

POST-DC CDRR



\* JOSEPH R. ATTERBURY

\*† JACK A. GOLDBERGER

JASON S. WEISS

\* Board Certified Criminal Trial Attorney

† Member of New Jersey & Florida Bars

July 21, 2008

██████████, AUSA  
U.S. Department of Justice  
United States Attorney  
Southern District of Florida  
500 South Australian Avenue, Suite 400  
West Palm Beach, Florida 33401

**SENT VIA FACSIMILE**

Re: Jeffrey Epstein

Dear Ms. ██████████,

Enclosed please find a Motion For Return of Property that I filed in Mr. Epstein's state case. Out of abundance of caution, I am providing you a copy of the motion.

Please advise me as to what your position is on this matter.

Very truly yours,

Jack A. Goldberg

JAG/na  
Enclosure

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

STATE OF FLORIDA

CASE NO.: 2006CF009454AXX  
DIVISION: "W"

vs.

JEFFREY EPSTEIN,

Defendant.

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**DEFENDANT'S MOTION FOR RETURN OF PROPERTY**

COMES NOW the Defendant, JEFFREY EPSTEIN, by and through his undersigned attorney, and moves this Honorable Court to enter an Order for return of property seized on October 20, 2005 during execution of a search warrant at the Defendant's residence. In support thereof the Defendant states as follows:

1. On October 20, 2005, the Palm Beach Police Department executed a search warrant at the Defendant's residence. During the execution of the warrant, numerous items of the Defendant's personal property were seized and impounded by the Palm Beach Police Department. A copy of the search warrant return is attached to this motion (Exhibit A).

2. On June 30, 2008, the criminal charges arising from the search warrant were resolved through a negotiated plea agreement.

3. No legal justification exists for the continued impoundment of the Defendant's personal property. The Defendant is entitled to the return of all personal property listed in Exhibit A.

WHEREFORE, the Defendant, JEFFREY EPSTEIN, respectfully requests this Honorable Court to enter an Order for the return of his personal property.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion was sent via FAX and U.S. MAIL to Lanna Belohlavek, Esq., Assistant State Attorney, 401 North Dixie Highway, West Palm Beach, Florida 33401, this 21<sup>st</sup> day of July, 2008.

ATTERBURY, GOLDBERGER & WEISS, P.A.  
250 Australian Avenue South, Suite 1400  
West Palm Beach, Florida 33401  
(561) 659-8300

---

JACK A. GOLBERGER, ESQUIRE  
Florida Bar Number 262013

**FLEM BEACH POLICE DEPARTMENT**  
**PROPERTY RECEIPT**  
**SEARCH WARRANT RETURN**

Pg 1 of 6  
 DETECTIVE BUREAU

PBR Form #52

<input type="checkbox"/> PROPERTY	<input type="checkbox"/> FOUND	<input type="checkbox"/> DECEASED (Probated)	<input type="checkbox"/> PERSONAL	<input type="checkbox"/> CONFISCATED	<input type="checkbox"/> DESTROY
<input checked="" type="checkbox"/> EVIDENCE	<input checked="" type="checkbox"/> TRIAL	<input type="checkbox"/> LABORATORY	<input type="checkbox"/> STOLEN/RECOVERED	<input type="checkbox"/> OTHER	
INCIDENT/CITATION NUMBER <b>05-368</b>	DATE/TIME RECOVERED <b>10-20-2005</b>	PROPERTY NUMBER (Leave Blank) <b>05-1024</b>	BIN NUMBER (Leave Blank)		
ADDRESS WHERE PROPERTY IMPOUNDED <b>258 FL-Brillo</b>					
DISCOVERED-BY / D.O.B.	ADDRESS	Street	City	Zip	PHONE NUMBER
OWNER / VICTIM'S NAME / D.O.B.	ADDRESS	Street	City	Zip	PHONE NUMBER
SUSPECT'S NAME / D.O.B. <b>1-20-53</b> <b>Epstein Jeff</b>	ADDRESS	Street	City	Zip	PHONE
ADD'L SUSPECT / D.O.B.	ADDRESS	Street	City	Zip	PHONE
SPECIAL INSTRUCTIONS				FOUND PROPERTY	CLAIM <input type="checkbox"/>
				90 DAYS	NOT CLAIM <input type="checkbox"/>



ITEM #	QUANTITY	VALUE	DESCRIPTION
1	1		Phone message book (kitchen)
2	3		Phone message book (office off kitchen)
3	3		file folder (messages) w/ 2 more files (Purple)
4	1		shredded paper <del>office off kitchen</del> marked Amber + Chris
5	11		orange file folder marked "message" <del>messages</del>
* items 2-5 from office off kitchen			
6	1		large message table off from closet <del>off</del>
7	1		Brown message table → foyer
8	1		Black framed photo of nude girl
9	99		Pictures in frame → items 6-8 from closet
10	8		photos from office off pool area
11	2		photos from table on left → <del>from</del> room off
12	2		photos on table on right → pool area
TOTAL PACKAGE WEIGHT			

I hereby acknowledge that the above list represents all property taken from me and that I have received a copy of this receipt.

I hereby acknowledge that the above list represents all property impounded by me in the official performance of my duty as a police officer.

SIGNATURE _____	SIGNATURE  ID# <b>7915</b> UNIT <b>D2</b>
DATE _____	DATE/TIME RECEIVED _____

RECEIVED BY	REASON	DATE/TIME RECEIVED
I, Joseph Recarey, the officer by whom this warrant was executed, do swear that the above inventory contains a true and detailed account of all the property taken by me, under the authority of this warrant.		
Sworn to and subscribed before me	#1915	Jeff A. Burns
this 21 day of October 2005.		

**BEACH POLICE DEPARTMENT  
PROPERTY RECEIPT  
SEARCH WARRANT RETURN**

PAGE 2 OF 6  
DETECTIVE BUREAU

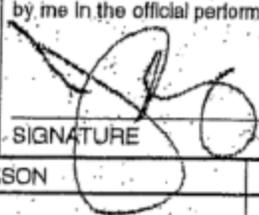
PBPD Form #52

<input type="checkbox"/> PROPERTY	<input type="checkbox"/> FOUND	<input type="checkbox"/> DECEASED (Probated)	<input type="checkbox"/> PERSONAL	<input type="checkbox"/> CONFISCATED	<input type="checkbox"/> DESTROY
<input checked="" type="checkbox"/> EVIDENCE	<input checked="" type="checkbox"/> TRIAL	<input type="checkbox"/> LABORATORY	<input type="checkbox"/> STOLEN/RECOVERED	<input type="checkbox"/> OTHER	
INCIDENT/CITATION NUMBER <b>05-368</b>	DATE/TIME RECOVERED <b>10-20-05</b>	PROPERTY NUMBER (Leave Blank) <b>05-1024</b>	BIN NUMBER (Leave Blank) <b>Lab</b>		
ADDRESS WHERE PROPERTY IMPOUNDED <b>358 EL-Brillo</b>					
DISCOVERED BY / D.O.B.	ADDRESS	Street	City	Zip	PHONE NUMBER
OWNER / VICTIM'S NAME / D.O.B.	ADDRESS	Street	City	Zip	PHONE NUMBER
SUSPECT'S NAME / D.O.B. <b>01-20-53</b> <b>Foster, Jeff</b>	ADDRESS	Street	City	Zip	PHONE NUMBER
ADD'L SUSPECT / D.O.B.	ADDRESS	Street	City	Zip	PHONE NUMBER
SPECIAL INSTRUCTIONS				FOUND PROPERTY 90 DAYS	CLAIM <input type="checkbox"/> NOT CLAIM <input type="checkbox"/>

ITEM#	QUANTITY	VALUE	DESCRIPTION
✓ 13	2	✓	VHS tapes from (v data) By Paul
✓ 14	2	*	CD's packed Happy Birthday ↑ Creditizer <sup>Paul</sup>
✓ 15	3		Photos framed from Cabana
✓ 16	1	✓	message book 1st floor s/w corner (top)
✓ 17	1	✓	message book (from inside)
✓ 18	3	✓	CD's from desk
✓ 19	1	*	D from desk (Items # 18, 19, 20, 21)
✓ 20	unframed		Photos from desk from 1st floor s/w
✓ 21	2		framed Photos from desk
✓ 22	2	✓	framed Photos from table in s/w corner office
✓ 23	3		Soap on Rope (NE Bedroom) (wh. to room)
✓ 24	2		Tin in Torpedo in Brown box
✓ 25	2		Soap on Rope (middle Bedroom) (wh. to room)
✓ 26	1		large framed Picture (from foyer into Master Bedroom)
TOTAL PACKAGE WEIGHT			

I hereby acknowledge that the above list represents all property taken from me and that I have received a copy of this receipt.

I hereby acknowledge that the above list represents all property impounded by me in the official performance of my duty as a police officer.

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_ SIGNATURE  ID# **7915** UNIT **D2**

RECEIVED BY	REASON	DATE/TIME RECEIVED

PROPERTY RECEIPT  
SEARCH WARRANT RETURN

DETECTIVE BUREAU

FBPD Form #52

<input type="checkbox"/> PROPERTY	<input type="checkbox"/> FOUND	<input type="checkbox"/> DECEASED (Probated)	<input type="checkbox"/> PERSONAL	<input type="checkbox"/> CONFISCATED	<input type="checkbox"/> DESTROY
<input checked="" type="checkbox"/> EVIDENCE	<input checked="" type="checkbox"/> TRIAL	<input type="checkbox"/> LABORATORY	<input type="checkbox"/> STOLEN/RECOVERED	<input type="checkbox"/> OTHER	(a b)
INCIDENT/CITATION NUMBER 05-368	DATE/TIME RECOVERED 10-20-05	PROPERTY NUMBER (Leave Blank) 05-1024	BIN NUMBER (Leave Blank)		

ADDRESS WHERE PROPERTY IMPOUNDED  
358 EL Brillo

DISCOVERED BY / D.O.B.	ADDRESS	Street	City	Zip	PHONE NUMBER
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OWNER / VICTIM'S NAME / D.O.B.	ADDRESS	Street	City	Zip	PHONE NUMBER
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SUSPECT'S NAME / D.O.B. 01-20-53 Epstein Jeff	ADDRESS	Street	City	Zip	PHONE NUMBER
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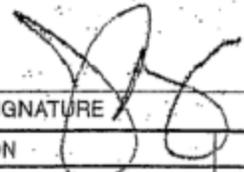
ADD'L. SUSPECT / D.O.B.	ADDRESS	Street	City	Zip	PHONE NUMBER
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SPECIAL INSTRUCTIONS	FOUND PROPERTY 90 DAYS	CLAIM <input type="checkbox"/>	NOT CLAIM <input type="checkbox"/>
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ITEM #	QUANTITY	VALUE	DESCRIPTION
27	1	NCV	School TRANSCRIPT, [REDACTED] MASTER BEDROOM DESK
28	1	NCV	BOTTLE OF TOY JELLY, MASTER BEDROOM CROCHETA MASTER BEDROOM
29	3	NCV	VIDEOTAPES 1/2", SEX IN CITY, EATIN JANINE, HOWE LE SBIANS FOUR, MASTER BEDROOM
30	6	NCV	FRAMED PHOTOS FROM MENS BATH RM - MASTER BEDROOM
31	1	NCV	GREEN MASSAGE TABLE, MENS BATHROOM - MASTER BEDROOM → DNA test 3 Greg
32	1	NCV	THRIFTY RENTAL AGREEMENT FROM CHEVROLET SUBURBAN (COPIED)
33	1	NCV	NOTE FROM JOHANNA FROM CHEVROLET SUBURBAN
34	11	CD'S	CD'S from office of kitchen
35	6	ZIP CD'S	ZIP CD'S from Book case RETURN
36	2	8mm Video	8mm Video tapes from Book case RETURN
37	4	Compact flash	Compact flash cards from Book case RETURN
38	1	flash card	flash card from camera on book case - RETURN TO OWNER
39	3	ZIP CD'S	ZIP CD'S from Book case RETURN
40	30	CD'S	CD'S from Book case (items 35-40 from guest house) RETURN
TOTAL PACKAGE WEIGHT			

I hereby acknowledge that the above list represents all property taken from me and that I have received a copy of this receipt.

I hereby acknowledge that the above list represents all property impounded by me in the official performance of my duty as a police officer.

