recommendations contained in this Agreement, this Office further reserves the right to make any recommendation as to the quality and quantity of punishment.

11. The defendant is aware that the sentence has not yet been determined by the Court. The defendant also is aware that any estimate of the probable sentencing range or

sentence that the defendant may receive, whether that estimate comes from the defendant's attorney, the government, or the probation office, is a prediction, not a promise, and is not binding on the government, the probation office or the Court. The defendant understands further that any recommendation that the government makes to the Court as to sentencing, whether pursuant to this agreement or otherwise, is not binding on the Court and the Court may disregard the recommendation in its entirety. The defendant understands and acknowledges, as previously acknowledged in paragraph 2 above, that the defendant may not withdraw his plea based upon the Court's decision not to accept a sentencing recommendation made by the defendant, the government, or a recommendation made jointly by both the defendant and the government.

12. WAIVER OF RIGHT TO APPEAL AND COLLATERALLY ATTACK THE SENTENCE. The defendant is aware that Title 18, United States Code, Section 3742 affords the defendant the right to appeal the sentence imposed in this case. Acknowledging this, in exchange for the undertakings made by the United States in this plea agreement, the defendant hereby waives all rights conferred by Section 3742 to appeal any sentence imposed, including any restitution order, or to appeal the manner in which the sentence was imposed, unless the sentence exceeds the maximum permitted by statute or is the result of an upward departure or upward variance from the guideline range that the Court establishes at sentencing. The defendant further voluntarily and expressly waives, to the maximum extent permitted by federal law, the right to collaterally attack his sentence in any post-

conviction proceeding, including a motion on any ground brought under 28 U.S.C. § 2254, 28 U.S.C. § 2255, 18 U.S.C. § 3572, or 18 U.S.C. § 3771. The defendant further understands that nothing in this agreement shall affect the government's right and/or duty to appeal as set forth in Title 18, United States Code, Section 3742(b). However, if the United States appeals the defendant's sentence pursuant to Section 3742(b), the defendant shall be released from the above waiver of appellate rights. By signing this agreement, the defendant acknowledges that he has discussed the appeal waiver set forth in this agreement with his attorney.

13. If the defendant fails in any way to fulfill each one of his obligations under this Plea Agreement, the United States, and only the United States, may elect to be released from its commitments under this Plea Agreement. If the United States elects to void the Plea Agreement because of a breach by the defendant, then the United States agrees not to use the defendant's guilty plea against him. However, the United States may prosecute the defendant for any and all Federal crimes that he has committed related to this case and may seek any sentence for such crimes up to and including the statutory maximums. The defendant expressly waives any statute of limitations defense and any constitutional or statutory speedy trial defense to such a prosecution, except to the extent that such a defense exists as of the date he signs this Plea Agreement. Finally, the defendant understands that his violation of the terms of this Plea Agreement would not entitle him to withdraw his guilty plea.

14. This is the entire agreement and understanding between the United States and the defendant. There are no other agreements, promises, representations, or understandings.

Date: _____

By: _____
R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

Date: _____

By: _____
JEFFREY EPSTEIN, DEFENDANT

Date: _____

By: _____
GERALD LEFCOURT, ESQ.
ATTORNEY FOR DEFENDANT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. _____
18 U.S.C. § 1512(d)(2)

UNITED STATES OF AMERICA

vs.

JEFFREY EPSTEIN,

Defendant.

INFORMATION

The United States Attorney charges that:

COUNT 1

In or around October 2005, in Palm Beach County, in the Southern District of Florida, and elsewhere, the defendant,

JEFFREY EPSTEIN,

did intentionally harass another person, that is, Jane Doe #1, in an attempt to delay, prevent, and dissuade Jane Doe #1 from reporting to a law enforcement officer of the United States the commission of a federal offense; in violation of Title 18, United States Code, Sections 1512(d)(2) and 2.

COUNT 2

In or around October 2005, in Palm Beach County, in the Southern District of Florida, and elsewhere, the defendant,

JEFFREY EPSTEIN,

did intentionally harass another person, that is, Jane Doe #2, in an attempt to delay, prevent, and dissuade Jane Doe #2 from reporting to a law enforcement officer of the United States the commission of a federal offense; in violation of Title 18, United States Code, Sections 1512(d)(2) and 2.