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_ SIGNATURE  ID# FIS D2 UNIT \_\_\_\_\_

RECEIVED BY	REASON	DATE/TIME RECEIVED

LM BEACH POLICE DEPARTMENT  
PROPERTY RECEIPT

PAGE 4 of 6

DETECTIVE BUREAU

PBPD Form #52

SEARCH WARRANT RETURN

<input type="checkbox"/> PROPERTY	<input type="checkbox"/> FOUND	<input type="checkbox"/> DECEASED (Probated)	<input type="checkbox"/> PERSONAL	<input type="checkbox"/> CONFISCATED	<input type="checkbox"/> DESTROY
<input checked="" type="checkbox"/> EVIDENCE	<input checked="" type="checkbox"/> TRIAL	<input type="checkbox"/> LABORATORY	<input type="checkbox"/> STOLEN/RECOVERED	<input type="checkbox"/> OTHER	Lab
INCIDENT/CITATION NUMBER 05-368	DATE/TIME RECOVERED 10-20-05	PROPERTY NUMBER (Leave Blank) 05-1024	BIN NUMBER (Leave Blank)		
ADDRESS WHERE PROPERTY IMPOUNDED 258 El Brillo					
DISCOVERED BY / D.O.B.	ADDRESS	Street	City	Zip	PHONE NUMBER
OWNER'S NAME / D.O.B.	ADDRESS	Street	City	Zip	PHONE NUMBER
SUSPECT'S NAME / D.O.B. Epstein, Jeff 01-20-53	ADDRESS	Street	City	Zip	PHONE NUMBER
ADD'L. SUSPECT / D.O.B.	ADDRESS	Street	City	Zip	PHONE NUMBER
SPECIAL INSTRUCTIONS				FOUND PROPERTY	CLAIM <input type="checkbox"/>
				90 DAYS	NOT CLAIM <input type="checkbox"/>

ITEM #	QUANTITY	VALUE	DESCRIPTION
41	11	✓	Floppy disks from desk middle shelf RETURN
42	1	*	ZIP Drive disk from guest room RETURN
43	1		Power Cord for CPU from guest room
44	1		CPU from Guest Bedroom
45	10	✓	8mm video Tapes in Guest Bedroom RETURN
46	1	✓	maxell CD-R in guest bedroom RETURN
47	10	*	Disks in clear Box RETURN (COPIES)
48	7		ZIP Disks from guest room RETURN
49	1		items # 35-48 from guest bedroom RETURN
50	1		message book from guesthouse office RETURN
51	2		compact flash cards from RETURN
52	6		CD's return #49-51 from guesthouse office RETURN
53	1		CPU from guesthouse office RETURN
TOTAL PACKAGE WEIGHT			

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I hereby acknowledge that the above list represents all property impounded by me in the official performance of my duty as a police officer.

SIGNATURE

DATE

SIGNATURE

ID#

UNIT

RECEIVED BY	REASON	DATE/TIME RECEIVED





**LEWIS TEIN PL**  
ATTORNEYS AT LAW

July 21, 2008

Copy via facsimile [REDACTED]

[REDACTED], Esq.  
Office of the United States Attorney  
500 S. Australian Avenue  
West Palm Beach, Florida 33401

RE: *Jeffrey Epstein*

Dear Ms. [REDACTED]:

Thank you for your letter of July 17, 2008. In it, you ask whether Mr. Epstein "intends to fully abide by the Non-Prosecution Agreement." The answer is yes.

We confirm as you state in your letter that the Agreement requires that "the federal Grand Jury investigation will remain suspended, and all pending federal Grand Jury subpoenas will be held in abeyance unless and until [Mr. Epstein] violates any term of [the Non-Prosecution Agreement]." We also confirm that under the Agreement, "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 . . . conditions and the requirements of th[e] Agreement."

As you know, there is no provision in the Agreement referring in any way to Section 3509(k). By that statute, Congress imposed a mandatory obligation on federal district courts to stay certain civil cases. Its operation is not subject to the control or discretion of any party. Whether Title 18, United States Code, Section 3509(k) applies to this civil litigation is a question of law for resolution by Judge Marra. Accordingly, we are abiding by our ethical obligation to advise the Court of its statutory mandate under Section 3509(k).

Finally, thank you for notifying me that our motion to quash technically remains outstanding. We had previously notified the Court that the parties did not wish to argue the issue. I agree that the Agreement requires its withdrawal and we will file a formal notice withdrawing it this week.

Please do not hesitate to call me if you wish further clarification of our position or to discuss this matter in any way. Until then, I remain,

Very truly yours,



Michael R. Tein

cc: Jack Goldberger, Esq.  
Roy Black, Esq.  
[REDACTED]

LEWIS TEIN P.L.  
ATTORNEYS AT LAW

July 21, 2008

Copy via facsimile ( [REDACTED] )

[REDACTED] Esq.  
Office of the United States Attorney  
500 S. Australian Avenue  
West Palm Beach, Florida 33401

RE: *Jeffrey Epstein*

Dear Ms. [REDACTED]

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Please do not hesitate to call me if you wish further clarification of our position or to discuss this matter in any way. Until then, I remain,

Very truly yours,



Michael R. Tein

cc: Jack Goldberger, Esq.  
Roy Black, Esq.  
✓ Alex Acosta, Esq.

**IN RE:  
INVESTIGATION OF  
JEFFREY EPSTEIN**

---

**NON-PROSECUTION 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 by indictment with 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 into Epstein's background and any offenses that may have been committed by Epstein against the United States from in or around 2001 through in or around September 2007, 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 seeks to resolve globally his state and federal criminal liability and Epstein understands and acknowledges that, in exchange for the benefits provided by this agreement, he agrees to comply with its terms, including undertaking certain actions with the State Attorney's Office;

IT APPEARING, after an investigation of the offenses and Epstein's background by both State and Federal law enforcement agencies, and after due consultation with the State Attorney's Office, that the interests of the United States, the State of Florida, and the Defendant 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.

If the United States Attorney should determine, based on reliable evidence, that, during the period of the Agreement, Epstein willfully violated any of the conditions of this Agreement, then the United States Attorney may, within ninety (90) days following the expiration of the term of home confinement discussed below, provide Epstein with timely notice specifying the condition(s) of the Agreement that he has violated, and shall initiate its prosecution on any offense within sixty (60) days' of giving notice of the violation. Any notice provided to Epstein pursuant to this paragraph shall be provided within 60 days of the United States learning of facts which may provide a basis for a determination of a breach of the Agreement.

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, nor any other offenses that have been the subject of the joint investigation by the Federal Bureau of Investigation and the United States Attorney's Office, nor any offenses that arose from the Federal Grand Jury investigation 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 the Indictment as currently pending against him in the 15th Judicial Circuit in and for Palm Beach County (Case No. 2006-cf-009495AXXXMB) charging one (1) count of solicitation of prostitution, in violation of Fl. Stat. § 796.07. In addition, Epstein shall plead guilty to an Information filed by the State Attorney's Office charging Epstein with an offense that requires him to register as a sex offender, that is, the solicitation of minors to engage in prostitution, in violation of Florida Statutes Section 796.03;
2. Epstein shall make a binding recommendation that the Court impose a thirty (30) month sentence to be divided as follows:
  - (a) Epstein shall be sentenced to consecutive terms of twelve (12) months and six (6) months in county jail for all charges, without any opportunity for withholding adjudication or sentencing, and without probation or community control in lieu of imprisonment; and
  - (b) Epstein shall be sentenced to a term of twelve (12) months of community control consecutive to his two terms in county jail as described in Term 2(a), *supra*.
3. This agreement is contingent upon a Judge of the 15th Judicial Circuit accepting and executing the sentence agreed upon between the State Attorney's Office and Epstein, the details of which are set forth in this agreement.
4. The terms contained in paragraphs 1 and 2, *supra*, do not foreclose Epstein and the State Attorney's Office from agreeing to recommend any additional charge(s) or any additional term(s) of probation and/or incarceration.
5. 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, except a sentence that exceeds what is set forth in paragraph (2), *supra*.
6. 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.

7. The United States shall provide Epstein's attorneys with a list of individuals whom it has identified as victims, as defined in 18 U.S.C. § 2255, after Epstein has signed this agreement and been sentenced. Upon the execution of this agreement, the United States, in consultation with and subject to the good faith approval of Epstein's counsel, shall select an attorney representative for these persons, who shall be paid for by Epstein. Epstein's counsel may contact the identified individuals through that representative.
8. If any of the individuals referred to in paragraph (7), *supra*, elects to file suit pursuant to 18 U.S.C. § 2255, Epstein will not contest the jurisdiction of the United States District Court for the Southern District of Florida over his person and/or the subject matter, and Epstein waives his right to contest liability and also waives his right to contest damages up to an amount as agreed to between the identified individual and Epstein, so long as the identified individual elects to proceed exclusively under 18 U.S.C. § 2255, and agrees to waive any other claim for damages, whether pursuant to state, federal, or common law. Notwithstanding this waiver, as to those individuals whose names appear on the list provided by the United States, Epstein's signature on this agreement, his waivers and failures to contest liability and such damages in any suit are not to be construed as an admission of any criminal or civil liability.
9. Epstein's signature on this agreement also is not to be construed as an admission of civil or criminal liability or a waiver of any jurisdictional or other defense as to any person whose name does not appear on the list provided by the United States.
10. Except as to those individuals who elect to proceed exclusively under 18 U.S.C. § 2255, as set forth in paragraph (8), *supra*, neither Epstein's signature on this agreement, nor its terms, nor any resulting waivers or settlements by Epstein are to be construed as admissions or evidence of civil or criminal liability or a waiver of any jurisdictional or other defense as to any person, whether or not her name appears on the list provided by the United States.
11. Epstein shall use his best efforts to enter his guilty plea and be

sentenced not later than October 26, 2007. The United States has no objection to Epstein self-reporting to begin serving his sentence not later than January 4, 2008.

12. Epstein agrees that he will not be afforded any benefits with respect to gain time, other than the rights, opportunities, and benefits as any other inmate, including but not limited to, eligibility for gain time credit based on standard rules and regulations that apply in the State of Florida. At the United States' request, Epstein agrees to provide an accounting of the gain time he earned during his period of incarceration.
13. The parties anticipate that this agreement will not be made part of any public record. If the United States receives a Freedom of Information Act request or any compulsory process commanding the disclosure of the agreement, it will provide notice to Epstein before making that disclosure.

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 discussions with the State Attorney's Office and to use his best efforts to ensure compliance with these procedures, which compliance will be necessary to satisfy the United States' interest. Epstein also understands that it is his obligation to use his best efforts to convince the Judge of the 15th Judicial Circuit to accept Epstein's binding recommendation regarding the sentence to be imposed, and understands that the failure to do so will be a breach of the agreement.

In consideration of Epstein's agreement to plead guilty and to provide compensation in the manner described above, if Epstein successfully fulfills all of the terms and conditions of this agreement, the United States also agrees that it will not institute any criminal charges against any potential co-conspirators of Epstein, including but not limited to [REDACTED], [REDACTED], [REDACTED], or [REDACTED]. Further, upon execution of this agreement and a plea agreement with the State Attorney's Office, the federal Grand Jury investigation will be suspended, and all pending federal Grand Jury subpoenas will be held in abeyance unless and until the defendant violates any term of this agreement. The defendant likewise agrees to withdraw his pending motion to intervene and to quash certain grand jury subpoenas. Both parties agree to maintain their evidence, specifically evidence requested by or directly related to the grand jury subpoenas that have been issued, and including certain computer equipment, inviolate until all of the terms of this agreement have been satisfied. Upon the successful completion of the terms of this agreement, all outstanding grand jury subpoenas shall be deemed withdrawn.

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 and any other individual or entity 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 as to those offenses that were the subject of the grand jury's investigation. 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 for any offense that was the subject of the grand jury's investigation, 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 as to any such offense.

///

///

///

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.

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

Dated: \_\_\_\_\_

By: \_\_\_\_\_

ASSISTANT U.S. ATTORNEY

Dated: 9/24/07

JEFFREY EPSTEIN

Dated: \_\_\_\_\_

GERALD LEFCOURT, ESQ.  
COUNSEL TO JEFFREY EPSTEIN

Dated: \_\_\_\_\_

LILLY ANN SANCHEZ, ESQ.  
ATTORNEY FOR JEFFREY EPSTEIN

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.