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

A. MARIE VILLAFANA
ASSISTANT UNITED STATES ATTORNEY

From Jay 9/19 4:30 pm

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No.

UNITED STATES OF AMERICA

vs.

JEFFREY EPSTEIN,

Defendant.

PLEA AGREEMENT

The United States Attorney for the Southern District of Florida ("the United States"), and Jeffrey Epstein (hereinafter referred to as the "defendant") enter into the following agreement:

1. The defendant agrees to plead guilty to a two-count Information which charges the defendant as follows. Count 1 charges that the defendant attempted to intentionally harass another person, that is, S.K., in an attempt to delay, prevent, and dissuade S.K. from attending or testifying in an official proceeding, that is a federal grand jury appearance in the Southern District of Florida, in violation of Title 18, U.S.C., § 1512(d)(1). Count 2 charges that the defendant attempted to intentionally harass another person, that is, N.M., in an attempt to delay, prevent, and dissuade N.M. from attending or testifying in an official proceeding, that is a federal grand jury appearance in the Southern District of Florida, in violation of Title 18, U.S.C. § 1512(d)(1).

2. The defendant agrees and understands that the above charges involve the United States Attorney's Office's and the Federal Bureau of Investigation's own investigation in his conduct, and the conduct of others, between in and around early 2001 through in and around

September 2007 involving conspiring with others known and unknown to commit an offense against the United States, in violation of Title 18, U.S.C., §§ 2422(b) and 2423(b); all in violation of Title 18, United States Code, §§ 371 and 18 U.S.C. 2423(e); and violating Title 18, U.S.C., §§ 2422(b); 2423(b) and (f); and Title 18, U.S.C., §§ 1591(a)(1) and (2). This agreement resolves the federal criminal liability of the defendant and any co-conspirators in the Southern District of Florida growing out of any criminal conduct by those persons known to the United States Attorney's Office for the Southern District of Florida as of the date of this plea agreement, including but not limited to the above-described scheme.

3. The United States agrees that, upon entry of the defendant's guilty plea, its Grand Jury investigation will be suspended, and all pending Grand Jury subpoenas will be held in abeyance unless and until the defendant violates any term of this agreement, as explained in paragraph 20, *infra*. The defendant likewise agrees to withdraw his pending motion to intervene and to quash certain grand jury subpoenas. The defendant further agrees that the current custodian of certain computer equipment shall maintain that evidence inviolate until all of the terms of this agreement have been satisfied. Provided that the defendant does not breach this agreement, the Government agrees that it will not seek to initiate federal investigation or prosecution for conduct subject to this agreement.

4. Epstein shall enter his guilty plea to the federal Information no later than November 5, 2007. Epstein shall consent to the plea being entered and sentence imposed by a United States magistrate judge pursuant to 18 U.S.C. § 3401(a). Pursuant to 18 U.S.C. § 3401(e), Epstein and the Government agree to recommend to the Magistrate-Judge that the Pre-Sentence Investigation Report not be requested in which case Epstein and the Government agree that the sentence shall be imposed on the date of plea, that Epstein be released on bail, that

why so far

~~travel shall not be restricted during the period of bail and that Epstein be permitted to self-report to the facility designated by the United States Bureau of Prisons to commence his sentence 75 days after sentencing. If the Court requires a Pre-Sentence Investigation Report, Epstein shall be sentenced on a later date but the parties agree to the bail, travel and self-report conditions as outlined in this paragraph.~~

5. The defendant further understands and acknowledges that, as to each of Counts 1 and 2 of the Information, the Court may impose a statutory maximum term of imprisonment of up to one (1) year, to be followed by a term of supervised release of up to a maximum of one (1) year. In addition to terms of imprisonment and supervised release, the Court may impose a fine of up to \$100,000 as to each count.

6. The defendant further understands and acknowledges that, in addition to any sentence imposed under paragraph 3 of this Agreement, a special assessment in the amount of \$50 will be imposed on the defendant, which must be paid at or before the time of sentencing.