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

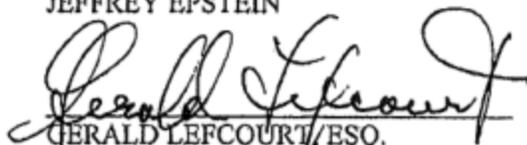
Dated: \_\_\_\_\_

By: \_\_\_\_\_  
ASSISTANT U.S. ATTORNEY

Dated: \_\_\_\_\_

\_\_\_\_\_  
JEFFREY EPSTEIN

Dated: 9/24/07

  
\_\_\_\_\_  
GERALD LEFCOURT/ESQ.  
COUNSEL TO JEFFREY EPSTEIN

Dated: \_\_\_\_\_

\_\_\_\_\_  
LILLY ANN SANCHEZ, ESQ.  
ATTORNEY FOR JEFFREY EPSTEIN

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R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

Dated: \_\_\_\_\_

By: \_\_\_\_\_

████████████████████  
ASSISTANT U.S. ATTORNEY

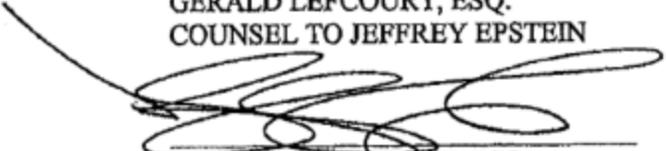
Dated: \_\_\_\_\_

\_\_\_\_\_  
JEFFREY EPSTEIN

Dated: \_\_\_\_\_

\_\_\_\_\_  
GERALD LEFCOURT, ESQ.  
COUNSEL TO JEFFREY EPSTEIN

Dated: 9-24-07

  
\_\_\_\_\_  
LILLY ANN SANCHEZ, ESQ.  
ATTORNEY FOR JEFFREY EPSTEIN

IN RE:

INVESTIGATION OF

JEFFREY EPSTEIN

\_\_\_\_\_/

**ADDENDUM TO THE NON-PROSECUTION AGREEMENT**

IT APPEARING that the parties seek to clarify certain provisions of page 4, paragraph 7 of the Non-Prosecution Agreement (hereinafter "paragraph 7"), that agreement is modified as follows:

- 7A. The United States has the right to assign to an independent third-party the responsibility for consulting with and, subject to the good faith approval of Epstein's counsel, selecting the attorney representative for the individuals identified under the Agreement. If the United States elects to assign this responsibility to an independent third-party, both the United States and Epstein retain the right to make good faith objections to the attorney representative suggested by the independent third-party prior to the final designation of the attorney representative.
- 7B. The parties will jointly prepare a short written submission to the independent third-party regarding the role of the attorney representative and regarding Epstein's Agreement to pay such attorney representative his or her regular customary hourly rate for representing such victims subject to the provisions of paragraph C, infra.
- 7C. Pursuant to additional paragraph 7A, Epstein has agreed to pay the fees of the attorney representative selected by the independent third party. This provision, however, shall not obligate Epstein to pay the fees and costs of contested litigation filed against him. Thus, if after consideration of potential settlements, an attorney representative elects to file a contested lawsuit pursuant to 18 U.S.C. s 2255 or elects to pursue any other contested remedy, the paragraph 7 obligation of the Agreement to pay the costs of the attorney representative, as opposed to any statutory or other obligations to pay reasonable attorneys fees and costs such as those contained in s 2255 to bear the costs of the attorney representative, shall cease.

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

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
ASSISTANT U.S. ATTORNEY

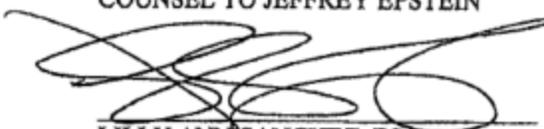
Dated: \_\_\_\_\_

\_\_\_\_\_  
JEFFREY EPSTEIN

Dated: \_\_\_\_\_

\_\_\_\_\_  
GERALD LEFCOURT, ESQ.  
COUNSEL TO JEFFREY EPSTEIN

Dated: 10-29-07

  
\_\_\_\_\_  
LILLY ANN SANCHEZ, ESQ.  
ATTORNEY FOR JEFFREY EPSTEIN

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

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

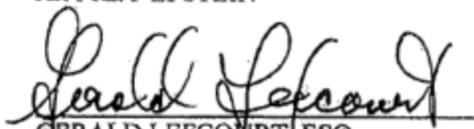
Dated: \_\_\_\_\_

By: \_\_\_\_\_  
ASSISTANT U.S. ATTORNEY

Dated: \_\_\_\_\_

\_\_\_\_\_  
JEFFREY EPSTEIN

Dated: 10/29/07

  
\_\_\_\_\_  
GERALD LEFCOURT, ESQ.  
COUNSEL TO JEFFREY EPSTEIN

Dated: \_\_\_\_\_

\_\_\_\_\_  
LILLY ANN SANCHEZ, ESQ.  
ATTORNEY FOR JEFFREY EPSTEIN

[REDACTED]

[REDACTED]

[REDACTED]

Sincerely,



R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

[REDACTED]

[REDACTED]

With this in mind, I have considered defense counsel arguments regarding the Section 2255 portions of the Agreement. As I previously observed, our intent has been to place the victims in the same position as they would have been had Mr. Epstein been convicted at trial. No more; no less. From our meeting, it appears that the defense agrees that this was the intent. During the course of negotiations that intent was reduced to writing in Paragraphs 7 and 8, which as I wrote previously, appear far from simple to understand. I would thus propose that we solve our disagreements over interpretations by saying precisely what we mean, in a simple fashion. I would replace Paragraphs 7 and 8 with the following language:

"Any person, who while a minor, was a victim of a violation of an offense enumerated in Title 18, United States Code, Section 2255, will have the same rights to proceed under Section 2255 as she would have had, if Mr. Epstein been tried federally and convicted of an enumerated offense. For purposes of implementing this paragraph, the United States shall provide Mr. Epstein's attorneys with a list of individuals whom it was prepared to name in an Indictment as victims of an enumerated offense by Mr. Epstein. Any judicial authority interpreting this provision, including any authority determining which evidentiary burdens if any a plaintiff must meet, shall consider that it is the intent of the parties to place these identified victims in the same position as they would have been had Mr. Epstein been convicted at trial. No more; no less."

[REDACTED]

[REDACTED]



U.S. Department of Justice

United States Attorney  
Southern District of Florida

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

99 N.E. 4 Street  
Miami, FL 33132  
(305) 961-9100 - Telephone  
(305) 530-6444 - Facsimile

December 19, 2007

DELIVERY BY FACSIMILE

Lilly Ann Sanchez  
Fowler White Burnett, PA  
1395 Brickell Ave, 14<sup>th</sup> Floor  
Miami, FL 33131

Re: Jeffrey Epstein

Dear Ms. Sanchez:

I write to follow up on the December 14<sup>th</sup> meeting between defense counsel and the Epstein prosecutors, as well as our First Assistant, the Miami FBI Special Agent in Charge and myself.

[REDACTED]

[REDACTED]

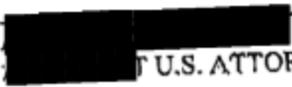
[REDACTED]

<sup>2</sup> Section 2255 provides that: "[a]ny person who, while a minor, was a victim of a violation of [enumerated sections of Title 18] and who suffers personal injury as a result of such violation . . . may sue in any appropriate United States District Court and shall recover the actual damages such person sustains and the cost of the suit, including a reasonable attorney's fee."

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

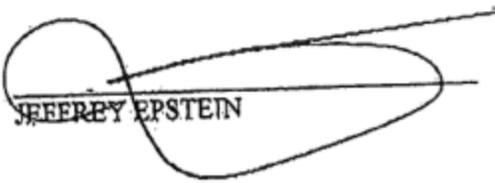
R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

Dated: \_\_\_\_\_

By: 

U.S. ATTORNEY

Dated: 10/29/07

  
JEFFREY EPSTEIN

Dated: \_\_\_\_\_

\_\_\_\_\_  
GERALD LEFCOURT, ESQ.  
COUNSEL TO JEFFREY EPSTEIN

Dated: \_\_\_\_\_

\_\_\_\_\_  
LILLY ANN SANCHEZ, ESQ.  
ATTORNEY FOR JEFFREY EPSTEIN

C

Effective:[See Text Amendments]

West's Florida Statutes Annotated Currentness  
Title XLVII. Criminal Procedure and Corrections (Chapters 900-999) (Rets & Annos)  
Chapter 951. County and Municipal Prisoners (Rets & Annos)

951.24. Extend the limits of confinement for county prisoners

(1) Any county shall be deemed to have a work-release program upon the motion of that county's board of county commissioners which shall require the concurrence of the sheriff of the county.

(2)(a) Whenever punishment by imprisonment in the county jail is prescribed, the sentencing court, in its discretion, may at any time during the sentence consider granting the privilege to the prisoner to leave the confines of the jail or county facility during necessary and reasonable hours, subject to the rules and regulations prescribed by the court, to work at paid employment, conduct his or her own business or profession, or participate in an educational or vocational training program, while continuing as an inmate of the county facility in which he or she shall be confined except during the period of his or her authorized release.

(b) Any prisoner, at the time of sentencing or thereafter, may request the court in writing for the privilege of being placed on the work-release program. The Department of Corrections, upon the request of the court, is authorized to conduct such investigations as are necessary and to make recommendations to the court pertaining to the suitability of the plan for the prisoner and to supervise such prisoner if released under this program. Such a release may be granted by the court with the advice and consent of the sheriff and upon agreement by the prisoner. The court may withdraw the privilege at any time, with or without notice.

(c) No person convicted of sexual battery pursuant to s. 794.011 is eligible for any work-release program or any other extension of the limits of confinement under this section.

(3)(a) The wages or salary of prisoners employed under this program may be disbursed by the sheriff pursuant to court order for the following purposes in the order listed:

1. Board of the prisoner.

2. Necessary travel expense to and from work and other necessary incidental expenses of the prisoner.

3. Support of the prisoner's legal dependents.

4. Payment, either in full or ratable, of the prisoner's obligations acknowledged by him or her in writing or which have been reduced to judgment.

5. The balance to the prisoner upon discharge from his or her sentence, or until an order of the court is entered declaring that the prisoner has left lawful confinement, declaring that the balance remaining is forfeited, and directing the sheriff to deposit the funds in the general fund of the county to be spent for general purposes.

(b) The sheriff may collect from a prisoner the wages or salary earned pursuant to this program. The sheriff shall deposit the same in a trust checking account and shall keep a ledger showing the status of the account of each prisoner. Such wages and salaries shall not be subject to garnishment in the hands of either the employer or the sheriff during the prisoner's sentence and shall be disbursed only as provided in this section.

(c) Every prisoner gainfully employed is liable for the cost of his or her board in the jail as fixed by the county. The sheriff shall charge the prisoner's account, if he or she has one, for such board. If the prisoner is gainfully self-employed he or she shall deposit with the sheriff an amount determined by the court sufficient to accomplish the provisions of subparagraphs (a)1.-5., in default of which his or her privileges under this section are automatically forfeited.

(d) The board of county commissioners of any county may, upon the recommendation of the sheriff, authorize the person in charge of a county stockade or workcamp to implement paragraphs (a), (b), and (c), when such facility is not directly under the sheriff.

(4) Any prisoner who willfully fails to remain within the extended limits of his or her confinement or to return within the time prescribed to the place of confinement shall be deemed an escapee from custody and shall be subject to punishment as prescribed by law.

(5) Exchange for the purpose of work-release of county prisoners among other counties of the state that have implemented work-release programs is hereby authorized, with the concurrence of the sheriffs of the involved counties. For the purpose of this subsection, upon exchange, the prisoner shall be deemed a prisoner of the county where confined unless or until he or she is removed from extended confinement status. Prisoners from other jurisdictions, serving lawful sentences, may also be received into a county work-release program as above provided.

(6) In carrying out the purpose of this section, any board of county commissioners may provide in its annual budget for payment to the Department of Corrections out of funds collected from those being supervised such amounts as are agreed upon by the board and department to be reasonable and necessary. County judges are hereby authorized to levy \$10 per month upon those supervised for purposes of paying for supervision under this act.

CREDIT(S)

FILED

2008 JUL 21 PM 4:55  
SHARON R. BOCK, CLERK  
PALM BEACH COUNTY, FL  
CIRCUIT CRIMINAL

supervision.  
CASE# 2008CR00945AAMB with credit for ONE (1) DAY jail time, as a special condition of  
COMMUNITY CONTROL I CONSECUTIVE TO THE (12) MONTH SENTENCE IN  
AS TO COUNT 1 FOLLOWED BY TWELVE (12) MONTHS

confined in the County Jail  
or  
Probation for a period of \_\_\_\_\_ under the supervision of the Department of Corrections, subject to Florida law.  
for a term of \_\_\_\_\_ with credit for \_\_\_\_\_ jail time. After you have served \_\_\_\_\_ of the term, you shall be placed on  
confined in the County Jail   
or  
committed to the Department of Corrections

It is hereby ordered and adjudged that you be:

SECTION 3: INCARCERATION DURING PORTION OF SUPERVISION SENTENCE

Now, therefore, it is ordered and adjudged that the adjudication of guilt is hereby withheld and that you be placed on  
Probation for a period of \_\_\_\_\_ under the supervision of the Department of Corrections, subject to Florida law.

SECTION 2: ORDER WITHHOLDING ADJUDICATION

The court hereby adjudges you to be guilty of the above offense(s).  
Now, therefore, it is ordered and adjudged that the imposition of sentence is hereby withheld and that you be placed  
on Probation for a period of \_\_\_\_\_ under the supervision of the Department of Corrections, subject to Florida law.

SECTION 1: JUDGMENT OF GUILT

Count 1: PROCURE PERSON UNDER AGE OF 18 FOR PROSTITUTION

entered a plea of guilty to  
been found guilty by jury verdict of   
 entered a plea of nolo contendere to  
been found guilty by the court trying the case without a jury of

This cause coming before the Court to be heard, and you, the defendant, being now present before the court, and you  
having

ORDER OF COMMUNITY CONTROL I

STATE OF FLORIDA Plaintiff  
-VS-  
JEFFREY E. EPSTEIN Defendant  
CASE NUMBER 502008CF009381AXXXMB  
DIVISION MCSORTLEY "W"  
DC NUMBER W35755  
CIRCUIT NUMBER 154/JAIL SPLIT  
PALM BEACH COUNTY  
IN THE FIFTEENTH JUDICIAL  
CIRCUIT COURT, IN AND FOR

JEFFREY EPSTEIN  
CASE#502008CF009381A7XXMB

IT IS FURTHER ORDERED that you shall comply with the following standard conditions of supervision as provided by Florida law:

(1) You will report to the probation office as directed. Not later than the fifth day of each month, unless otherwise directed, you will make a full and truthful report to your officer on the form provided for that purpose.

(2) You will pay the State of Florida the amount of \$50.00 per month, as well as 4% surcharge, toward the cost of your supervision in accordance with s. 948.09, F.S., unless otherwise exempted in compliance with Florida Statutes.

(3) You will remain in a specified place. You will not change your residence or employment or leave the county of your residence without first procuring the consent of your officer.

(4) You will not possess, carry or own any firearm or weapon, unless authorized by the court.

(5) You will live without violating the law. A conviction in a court of law shall not be necessary for such a violation to constitute a violation of your probation/community control.

(6) You will not associate with any person engaged in any criminal activity.

(7) You will not use intoxicants to excess or possess any drugs or narcotics unless prescribed by a physician. Nor will you visit places where intoxicants, drugs or other dangerous substances are unlawfully sold, dispensed or used.

(8) You will work diligently in a lawful occupation, advise your employer of your probation status, and support any dependents to the best of your ability, as directed by your officer.

(9) You will promptly and truthfully answer all inquiries directed to you by the court or the officer, and allow your officer to visit in your home, at your employment site or elsewhere, and you will comply with all instructions your officer may give you.

(10) You will pay restitution, court costs, and/or fees in accordance with special conditions imposed or in accordance with the attached orders.

(11) You will submit to random testing as directed by your officer or the professional staff of the treatment center where he/she is receiving treatment to determine the presence of alcohol or illegal drugs. You will be required to pay for the tests unless exempted by the court.

(12) You will submit two biological specimens, as directed by your officer, for DNA analysis as prescribed in ss. 943.325 and 948.014, F.S.

(13) You will report in person within 72 hours of your release from incarceration to the probation office in PALM BEACH County, Florida, unless otherwise instructed by the court or department. (This condition applies only if section 3 on the previous page is checked.) Otherwise, you must report immediately to the probation office located at 3444 SOUTH CONGRESS AVENUE, LAKE WORTH, FL 33461.

JEFFREY BPSSTEIN  
CASB#502008CF0092381AXXXMD

SPECIAL CONDITIONS

1. You must undergo a Drug and Alcohol evaluation and, if treatment is deemed necessary, you must successfully complete the treatment, and be responsible for the payment of any costs incurred while receiving said evaluation and treatment, unless valued by the court.  
Additional instructions ordered: \_\_\_\_\_

2. You will make restitution to the following victim(s), as directed by the court, until the obligation is paid in full:  
NAME: \_\_\_\_\_  
TOTAL AMOUNT: \$ \_\_\_\_\_, including specific monthly amount, begin date, due date, or joint & several: \_\_\_\_\_  
NAME: \_\_\_\_\_  
TOTAL AMOUNT: \$ \_\_\_\_\_, including specific monthly amount, begin date, due date, or joint & several: \_\_\_\_\_

NAME: \_\_\_\_\_  
TOTAL AMOUNT: \$ \_\_\_\_\_, including specific monthly amount, begin date, due date, or joint & several: \_\_\_\_\_  
Additional instructions ordered, including specific monthly amount, begin date, due date, or joint & several: \_\_\_\_\_

SPECIAL CONDITIONS - CONTINUED

3. You will enter the Department of Corrections Non-Secure Drug Treatment Program or other residential treatment program/Probation and Resitution Center for a period of successful completion as approved by your officer. You are to remain until you successfully complete said Program and Aftercare. You are to comply with all Rules and Regulations of the Program. You shall be confined in the county jail until placement in said program, and if you are confined in the jail, the Sheriff will transport you to said program.

4. You will abstain entirely from the use of alcohol and/or illegal drugs, and you will not associate with anyone who is illegally using drugs or consuming alcohol.

5. You will submit to urinalysis testing on a monthly basis to determine the presence of alcohol or illegal drugs. You will be required to pay for the tests unless exempt by the court.

6. You will not visit any establishment where the primary business is the sale and dispensing of alcoholic beverages.  
7. You will successfully complete \_\_\_\_\_ hours of community service at a rate of \_\_\_\_\_ at a work site approved by your officer.  
Additional instructions ordered: \_\_\_\_\_

8. You will remain at your residence between 10 p.m. and 6 a.m. due to a curfew imposed, unless otherwise directed by the court.

9. You will submit to electronic monitoring, follow the rules of electronic monitoring, and pay \$ \_\_\_\_\_ per month for the cost of the monitoring service, unless otherwise directed by the court.

10. You will not associate with \_\_\_\_\_ during the period of supervision.

11. You will have no contact (direct or indirect) with the victim or the victim's family during the period of supervision.

12. You will have no contact (direct or indirect) with \_\_\_\_\_ during the period of supervision.

13. You will maintain full time employment or attend school/vocational school full time or a combination of school/work during the term of your supervision.

14. You will make a good faith effort toward completing basic or functional literacy skills or a high school equivalency diploma.

15. You will successfully complete the Probation & Resitution Program, abiding by all rules and regulations.

JEFFREY EPSTEIN  
CASE#502008CF009381AXKXOMB

16. You will attend Alcoholics Anonymous or Narcotics Anonymous meetings at least monthly, unless otherwise directed by the court.

17. You must successfully complete Anger Management, and be responsible for the payment of any costs incurred while receiving said treatment, unless waived. If convicted of a Domestic Violence offense, as defined in s. 741.28, F.S., you must attend and successfully complete a batterer's intervention program, unless otherwise directed by the court. Additional instructions ordered:

18. You will attend an HIV/AIDS Awareness Program consisting of a class of not less than two (2) hours or more than four (4) hours in length, the cost for which will be paid by you.

19. You shall submit your person, property, place of residence, vehicle or personal effects to a warrantless search at any time, by any probation or community control officer or any law enforcement officer.

20. DEFENDANT MUST REGISTER AS A SEXUAL OFFENDER WITHIN 48 HOURS OF RELEASE

21. AS A SPECIAL CONDITION OF HIS COMMUNITY CONTROL, THE DEFENDANT IS TO HAVE NO UNSUPERVISED CONTACT WITH MINORS, AND THE SUPERVISING ADULT MUST BE APPROVED BY THE DEPARTMENT OF CORRECTIONS

22. THE DEFENDANT IS DESIGNATED AS A SEXUAL OFFENDER PURSUANT TO FLORIDA STATUTE 943.05 AND MUST ABIDE BY ALL THE CORRESPONDING REQUIREMENTS OF THE STATUTE, A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN

23. DEFENDANT MUST PROVIDE A DNA SAMPLE IN COURT AT THE TIME OF THIS PLEA

24. SPECIFIED CONTACT WITH THE PAROLE AND PROBATION OFFICER

25. CONFINEMENT TO AN AGREED-UPON RESIDENCE DURING HOURS AWAY FROM EMPLOYMENT AND PUBLIC SERVICE ACTIVITIES

26. MANDATORY PUBLIC SERVICE

27. SUPERVISION BY THE DEPARTMENT OF CORRECTIONS BY MEANS OF AN ELECTRONIC MONITORING DEVICE OR SYSTEM

28. ELECTRONIC MONITORING 24 HOURS PER DAY

29. CONFINEMENT TO A DESIGNATED RESIDENCE DURING DESIGNATED HOURS

AND, IF PLACED ON DRUG OFFENDER PROBATION, YOU WILL COMPLY WITH THE FOLLOWING CONDITION OF SUPERVISION IN ADDITION TO THE STANDARD CONDITIONS LISTED ABOVE AND ANY OTHER SPECIAL CONDITIONS ORDERED BY THE COURT:

(14) You will participate in a specialized drug treatment program, either as an in-patient or out-patient, as recommended by the treatment provider. You will attend all counseling sessions, submit to random urinalysis and, if an in-patient, you will comply with all operating rules, regulations and procedures of the treatment facility. You will pay for all costs associated with treatment and testing unless otherwise directed. Additional instructions ordered:

(15) You will remain at your residence between \_\_\_\_\_ p.m. and \_\_\_\_\_ a.m. due to a curfew imposed, unless otherwise directed by the court.

AND, IF PLACED ON COMMUNITY CONTROL, YOU WILL COMPLY WITH THE FOLLOWING CONDITIONS, IN ADDITION TO THE STANDARD CONDITIONS LISTED ABOVE AND ANY OTHER SPECIAL CONDITIONS ORDERED BY THE COURT:

- (23) Submission to a warrantless search by the community control or probation officer of the offender's person, residence, or vehicle.
- (22) A requirement that the offender make restitution to the victim, as ordered by the court under s. 775.088, for all necessary medical and related professional services relating to physical, psychiatric, and psychological care.
- (21) A requirement that the offender submit two specimens of blood or other approved biological specimens to the Florida Department of Law Enforcement to be registered with the DNA data bank.
- (20) Unless otherwise indicated in the treatment plan provided by the sexual offender treatment program, a prohibition on viewing, accessing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory material, including telephone, electronic media, computer programs, or computer services that are relevant to the offender's deviant behavior pattern.
- (19) If the victim was under age 18, a prohibition on working for pay or as a volunteer at any place where children regularly congregate, including, but not limited to any school, day care center, park, playground, pet store, library, zoo, theme park, or mall.
- (18) If the victim was under the age of 18, a prohibition on contact with a child under the age of 18 except as provided in this paragraph. The court may approve supervised contact with a child under the age of 18 if the approval is based upon a recommendation for contact issued by a qualified practitioner who is basing the recommendation on a risk assessment. Further, the sex offender must be currently enrolled in or have successfully completed a sex offender therapy program. The court may not grant supervised contact with a child if the contact is not recommended by a qualified practitioner and may deny supervised contact with a child at any time.
- (17) A prohibition on any contact with the victim, directly or indirectly, including through a third person, unless approved by the victim, the offender's therapist, and the sentencing court.
- (16) Active participation in and successful completion of a sex offender treatment program with qualified practitioners specifically trained to treat sex offenders, at the offender's own expense. If a qualified practitioner is not available within a 50-mile radius of the offender's residence, the offender shall participate in other appropriate therapy.
- (15) If the victim was under the age of 18, a prohibition on living within 1,000 feet of a school, day care center, park, playground, or other place where children regularly congregate, as prescribed by the court. The 1,000-foot distance shall be measured in a straight line from the offender's place of residence to the nearest boundary line of the school, day care center, park, playground, or other place where children congregate. The distance may not be measured by a pedestrian route or automobile route.
- (14) A mandatory curfew from 10 p.m. to 6 a.m. The court may designate another 8-hour period if the offender's employment precludes the above specified time, and the alternative is recommended by the Department of Corrections. If the court determines that imposing a curfew would endanger the victim, the court may consider alternative sanctions.