7. The parties agree, that pursuant to Fed. R. Crim. P. 11(c)(1)(c), the defendant receive a sentence of eighteen (18) months' imprisonment, to be followed by one (1) year of supervised release; and a fine of \$200,000. The parties' further agree that the Court impose one year of home confinement as a special condition of supervised release. The parties further agree that there should is no restitution for the offenses charged.

8. The parties agree that the United States Sentencing Guidelines as applied would result in a sentencing range of 10-16 months, a range resulting from the application of U.S.S.G. 2J1.2 base offense level of 14, with no enhancement or cross-reference, reduced by two levels for acceptance of responsibility. The parties further agree to a 2-month upward departure from the guidelines.

9. The defendant agrees to fund a Trust set up in concert with the Government and under the supervision of the 15th Judicial Circuit in and for Palm Beach County. The defendant agrees that a Trustee will be appointed by the Circuit Court and that funds from the Trust will be available to be disbursed at the Trustee's discretion to an agreed list of persons who seek reimbursement and make a good faith showing to the Trustee that they suffered injury as a result of the conduct of the defendant. The defendant waives his right to contest liability or damages up to an amount agreed to by the parties for any settlements entered into by the Trustee. The defendant's waiver is not to be construed as an admission of civil or criminal liability in regards to any of those who seek compensation from the Trust. The parties further agree that any person receiving funds from the Trust will be required to waive their right to separately pursue damages pursuant to 18 U.S.C. § 2255.

10. The defendant further understands and acknowledges that he must undertake certain actions with the State Attorney's Office for the 15th Judicial Circuit in and for Palm Beach County (hereinafter, "State Attorney's Office") in order to satisfy the United States' federal interest in the investigation and prosecution of his offenses, in accordance with the Justice Department's *Petite* Policy. The defendant understands and acknowledges that the United States Attorney has no authority to require the State Attorney's Office to abide by any terms of this Agreement. The defendant understands that it is his obligation to undertake discussion with the State Attorney's Office to ensure compliance with these procedures.

11. In addition to entering a guilty plea in the instant case, the defendant and the Palm Beach County State Attorney's Office have agreed that the defendant will plead guilty to one (1) count of solicitation of prostitution, in violation of Fl. Stat. § 796.07 under the Indictment as currently pending against him (Case No. 2006-cf-009495AXXXMB). The defendant further

agrees to plead guilty to an Information filed by the Palm Beach County State Attorney's Office charging one (1) count of a violation of the following Florida Statute: Coercing a person to become a prostitute in violation of Fl. Stat. § 796.04. The terms of the plea are that the defendant will be adjudicated guilty and be placed on sixty (60) months' probation to run concurrently with the federal sentence referenced above. The defendant will enter his plea to the indictment at least 7 days before he begins his federal sentence but not prior to the defendant's sentencing before a federal judge. The defendant will enter his successive plea to the Information after the conclusion of his federal sentence and supervised release.

12. The defendant agrees to waive all challenges to the Information filed by the State Attorney's Office and to waive the right to appeal his conviction and sentence in the state court.

13. The defendant agrees to provide to the U.S. Attorney's Office copies of all proposed agreements with the Palm Beach County State Attorney's Office prior to entering into those agreements.

14. The defendant agrees that the timely completion of these actions is material to this agreement and is supported by independent consideration and that a breach of any one of these conditions allows the United States to elect to terminate the agreement and to investigate and prosecute the defendant for any and all federal offenses as defined on page 2, *supra*.

15. The United States reserves the right to inform the Court and, if a Presentence Report is ordered by the Magistrate-Judge despite the joint agreement of the parties that no such report shall be requested, the probation office of all facts pertinent to the sentencing process, including all relevant information concerning the offenses committed as well as concerning the defendant and the defendant's background, and to respond to any questions from the Court and the Probation Office and to any misstatements of fact or law. Subject only to the express terms

of any agreed-upon sentencing recommendations contained in this Agreement, this Office further reserves the right to make any recommendation as to the quality and quantity of punishment. The Government will not oppose the defendant's request that the Magistrate-Judge recommend to the Bureau of Prisons that the sentence be served at a federal prison camp.