**AND, IF PLACED ON PROBATION OR COMMUNITY CONTROL FOR A SEX OFFENSE PROVIDED IN CHAPTER 794, s. 800.04, s. 827.071, or s. 847.0145, COMMITTED ON OR AFTER OCTOBER 1, 1995 YOU WILL COMPLY WITH THE FOLLOWING STANDARD SEX OFFENDER CONDITIONS, IN ADDITION TO THE STANDARD CONDITIONS LISTED ABOVE AND ANY OTHER SPECIAL CONDITIONS ORDERED BY THE COURT:**

- (18) You will submit to electronic monitoring, follow the rules of electronic monitoring, and pay \$ \_\_\_\_\_ per month for the cost of the monitoring service, unless otherwise directed by the court.
- (17) You will successfully complete \_\_\_\_\_ hours of community service at a rate of \_\_\_\_\_, at a work site approved by your officer. Additional instructions ordered: \_\_\_\_\_
- (16) You will maintain an hourly accounting of all your activities on a daily log, which you will submit to your officer on request.
- (15) You will remain confined to your approved residence except for one half hour before and after your approved employment, public service work, or any other special activities approved by your officer.
- (14) You will report to your officer as directed, at least one time a week, unless you have written consent otherwise.

JERRY EPSTEIN  
CASE#502008CF009381AXXXMB

JEFFREY EPSTEIN  
CASE#502008CF009381AXCXXMB

**EFFECTIVE FOR PROBATIONER OR COMMUNITY CONTROLLED WHOSE CRIME WAS COMMITTED ON OR AFTER OCTOBER 1, 1997, AND WHO IS PLACED ON COMMUNITY CONTROL OR SEX OFFENDER PROBATION FOR A VIOLATION OF CHAPTER 794, §. 800.04, §. 827.071, OR §. 847.0145, IN ADDITION TO ANY OTHER PROVISION OF THIS SECTION, YOU MUST COMPLY WITH THE FOLLOWING CONDITIONS OF SUPERVISION:**

- (24) As part of a treatment program, participation at least annually in polygraph examinations to obtain information necessary for risk management and treatment and to reduce the sex offender's denial mechanisms. A polygraph examination must be conducted by a polygrapher trained specifically in the use of the polygraph for the monitoring of sex offenders, where available, and shall be paid by the sex offender.
- (25) Maintenance of a driving log and a prohibition against driving a motor vehicle alone without the prior approval of the supervising officer.
- (26) A prohibition against obtaining or using a post office box without the prior approval of the supervising officer.
- (27) If there was sexual contact, a submission to, at the offender's expense, an HIV test with the results to be released to the victim and/or the victim's parent or guardian.
- (28) Electronic monitoring when deemed necessary by the probation officer and supervisor, and ordered by the court at the recommendation of the Department of Corrections.

- (29) Effective for an offender whose crime was committed on or after July 1, 2005, and who are placed on supervision for violation of chapter 794, §. 800.04, §. 827.071, or §. 847.0145, a prohibition on accessing the Internet or other computer services until the offender's sex offender treatment program, after a risk assessment is completed, approves and implements a safety plan for the offender's accessing or using the Internet or other computer services.
- (30) Effective for offenders whose crime was committed on or after September 1, 2005, there is hereby imposed, in addition to any other provision in this section, mandatory electronic monitoring as a condition of supervision for those who:
  - Are placed on supervision for a violation of chapter 794, §. 800.04(4), (5), or (6), §. 827.071, or §. 847.0145 and the unlawful sexual activity involved a victim 15 years of age or younger and the offender is 18 years of age or older;
  - Are designated as a sexual predator pursuant to §. 775.21; or
  - Has previously been convicted of a violation of chapter 794, §. 800.04(4), (5), or (6), §. 827.071, or §. 847.0145 and the unlawful sexual activity involved a victim 15 years of age or younger and the offender is 18 years of age or older.

You are hereby placed on notice that should you violate your probation or community control, and the conditions set forth in §. 948.063(1) or (2) are satisfied, whether your probation or community control is revoked or not revoked, you shall be placed on electronic monitoring in accordance with F.S. §. 948.063.

**YOU ARE HEREBY PLACED ON NOTICE** that the court may at any time rescind or modify any of the conditions of your probation, or may extend the period of probation as authorized by law, or may discharge you from further supervision. If you violate any of the conditions of your probation, you may be arrested and the court may revoke your probation, adjudicate you guilty if adjudication of guilt was withheld, and impose any sentence that it might have imposed before placing you on probation or require you to serve the balance of the sentence.

ep/07-02-08

Supervising Officer

Instructed by:

Defendant

Date:

I acknowledge receipt of a copy of this order and that the conditions have been explained to me and I agree to abide by them.

Sandra K. McSorley, Circuit Judge

*Sandra K. McSorley*

NUNC PRO TUNC 06-30-2008

DONE AND ORDERED, on

*J. J. ...*

IT IS FURTHER ORDERED that the clerk of this court file this order in the clerk's office and provide certified copies of same to the officer for use in compliance with the requirements of law.

IT IS FURTHER ORDERED that when you have been instructed as to the conditions of probation, you shall be released from custody if you are in custody; and if you are at liberty on bond, the sureties thereon shall stand discharged from liability. (This paragraph applies only if section 1 or section 2 is checked.)

JEFFREY EPSTEIN  
CASE#502008CF009381AXXXMB

JEFFREY EPSTEIN  
CASE#502008CF009381AXXXMB

COURT ORDERED PAYMENTS

CHECK ALL THAT ARE ORDERED:

\$  
 \$20.00  
Total of fines assessed in sentence, pursuant to s. 775.083 (1)(a) through (z) or Chapter 316, F.S.  
Satisfactorily mandated 5% surcharge/coast if fine assessed (on first line) pursuant to s. 938.04, F.S.  
Crime Stoppers Trust Fund pursuant to s. 938.06(1), F.S. Satisfactorily mandated if a fine is imposed

MANDATORY COSTS IN ALL CASES

\$200.00  
 \$50.00  
 \$50.00  
Additional court cost for felony offense, pursuant to s. 938.05(1)(a), F.S.  
Additional court cost for misdemeanor or criminal traffic offense, pursuant to s. 938.05(1)(b) or (c), F.S.  
Crimes Compensation Trust Fund pursuant to s. 938.03(1), F.S.  
County Crime Prevention Fund pursuant to s. 775.083(2), F.S.  
Additional Court Costs Centering Trust Fund pursuant to s. 938.01(1), F.S.  
Per month for each month of supervision for Training Trust Fund Surcharge, pursuant to s. 948.09, F.S.

MANDATORY COSTS IN SPECIFIC TYPES OF CASES

\$150.00  
 \$200.00  
Rape Crisis Program Trust Fund, pursuant to s. 938.085, F.S. for any violations of ss. 784.011, 784.021, 784.03, 784.041, 784.045, 784.045, 784.045, 784.07, 784.08, 784.081, 784.082, 784.083, 784.085, or 794.011, F.S.  
Domestic Violence Trust Fund, pursuant to s. 938.08, F.S. for any violations of ss. 784.011, 784.021, 784.03, 784.041, 784.045, 784.045, 784.07, 784.08, 784.081, 784.082, 784.083, 784.085, 794.011, or any offense of Domestic Violence described in s. 784.28, F.S.  
Certain Crimes Against Minors, pursuant to s. 938.10(1), F.S. for any violations of s. 784.085, chapter 787, chapter 794, s. 796.03, s. 800.04, chapter 827, s. 847.0145, or s. 985.701, F.S.  
DUI Court Costs, pursuant to s. 938.07, F.S. for any violations of ss. 316.193 or 327.35, F.S.  
State Agency Law Enforcement Radio System Trust Fund, pursuant to s. 318.18(17), F.S. for any violations of offenses listed in s. 318.17 including ss. 316.1935, 316.027, 316.061, 877.111, chapter 893, ss. 316.193, 316.192, 316.067, 316.072(3) 316.545(1), or any other offense in chapter 316 which is classified as a criminal violation.

MANDATORY COURT COSTS AUTHORIZED BY LOCAL GOVERNMENTAL ENTITIES

\$ 200  
 \$65.00  
 \$ 3.00  
Criminal Justice Education by Municipalities and Counties, pursuant to s. 938.15, F.S.  
Additional court costs for local requirements and other county funded programs pursuant to s. 939.185(1)(a), F.S.  
Teen Court pursuant to s. 938.19(2), F.S.  
Per month during the term of supervision to the following nonprofit organization established for the sole purpose of supplementing the rehabilitative efforts of the Department of Corrections, pursuant to s. 948.039(2), F.S.  
Public Defender Application Fee, if not previously collected or waived, pursuant to s. 27.52 and s. 938.29, F.S.  
Public Defender Fees and Costs, pursuant to s. 938.29, F.S. as determined locally.  
Prosecution/Investigative Costs, pursuant to s. 938.27, F.S.

DISCRETIONARY COSTS FOR SPECIFIC TYPES OF CASES

\$80.00  
 \$100.00  
County Alcohol and Other Drug Abuse Trust Fund, pursuant to s. 938.21 and s. 938.23, F.S. for violations of s. 316.193, s. 356.011, s. 856.015, or chapter 562, chapter 567, or chapter 568, F.S.  
Operating Trust Fund of the FDLE, pursuant to s. 938.25, F.S. for violations of s. 893.13 offenses

\* TOTAL \$ 473.00

PAYMENT IS TO BE MADE THROUGH AND PAYABLE TO:  Department of Corrections or  Clerk of Court  
(If collected by the Department of Corrections, a surcharge of 4% will be added to all payments ordered by the court, pursuant to s. 945.31, F.S.)

Court Costs/Fines Waived  
 Court Costs/Fines in the amount of \_\_\_\_\_ converted to \_\_\_\_\_ community service hours  
 Court Costs/Fines in the amount of \_\_\_\_\_ reduced to civil judgment.

SPECIFIC INSTRUCTIONS FOR PAYMENT:





Probation transferred to:

Complete Originally Ordered Conditions

Curfew: \_\_\_\_\_ p.m., with the following exception:

Dept. to report to Prob. Dept. immediately upon release

Dept. not to have in care, custody, or control any unlawful or illegal material, subst., device, or object.

Dept. to immediately notify Prob. Officer if place of residence or job changes.

Restitution CRO filed

Subject to all ordinary and special conditions of Probation

Substance Abuse Eval. / Psychological Eval. / Psychosocial Eval. within / by: \_\_\_\_\_

and dept. to successfully complete recommended treatment

Random Drug/Alcohol Testing  At Dept's Expense  Costs Waived

No Consumption/Possession of Alcohol or Drugs or Intoxicants without a Prescription.

Attend \_\_\_\_\_ AA and/or NA Meetings per Week.

Dept. not to frequent any place of business whose primary purpose is the sale of alcohol.

Complete \_\_\_\_\_ Hrs. of Community Service to be done at the rate of \_\_\_\_\_ Hrs. per WK / Mo. (Min.)

License Revoked / Suspended for \_\_\_\_\_ mos / yrs

Attend and successfully complete DUI school and 1 session of Victim Impact Panel

No Contact / No Violent Contact / No Direct or Indirect contact w/Victim(s) or others listed:

No Contact w/Minor Children w/o Adult Supervision aware of this case and the disposition.

Cost of Supervision: \$ \_\_\_\_\_ per month  Waived by Court.

Enter and Successfully Complete DOC Non-Secure Bed Program and Any Recommended Aftercare.

Hold in Custody, release only to DOC Non-Secure Bed Program Officer.

Enter and Successfully Complete BBSO Long / Short Track Drug Farm and Any Rec. Aftercare.

Forfeit Weapon / Money seized at the time of arrest to:

Enter and Complete:  Anger Management Program  Batters Intervention Program

Enter and Complete:  Other: \_\_\_\_\_  Other: \_\_\_\_\_

Defendant may apply for Early Termination after \_\_\_\_\_, provided all conds. are satisfied.

Serve \_\_\_\_\_ days / months in PBCJ, with credit for \_\_\_\_\_ days / months.