16. The defendant is aware that the sentence has not yet been determined by the Court. The defendant also is aware that any estimate of the probable sentencing range or sentence that the defendant may receive, whether that estimate comes from the defendant's attorney or the government, is a prediction, not a promise, and is not binding on the government or the Court. The defendant understands further that any recommendation that the government makes to the Court as to sentencing, whether pursuant to this agreement or otherwise, is not binding on the Court and the Court may disregard the recommendation in its entirety.

17. After timely fulfilling all the terms and conditions of the Agreement, no prosecution for the offenses set out on pages 1 and 2 of this Agreement will be instituted in this District, and the charges against the defendant if any, will be dismissed.

18. After timely fulfilling the terms and conditions of this Agreement, the United States agrees that no prosecution will be instituted or initiated against the defendant for any and all criminal charges which might otherwise in the future be brought against the defendant that arise out of the ongoing FBI federal investigation for offenses that include but are not limited to those listed above.

19. The defendant's fulfilling the terms and conditions of the Agreement also precludes the initiation of any and all criminal charges which might otherwise in the future be brought against Sarah Kellen, Adriana Ross, Lesley Groff, and Nadia Marcinkova or any employee of N.E.S. for any criminal charge that arises out of the ongoing federal investigation as

described above; Further, the United States Attorney's Office will not request, initiate, or in any way encourage immigration authorities to institute immigration proceedings against Ross or Marcinkova as a result of the ongoing investigation.

20. If the defendant fails in any way to fulfill each one of his obligations under this Plea Agreement, the United States, and only the United States, may elect to be released from its commitments under this Plea Agreement. If the United States elects to void the Plea Agreement because of a breach by the defendant, then the United States agrees not to use the defendant's guilty plea against him. However, the United States may prosecute the defendant for any and all Federal crimes that he has committed related to this case and may seek if there is a conviction any sentence for such crimes up to and including the statutory maximums. The defendant expressly waives any statute of limitations defense as to the offenses listed on page 2, *supra* and any constitutional or statutory speedy trial defense to such a prosecution, except to the extent that such a defense exists as of the date he signs this Plea Agreement. Finally, the defendant understands that his violation of the terms of this Plea Agreement would not entitle him to withdraw his guilty plea.

21. By signing this agreement, the defendant asserts and certifies that he is aware of the fact that the Sixth Amendment to the Constitution of the United States provides that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial. The defendant further is aware that Rule 48(b) of the Federal Rules of Criminal Procedure provides that the Court may dismiss an indictment, information, or complaint for unnecessary delay in presenting a charge to the Grand Jury, filing an information, or in bringing a defendant to trial. The defendant hereby requests that the United States Attorney for the Southern District of Florida defer such prosecution. The defendant agrees and consents that any delay from the date

of this Agreement to the date of initiation of prosecution, as provided for in the terms expressed herein, shall be deemed to be a necessary delay at his own request, and he hereby waives any defense to such prosecution on the ground that such delay operated to deny him rights under Rule 48(b) of the Federal Rules of Criminal Procedure and the Sixth Amendment to the Constitution of the United States to a speedy trial or to bar the prosecution by reason of the running of the statute of limitations for a period of months equal to the period between the signing of this agreement and the breach of this agreement, for the offenses listed on pages 1 and 2 *infra*. The defendant further asserts and certifies that he understands that the Fifth Amendment and Rule 7(a) of the Federal Rules of Criminal Procedure provide that all felonies must be charged in an indictment presented to a grand jury. The defendant hereby agrees and consents that, if a prosecution against him is instituted for the offenses listed on pages 1 and 2, *infra*, it may be by way of an Information signed and filed by the United States Attorney, and hereby waives his right to be indicted by a grand jury.

22. This is the entire agreement and understanding between the United States and the defendant. There are no other agreements, promises, representations, or understandings.

Date: _____

By:
R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

Date: _____

By:
JEFFREY EPSTEIN, DEFENDANT

Date: _____

By:

GERALD LEFCOURT, ESQ.
ATTORNEY FOR DEFENDANT