See all Attached Documents

Dept must register as a Sexual Offender

10/17/11 48 hours of Probation

CASE NO. 2008CF98314XY

Page 2

NAME: De Bray, Ashley

DATE: 6/3/08

TERM OF Prob / Sex Off / Drug Off Prob / C.C. I / C.C. II: 12 mos / yrs as to Cts.

cong. w/  consec. w/

Probation transferred to:

8/14/08 E-mail from Left to AMCV

[REDACTED] (USAFLS)

To: [REDACTED]; [REDACTED] f (USAFLS); [REDACTED] (USAFLS); [REDACTED]  
Subject: [REDACTED]; [REDACTED] (USAFLS)  
FW: Follow-up point

Here is my proposed response.

Dear Jay:

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

From: Jay Lefkowitz [mailto:[REDACTED]]  
Sent: Thursday, August 14, 2008 2:39 PM  
To: [REDACTED] (USAFLS)  
Cc: [REDACTED]; [REDACTED]  
Subject: Re: Follow-up point

Marie - In reviewing your December proposal, there are a couple of things I don't understand.

What limits are placed upon individuals who proceed under 2255 as if "Mr. Epstein had been tried federally and convicted of an enumerated offense." In other words, what individuals would have this right? And would these individual only have this right if they proceeded exclusively under 2255? Also, to what enumerated offenses do you think would Mr. Epstein have to make constructive admissions of conviction? and how many such offenses? And against whom? Remember that while you may have investigated various offenses, he only plead guilty to certain state crimes.

Finally, would paragraphs 8-10 of the September Agreement still be operative?

I am trying hard to understand what you have intended by the December letter. Alex has says he thinks it benefits Jeffrey, and I am open to understanding it that way. But I would like some clarity on these issues.

Thanks -- Jay

[REDACTED] (USAFLS)"

To: [REDACTED]@ [REDACTED] >  
cc: [REDACTED] <[REDACTED]>  
Subject Follow-up point

08/14/2008 12:44 PM

Hi Jay – I forgot to mention that I can no longer argue that the Court shouldn't force us to produce the agreement because we have already provided the victims with the relevant portion when I now understand from you that I have NOT provided them with the relevant portion.

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

\*\*\*\*\*  
The information contained in this communication is confidential, may be attorney-client privileged, may constitute inside information, and is intended only for the use of the addressee. It is the property of Kirkland & Ellis LLP or Kirkland & Ellis International LLP. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify us immediately by return e-mail or by e-mail to [postmaster@kirkland.com](mailto:postmaster@kirkland.com), and destroy this communication and all copies thereof, including all attachments.  
\*\*\*\*\*

01150Y ANLU 88Y 10 LELIMUW12

U.S. Department of Justice



United States Attorney  
Southern District of Florida

500 S. Australian Ave, Ste 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: [REDACTED]

August 13, 2008

DELIVERY BY FACSIMILE

Jay P. Lefkowitz, Esq.

Kirkland & Ellis LLP

Citigroup Center

153 East 53rd Street

New York, New York 10022-4675

Re: Jeffrey Epstein

Dear Jay:

As per your request, I am attaching several documents related to Mr. Epstein's performance of the Non-Prosecution Agreement.

The first document attached hereto is the June 30, 2008 proposed Notification, which was hand-delivered to Jack Goldberger and Michael Tein shortly after Mr. Epstein entered his guilty plea.

Following that, I have attached the July 9, 2008 response from Mr. Goldberger. I have highlighted two portions. The first is where Mr. Goldberger (presumably with the approval of Mr. Tein) approves of the portion of my proposed Notification that quotes directly from the U.S. Attorney's December letter to Lilly Ann Sanchez. The second portion is where Mr. Goldberger provides his interpretation of the Agreement, and nowhere mentions that he does not believe that the December letter is operative. I note that Mr. Goldberger's letter contains a notation showing that Mr. Epstein was provided with a copy.

The third document I have attached is a copy of one of the notifications that was provided directly to a victim. Copies of all of the notifications have been provided to Mr. Goldberger, and neither he nor any other attorney for Mr. Epstein has ever stated that the letter misrepresents the Agreement between the parties or the benefit that the Agreement bestows upon the victims.

The fourth document I have attached is a copy of a Declaration that I have filed in connection with the victims' lawsuit filed against the United States. This Declaration sets forth our understanding of the Agreement and again quotes from the U.S. Attorney's December letter. Messrs. Goldberger and Tein are aware of this Declaration and have filed copies of it in connection with their

JAY P. LEFKOWITZ, ESQ.  
AUGUST 13, 2008  
PAGE 2 OF 2

efforts to stay all of the civil litigation. Again, neither of them ever expressed to me – or to the Court – that it inaccurately describes the Agreement between the United States and Mr. Epstein.  
Please contact me tomorrow morning so that we can resolve this issue.

Sincerely,

R. Alexander Acosta  
United States Attorney

By:

Assistant United States Attorney

cc: [Redacted], Chief, Northern Division

NOTICE: IN ACCORDANCE WITH TITLE 18, UNITED STATES CODE, SECTION 3509(D) AND FLORIDA LAW, THE ATTACHED DOCUMENT IS TO BE TREATED AS CONFIDENTIAL AND SHALL NOT BE DISCLOSED EXCEPT IN CONNECTION WITH A LEGAL PROCEEDING.

**NOTIFICATION OF IDENTIFIED VICTIMS**

June 30, 2008

500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: [REDACTED]

*United States Attorney  
Southern District of Florida*

U.S. Department of Justice





U.S. Department of Justice

United States Attorney  
Southern District of Florida

500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: [REDACTED]

June 30, 2008

**NOTIFICATION OF IDENTIFIED VICTIMS**

On June 30, 2008, Jeffrey Epstein (hereinafter referred to as "Epstein") entered a plea of guilty to violations of Florida Statutes Sections 796.07 (felony solicitation of prostitution) and 796.03 (procurement of minors to engage in prostitution), in the 15th Judicial Circuit in and for Palm Beach County (Case Nos. 2006-cf-009454AXXXMB and 2008-cf-009381AXXXMB) and was sentenced to a term of twelve months' imprisonment to be followed by an additional six months' imprisonment, followed by twelve months of Community Control I, with conditions of community confinement imposed by the Court.

In light of the entry of the guilty plea and sentence, the United States has agreed to defer federal prosecution in favor of this state plea and sentence, subject to certain conditions.

One such condition to which Epstein has agreed is the following:

"Any person, who while a minor, was a victim of a violation of an offense enumerated in Title 18, United States Code, Section 2255, will have the same rights to proceed under Section 2255 as she would have had, if Mr. Epstein had been tried federally and convicted of an enumerated offense. For purposes of implementing this paragraph, the United States shall provide Mr. Epstein's attorneys with a list of individuals whom it was prepared to name in an indictment as victims of an enumerated offense by Mr. Epstein. Any judicial authority interpreting this provision, including any authority determining which evidentiary burdens if any a plaintiff must meet, shall consider that it is the intent of the parties to place these identified victims in the same position as they would have been had Mr. Epstein been convicted at trial. No more; no less."

Initials of Jeffrey Epstein \_\_\_\_\_  
Initials of Jack Goldberger \_\_\_\_\_

Through this letter, this Office hereby provides Notice that the individuals identified below are individuals whom the United States was prepared to name as a victim of an enumerated offense.

Identified Individuals

		
---	--	---

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

ASSISTANT U.S. ATTORNEY  


By:

Dated: \_\_\_\_\_

ACKNOWLEDGMENT

I have received this Notification from my attorney, Jack Goldberger, Esquire, have read it and discussed it with my attorney, and I hereby acknowledge that it accurately sets forth my understanding and agreement with the Office of the United States Attorney for the Southern District of Florida regarding the notification and rights of identified victims. I

Initials of Jeffrey Epstein \_\_\_\_\_  
Initials of Jack Goldberger \_\_\_\_\_

NOTIFICATION OF IDENTIFIED VICTIMS  
JUNE 30, 2008  
PAGE 3 OF 3

understand that an exact copy of this Notification will be provided to each identified individual, except that the names of all other identified individuals will be redacted, and I hereby waive any evidentiary challenges to the introduction of a copy of this document—even in redacted form—in any judicial proceeding between any identified individual and myself.

Dated: \_\_\_\_\_

Jeffrey Epstein

Witnessed by:

Jack Goldberger, Esquire



ATTORNEY GOLDBERGER & WEISS, P.A.

July 9, 2008

° JOSEPH R. ATTERBURY  
° JACQ A. GOLDBERGER  
JASON S. WEISS  
† Member of New Jersey & Florida Bars  
° Board Certified Criminal Trial Attorney

Assistant United States Attorney  
United States Attorney's Office  
500 South Australian Avenue  
4<sup>th</sup> Floor, Suite 400  
West Palm Beach, Florida 33401

**SENT VIA E-MAIL & FACSIMILE**

Re: Jeffrey E. Epstein

Dear Ms. [REDACTED]:

Thank you for your letter to me dated July 8, 2008 and the draft document dated, e-mailed and faxed to me at my office on June 30, 2008, styled "Notification of Identified Victims." I would like to address a few related issues.

First, please note that we have several requests concerning any such notification. Specifically, we request that:

(a) Any notification be sent to any individual by mail (or served upon their attorney, to the extent known), and we respectfully object to any service by hand, a method of service which carries the concomitant risk of conversations regarding the notification that potentially would place the federal authorities in a position of being advocates for civil litigation;

(b) Any notification be effectuated by a separate mailing to each individual without the inclusion of any language that appeared on the second page of your June 30, 2008 memorandum; *i.e.*, rather than including in each notification a large section listing "identified individuals" with redactions other than the name of the recipient (which we contend would be a clear and impermissible signal to any individual that the notification is a broad notification to numerous other alleged victims). Rather, a simple one page notification directed only to the recipient, and limited to the information currently on the first page of your draft memorandum would suffice.



(c) You eliminate from any notification any language that is currently contained in the "acknowledgment" section of the June 30, 2008 memorandum; and

(d) You supplement the notification with the Government's previously made representation that it is not vouching for the veracity of any claim by any identified individual. See Letter from J. Sloman to E. [redacted] (10/25/07).

**Second**, please note also that we do not understand your request that Mr. Epstein and his attorneys execute the rider / acknowledgment contained within your June 30 hand-delivered draft. Specifically, we do not believe that the Non-Prosecution Agreement requires Mr. Epstein's execution of any such additional stipulation. Because we want to ensure that Mr. Epstein continues to strictly comply with the letter of the parties' agreement, we respectfully ask that you explain why you believe that the Non-Prosecution Agreement requires execution of your stipulation.

Our understanding of the Non-Prosecution Agreement is that it does not require Mr. Epstein to "acknowledge" anything not already contained within the four corners of the written agreement. The agreement certainly no written term obligating that he "waive any evidentiary challenge to the introduction of a copy" of any "Notification of Identified Victims" in "any judicial proceeding between any identified individual" and Mr. Epstein, as your memorandum currently requests. Further, please note that your June 30 stipulation, as drafted, is not limited to Section 2255 proceedings. Rather, your June 30 draft requires Mr. Epstein to waive evidentiary challenges in "any judicial proceeding" - - which clearly exceeds the bounds of the parties' written agreement.

**Third**, I would respectfully request that you provide me with the names of the "pro bono lawyers" who, you indicated to me at our June 30 meeting at my office, were intending to represent certain persons identified on your June 30 draft notification, as well as any knowledge that the Government has as to how they were selected, and what communications the Government has had with them to date.

**Finally**, please know that it is Mr. Epstein's firm intent to fulfill strictly each term and condition of his Non-Prosecution Agreement with the Government. Nothing in this letter should be construed, however, as waiving any defense that may be available to Mr. Epstein under the parties' written agreement.

I look forward to your response. Until then, I remain,

Very truly yours,  
[redacted]  
Jack A. Goldberger  
cc: Jeffrey Epstein

NOTICE: IN ACCORDANCE WITH TITLE 18, UNITED STATES CODE, SECTION 3509(D) AND FLORIDA LAW, THE ATTACHED DOCUMENT IS TO BE TREATED AS CONFIDENTIAL AND SHALL NOT BE DISCLOSED EXCEPT IN CONNECTION WITH A LEGAL PROCEEDING.

**NOTIFICATION OF IDENTIFIED VICTIM**

July 21, 2008

500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: [REDACTED]

*United States Attorney  
Southern District of Florida*

U.S. Department of Justice



U.S. Department of Justice



United States Attorney  
Southern District of Florida

500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: [REDACTED]

July 21, 2008

VIA UNITED STATES MAIL

Miss [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

Re: Jeffrey Epstein/[REDACTED]: NOTIFICATION OF IDENTIFIED VICTIM

Dear Miss [REDACTED]

By virtue of this letter, the United States Attorney's Office for the Southern District of Florida provides you with the following notice.

On June 30, 2008, Jeffrey Epstein (hereinafter referred to as "Epstein") entered a plea of guilty to violations of Florida Statutes Sections 796.07 (felony solicitation of prostitution) and 796.03 (procurement of minors to engage in prostitution), in the 15th Judicial Circuit in and for Palm Beach County (Case Nos. 2006-cf-009454AXXXMB and 2008-cf-009381AXXXMB) and was sentenced to a term of twelve months' imprisonment to be followed by an additional six months' imprisonment, followed by twelve months of Community Control I, with conditions of community confinement imposed by the Court.

In light of the entry of the guilty plea and sentence, the United States has agreed to defer federal prosecution in favor of this state plea and sentence, subject to certain conditions.

One such condition to which Epstein has agreed is the following:

"Any person, who while a minor, was a victim of a violation of an offense enumerated in Title 18, United States Code, Section 2255, will have the same rights to proceed under Section 2255 as she would have had, if Mr. Epstein had been tried federally and convicted of an enumerated offense. For purposes

cc:

Jack Goldberger, Esq.

ASSISTANT U.S. ATTORNEY  
NA [REDACTED] [REDACTED]

By:

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

Thank you for all of your assistance during the course of this investigation and please accept the heartfelt regards of myself and Special Agents [REDACTED] and Richards for your health and well-being.

Please understand that neither the U.S. Attorney's Office nor the Federal Bureau of Investigation can take part in or otherwise assist in civil litigation; however, if you do file a claim under 18 U.S.C. § 2255 and Mr. Epstein denies that you are a victim of an enumerated offense, please provide written documentation of that denial to the undersigned.

Should you decide to file a claim against Jeffrey Epstein, his attorney, Jack Goldberger, asks that you have your attorney contact Mr. Goldberger at Atterbury Goldberger and Weiss, 250 Australian Avenue South, Suite 1400, West Palm Beach, FL 33401, (561) 659-8300.

Through this letter, this Office hereby provides Notice that you, [REDACTED] are an individual whom the United States was prepared to name as a victim of an enumerated offense.

of implementing this paragraph, the United States shall provide Mr. Epstein's attorneys with a list of individuals whom it was prepared to name in an indictment as victims of an enumerated offense by Mr. Epstein. Any judicial authority interpreting this provision, including any authority determining which evidentiary burdens if any a plaintiff must meet, shall consider that it is the intent of the parties to place these identified victims in the same position as they would have been had Mr. Epstein been convicted at trial. No more; no less."

MISS [REDACTED]  
NOTIFICATION OF IDENTIFIED VICTIM  
JULY 21, 2008  
PAGE 2 OF 2

I, [REDACTED], do hereby declare that I am a member in good standing of the Bar of the State of Florida. I graduated from the University of California at Berkeley School of Law (Boalt [REDACTED]) in 1993. After serving as a judicial clerk to the Hon. David F. Levi in Sacramento, California, I was admitted to practice in California in 1995. I also am admitted to practice in all courts of the states of Minnesota and Florida, the Eighth, Eleventh, and Federal Circuit Courts of Appeals, and the U.S. District Courts for the Southern District of Florida, the District of Minnesota, and the Northern District of California. My bar admission status in California and Minnesota is currently inactive. I am currently employed as an Assistant United States Attorney in the Southern District of Florida and was so employed during all of the events described herein.

**DECLARATION OF [REDACTED]  
 IN SUPPORT OF UNITED STATES' RESPONSE  
 TO VICTIM'S EMERGENCY PETITION FOR ENFORCEMENT  
 OF CRIME VICTIM RIGHTS ACT, 18 U.S.C. § 3771**

FILED by \_\_\_\_\_ D.C.  
 JUL - 9 2008  
 STEVEN M. LARIMORE  
 CLERK U.S. DIST. CT.  
 S.D. OF FLA. - W.F.B.

\_\_\_\_\_  
 Petitioner.

IN RE: JANE DOE,

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

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF FLORIDA

2. I am the Assistant United States Attorney assigned to the investigation of Jeffrey Epstein. The case was investigated by the Federal Bureau of Investigation ("FBI"). The federal investigation was initiated in 2006 at the request of the Palm Beach Police Department ("PPD") into allegations that Jeffrey Epstein and his personal assistants had used facilities of interstate commerce to induce young girls between the ages of thirteen and seventeen to engage in prostitution, amongst other offenses.

3. Throughout the investigation, when a victim was identified, victim notification letters were provided to her both from your Affiant and from the FBI's Victim-Witness Specialist. Attached hereto are copies of the letters provided to Bradley Edwards' three clients, [REDACTED], [REDACTED], and [REDACTED]. Your Affiant's letter to [REDACTED] was provided by the FBI. (Ex. 1). Your Affiant's letter to [REDACTED] was hand-delivered by myself to [REDACTED] at the time that she was interviewed (Ex. 2).<sup>2</sup> Both [REDACTED] and [REDACTED] also received letters from the FBI's Victim-Witness Specialist, which were sent on January 10, 2008 (Exs. 3 & 4). [REDACTED] was identified via the FBI's investigation in 2007, but she initially refused to speak with investigators. [REDACTED]'s status as a victim of a federal offense was confirmed when she was interviewed by

<sup>1</sup>Attorney Edwards filed his Motion on behalf of "Jane Doe," without identifying which of his clients is the purported victim. Accordingly, I will address facts related to [REDACTED], [REDACTED], and [REDACTED]. All three of those clients were victims of Jeffrey Epstein's while they were minors beginning when they were fifteen years old.

<sup>2</sup>Please note that the dates on the U.S. Attorney's Office letters to [REDACTED] and [REDACTED] are not the dates that the letters were actually delivered. Letters to all known victims were prepared early in the investigation and delivered as each victim was contacted.

Federal agents on May 28, 2008. The FBI's Victim-Witness Specialist sent a letter to [redacted] on May 30, 2008 (Ex. 5).

4. Throughout the investigation, the FBI agents, the FBI's Victim-Witness Specialist, and your Affiant had contact with [redacted] and [redacted]. Attorney Edwards' other client, [redacted], was represented by counsel and, accordingly, all contact with [redacted] was made through that attorney. That attorney was James Eisenberg, and his fees were paid by Jeffrey Epstein, the target of the investigation.<sup>3</sup>

5. In the summer of 2007, Mr. Epstein and the U.S. Attorney's Office for the Southern District of Florida ("the Office") entered into negotiations to resolve the investigation. At that time, Mr. Epstein had been charged by the State of Florida with solicitation of prostitution, in violation of Florida Statutes § 796.07. Mr. Epstein's attorneys sought a global resolution of the matter. The United States subsequently agreed to defer federal prosecution in favor of prosecution by the State of Florida, so long as certain basic preconditions were met. One of the key objectives for the Government was to preserve a federal remedy for the young girls whom Epstein had sexually exploited. Thus, one condition of that agreement, notice of which was provided to the victims on July 9, 2008, is the following:

"Any person, who while a minor, was a victim of a violation of an offense enumerated in Title 18, United States Code, Section 2255, will have the same rights to proceed under Section 2255 as she would have had, if Mr. Epstein

<sup>3</sup>The undersigned does not know when Mr. Edwards began representing [redacted] or whether [redacted] ever formally terminated Mr. Eisenberg's representation.

had been tried federally and convicted of an enumerated offense. For purposes of implementing this paragraph, the United States shall provide Mr. Epstein's attorneys with a list of individuals whom it was prepared to name in an indictment as victims of an enumerated offense by Mr. Epstein. Any judicial authority interpreting this provision, including any authority determining which evidentiary burdens if any a plaintiff must meet, shall consider that it is the intent of the parties to place these identified victims in the same position as they would have been had Mr. Epstein been convicted at trial. No more; no less."

6. An agreement was reached in September 2007. The Agreement contained an

express confidentiality provision.

7. Although individual victims were not consulted regarding the agreement,

several had expressed concerns regarding the exposure of their identities at trial and they

desired a prompt resolution of the matter. At the time the agreement was signed in

September 2007, [redacted] was openly hostile to the prosecution of Epstein. The FBI attempted

to interview [redacted] in October 2007, at which time she refused to provide any information

regarding Jeffrey Epstein. None of Attorney Edwards' clients had expressed a desire to be

consulted prior to the resolution of the federal investigation.

8. As explained above, one of the terms of the agreement deferring prosecution

to the State of Florida was securing a federal remedy for the victims. In October 2007,

shortly after the agreement was signed, four victims were contacted and these provisions

were discussed. One of those victims was [redacted], who at the time was not represented, and she

was given notice of the agreement. Notice was also provided of an expected change of plea

in October 2007. When Epstein's attorneys learned that some of the victims had been

notified, they complained that the victims were receiving an incentive to overstate their involvement with Mr. Epstein in order to increase their damages claims. While your Affiant knew that the victims' statements had been taken and corroborated with independent evidence well before they were informed of the potential for damages, the agents and I concluded that informing additional victims could compromise the witnesses' credibility at trial if Epstein reneged on the agreement.

9. After [redacted] had been notified of the terms of the agreement, but before Epstein performed his obligations, [redacted] contacted the FBI because Epstein's counsel was attempting to take her deposition and private investigators were harassing her. Your Affiant secured pro bono counsel to represent [redacted] and several other identified victims. Pro bono counsel was able to assist [redacted] in avoiding the improper deposition. That pro bono counsel did not express to your Affiant that [redacted] was dissatisfied with the resolution of the matter.

10. In mid-June 2008, Attorney Edwards contacted your Affiant to inform me that he represented [redacted] and [redacted] and asked to meet to provide me with information regarding Epstein. I invited Attorney Edwards to send to me any information that he wanted me to consider. Nothing was provided. I also advised Attorney Edwards that he should consider contacting the State Attorney's Office, if he so wished. I understand that no contact with that office was made. Attorney Edwards had alluded to [redacted], so I advised him that, to my knowledge, [redacted] was still represented by Attorney James Eisenberg.

11. On Friday, June 27, 2008, at approximately 4:15 p.m., your Affiant received a

copy of the proposed state plea agreement and learned that the plea was scheduled for 8:30 a.m., Monday, June 30, 2008. Your Affiant and the Palm Beach Police Department attempted to provide notification to victims in the short time that Epstein's counsel had given us. Although all known victims were not notified, your Affiant specifically called attorney Edwards to provide notice to his clients regarding the hearing. Your Affiant believes that it was during this conversation that Attorney Edwards notified me that he represented [REDACTED], and I assumed that he would pass on the notice to her, as well. Attorney Edwards informed your Affiant that he could not attend but that someone would be present at the hearing. Your Affiant attended the hearing, but none of Attorney Edwards' clients was present.

12. On today's date, your Affiant provided the attached victim notifications to

[REDACTED] and [REDACTED] via their attorney, Bradley Edwards (Exs. 6 & 7). A notification was not provided to [REDACTED] because the U.S. Attorney's modification limited Epstein's liability to victims whom the United States was prepared to name in an indictment. In light of [REDACTED]'s prior statements to law enforcement, your Affiant could not in good faith include [REDACTED] as a victim in an indictment and, accordingly, could not include her in the list provided to Epstein's counsel.

13. Furthermore, with respect to the Certification of Emergency, Attorney Edwards did not ever contact me prior to the filing of that Certification to demand the relief that he requests in his Emergency Petition. On the afternoon of July 7, 2008, after your Affiant had

already received the Certification of Emergency and Emergency Petition, I received a letter from Attorney Edwards that had been sent, via Certified Mail, on July 3, 2008. While that letter urges the Attorney General and the United States Attorney to consider "vigorous enforcement" of federal laws with respect to Jeffrey Epstein, it contains no demand for the relief requested in the Emergency Petition.

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

Executed this 9th day of July, 2008.

\_\_\_\_\_



United States Attorney's Office  
Southern District of Florida  
500 S. Australian Ave., Suite 400  
West Palm Beach, FL 33401-6235



DATE: 8/13/08

TO: Jay Lefkowitz

ORGANIZATION: Kirkland & Ellis

FAX #:

SUBJECT: Jeffrey Epstein

FROM:

[Redacted] (Fax)

NUMBER OF PAGES, INCLUDING THIS PAGE: 19

COMMENTS:

Original document:

To follow via regular mail

To follow via Federal Express

To follow via hand delivery

Nothing to follow, FAX = original

# : BATCH  
L : SEND LATER  
S : STANDARD  
R- : ASYNC MODE

C : CONFIDENTIAL  
@ : FORWARDING  
D : DETAIL  
1- : WILL STD MODE

P : POLLING  
M : ECM  
T : FINE  
G- : RICOH-MG3/COMPATIBLE MODE

M : MEMORY  
> : REDUCTION

DATE	TIME	ADDRESS	MODE	TIME	PAGE	RESULT	PERS. NAME	FILE
AUG.13.	6:13PM	12124464900	TES	3'03"	P.19	OK		695

TTI USAO MPB FL

\* \* \* TRANSMISSION RESULT REPORT ( AUG.13.2008 6:16PM ) \* \* \*

8/5/08 AMCV e-mail re correct  
agmt

[REDACTED] (USAFLS)

**From:** [REDACTED] (USAFLS)  
**Sent:** Tuesday, August 05, 2008 6:35 PM  
**To:** [REDACTED] (USAFLS); Sloman, Jeff (USAFLS) [REDACTED]  
**Subject:** FW: Jeffrey Epstein Agreement

Hi everyone – I still haven't heard from Roy, but in the meantime, I have been looking for correspondence that could be described as an assent to the modification in the December letter.

First, as set forth below, prior to the change of plea, we informed Epstein's counsel that we took the position that we already have a binding agreement and that nothing further was required. (This was a June 24 e-mail)

Dear Roy and Jack:

I am just writing to re-state that it is the Government's position that we have a signed, binding agreement and that there is no need for further modification.

Please keep us informed of the date and time of the change of plea and sentencing.

Thank you.

We took the same position in the e-mails that Jeff and I sent to Jay Lefkowitz notifying him of Epstein's need to promptly perform their obligations following the various DOJ decisions. This was the language we used:

Dear Mr. Lefkowitz:

I understand that the Deputy Attorney General has completed his review of the Epstein matter and has determined that federal prosecution of Mr. Epstein's case is appropriate.

Accordingly, Mr. Epstein has until the close of business on Monday, June 30, 2008, to comply with the terms and conditions of the agreement between the United States and Mr. Epstein (as modified by the U.S. Attorney's December 19<sup>th</sup> letter to Ms. Sanchez), including entry of a guilty plea, sentencing, and surrendering to begin his sentence of imprisonment.

If you have any questions, please feel free to contact me at the number shown below.

(This was sent on June 23<sup>rd</sup> to Jay and June 24<sup>th</sup> to Roy.) Following this correspondence, Epstein entered his guilty plea.

On June 30<sup>th</sup>, a couple of hours after the change of plea, the agents and I went to Jack Goldberger's office and met with Jack and Mike Tein. We provided them with the proposed Notification of Identified Victims. On the first page of that notice, we wrote the following:

In light of the entry of the guilty plea and sentence, the United States has agreed to defer federal prosecution in favor of this state plea and sentence, subject to certain conditions.

One such condition to which Epstein has agreed is the following:

“Any person, who while a minor, was a victim of a violation of an offense enumerated in Title 18, United States Code, Section 2255, will have the same rights to proceed under Section 2255 as she would have had, if Mr. Epstein had been tried federally and convicted of an enumerated offense. For purposes of implementing this paragraph, the United States shall provide Mr. Epstein’s attorneys with a list of individuals whom it was prepared to name in an Indictment as victims of an enumerated offense by Mr. Epstein. Any judicial authority interpreting this provision, including any authority determining which evidentiary burdens if any a plaintiff must meet, shall consider that it is the intent of the parties to place these identified victims in the same position as they would have been had Mr. Epstein been convicted at trial. No more; no less.”

On July 9, 2008, Jack Goldberger wrote me a letter with some objections to the Proposed Notification. Although he had several requests for changes, he stated: “Rather, a simple one page notification directed only to the recipient, *and limited to the information currently on the first page of your draft memorandum would suffice.*”

This, to me, is a written assent that the quoted language is, in fact, one of the conditions to which Epstein has agreed. So, I think that we do have a written, binding agreement comprised of the three documents that, as far as I know, were filed with the state court with Jack Goldberger’s approval. (I am waiting to hear back from the ASA.)

Here again is what I provided to the State Attorney’s Office, for your records.



Epstein  
Agrmt001.pdf

I am concerned that we were adamant before Epstein’s plea that we had a complete agreement and nothing more was necessary and now taking the position that we do not have an operative document (or set of documents).

Alex, does the Black and Goldberger correspondence described above allay your concerns? Or would you still like me to raise this issue with Roy whenever he gets back to me?

Thank you, sorry for the lengthy e-mail.

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

---

**From:** [REDACTED] (USAFLS)  
**Sent:** Tuesday, June 24, 2008 4:05 PM  
**To:** 'Roy BLACK'; 'Jack Goldberger'

Cc: [REDACTED]

Subject: Jeffrey Epstein Agreement

Dear Roy and Jack:

I am just writing to re-state that it is the Government's position that we have a signed, binding agreement and that there is no need for further modification.

Please keep us informed of the date and time of the change of plea and sentencing.

Thank you.

[REDACTED]  
Assistant U.S. Attorney

Tracking:

**Recipient**

[REDACTED] (USAFLS)

Sloman, Jeff (USAFLS)

[REDACTED]

[REDACTED]

**Read**

Read: 8/5/2008 6:39 PM

Read: 8/5/2008 6:37 PM



U.S. Department of Justice

United States Attorney  
Southern District of Florida

---

500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: [REDACTED]

July 17, 2008

VIA FACSIMILE

Michael R. Tein, Esq.  
Lewis Tein, P.L.  
3059 Grand Avenue, Suite 340  
Coconut Grove, FL 33133

Re: Jeffrey Epstein

Dear Mr. Tein:

The Office has reviewed your "Notice of Continued Pendency of Federal Criminal Action," and we feel that it misrepresents the posture of the federal investigation. For example, you cite to *In re Grand Jury*, No. FGJ 07-103 (WPB), as evidence that the federal criminal action remains pending. That is a citation to Mr. Epstein's Motion to Quash a subpoena for computer equipment removed from Mr. Epstein's home after he and his attorneys were aware of the existence of the state investigation. Pursuant to the Non-Prosecution Agreement, that motion was supposed to have been withdrawn several months ago, and, therefore, is not "pending" in our estimation.

The Non-Prosecution Agreement calls for *deferment* of federal prosecution "in favor of prosecution by the State of Florida, *provided* that Epstein abides by the [enumerated] conditions and the requirements of th[e] Agreement . . ." (Non-Prosecution Agreement, p. 2 (emphasis added).) One of those conditions is Epstein's agreement that the subject Jane Does, while minors, were victims of a violation of an offense enumerated in Title 18, United States Code Section 2255, and that they "will have the same rights to proceed under Section 2255 as [they] would have had if Mr. Epstein had been tried and convicted of an enumerated offense." (United States Attorney's December 19, 2007 letter to Lilly Ann Sanchez.)

If, in fact, your position is that the federal criminal action is still pending such that the Court must stay the civil proceedings, then the Office proposes that we seek the prompt resolution of the Motion to Quash, so that the computer equipment can be analyzed and the

MICHAEL TEIN, ESQ.  
JULY 17, 2008  
PAGE 2

federal investigation can continue. If, instead, Mr. Epstein intends to fully abide by the Non-Prosecution Agreement, then the “federal Grand Jury investigation will remain suspended, and all pending federal Grand Jury subpoenas will be held in abeyance unless and until [Epstein] violates any term of [the Non-Prosecution Agreement].” (Non-Prosecution Agreement, page 5.)

Please advise whether you intend to correct the representations to the Court regarding the status of the federal investigation.

Sincerely,

R. Alexander Acosta  
United States Attorney

By:

  
Assistant United States Attorney

cc: Jack Goldberger, Esq.  
, Esq.



U.S. Department of Justice

United States Attorney  
Southern District of Florida

[REDACTED]  
500 S. Australian Ave, 4th Floor  
West Palm Beach, Florida 33401  
(561) 820-8711  
Facsimile [REDACTED]

**FACSIMILE COVER SHEET**

TO: Michael R. Tein

FAX NO. [REDACTED]

PHONE NO. [REDACTED]

TO: Jack Alan Goldberger

FAX NO. [REDACTED]

PHONE NO. [REDACTED]

DATE: July 17, 2008 # OF PAGES: 3

RE: Jeffrey Epstein

FROM: [REDACTED], Assistant U.S. Attorney

PHONE NO. [REDACTED]

COMMENTS:

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO 3957  
CONNECTION TEL 8358691  
SUBADDRESS  
CONNECTION ID  
ST. TIME 07/17 18:16  
USAGE T 00'42  
PGS. SENT 3  
RESULT OK



U.S. Department of Justice

United States Attorney  
Southern District of Florida

██████████  
500 S. Australian Ave, 4th Floor  
West Palm Beach, Florida 33401  
(561) 820-8711  
Facsimile ██████████

FACSIMILE COVER SHEET

TO: Michael R. Tein

FAX NO. ██████████

PHONE NO. ██████████

TO: Jack Alan Goldberger

FAX NO. ██████████

PHONE NO. ██████████

DATE: July 17, 2008 # OF PAGES: 3

RE: Jeffrey Epstein

FROM: ██████████, Assistant U.S. Attorney

PHONE NO. ██████████

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO 3958  
CONNECTION TEL 13054426744  
SUBADDRESS  
CONNECTION ID  
ST. TIME 07/17 18:17  
USAGE T 01'04  
PGS. SENT 3  
RESULT OK



U.S. Department of Justice

United States Attorney  
Southern District of Florida

[Redacted]  
500 S. Australian Ave, 4th Floor  
West Palm Beach, Florida 33401  
(561) 820-8711  
Facsimile [Redacted]

FACSIMILE COVER SHEET

TO: Michael R. Tein

FAX NO. [Redacted] 44

PHONE NO. [Redacted] 1

TO: Jack Alan Goldberger

FAX NO. [Redacted]

PHONE NO. [Redacted]

DATE: July 17, 2008 # OF PAGES: 3

RE: Jeffrey Epstein

FROM: [Redacted], Assistant U.S. Attorney

PHONE NO. [Redacted]

**LEWIS TEIN P.L.**  
ATTORNEYS AT LAW

July 21, 2008

Copy via facsimile [REDACTED]

[REDACTED], Esq.  
Office of the United States Attorney  
500 S. Australian Avenue  
West Palm Beach, Florida 33401

RE: *Jeffrey Epstein*

Dear Ms. [REDACTED]:

Thank you for your letter of July 17, 2008. In it, you ask whether Mr. Epstein "intends to fully abide by the Non-Prosecution Agreement." The answer is yes.

We confirm as you state in your letter that the Agreement requires that "the federal Grand Jury investigation will remain suspended, and all pending federal Grand Jury subpoenas will be held in abeyance unless and until [Mr. Epstein] violates any term of [the Non-Prosecution Agreement]." We also confirm that under the Agreement, "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 . . . conditions and the requirements of th[e] Agreement."

As you know, there is no provision in the Agreement referring in any way to Section 3509(k). By that statute, Congress imposed a mandatory obligation on federal district courts to stay certain civil cases. Its operation is not subject to the control or discretion of any party. Whether Title 18, United States Code, Section 3509(k) applies to this civil litigation is a question of law for resolution by Judge Marra. Accordingly, we are abiding by our ethical obligation to advise the Court of its statutory mandate under Section 3509(k).

Finally, thank you for notifying me that our motion to quash technically remains outstanding. We had previously notified the Court that the parties did not wish to argue the issue. I agree that the Agreement requires its withdrawal and we will file a formal notice withdrawing it this week.

Please do not hesitate to call me if you wish further clarification of our position or to discuss this matter in any way. Until then, I remain,

Very truly yours,



Michael R. Tein

cc: Jack Goldberger, Esq.  
Roy Black, Esq.  
Alex Acosta, Esq.

**Lewis Tein** PL  
ATTORNEYS AT LAW

**FACSIMILE TRANSMISSION**

**RECIPIENT:** [REDACTED], Esq.

**RECIPIENT'S FAX NUMBER:** [REDACTED]

**SENDER:** Michael R. Tein, Esq.

**DATE:** July 21, 2008

**PAGES (including cover sheet):** 2

**COMMENTS:**

IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS FACSIMILE IN ERROR, PLEASE NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL BY MAIL AT THE BELOW ADDRESS. THANK YOU.

LEWIS TEIN, P.L. · 3059 GRAND AVENUE · SUITE 340 · COCONUT GROVE, FLORIDA 33133  
TELEPHONE (305) 442-1101 · FACSIMILE (305) 442-6744 · WWW.LEWISTEIN.COM

7/17/08 Ltr to Tein & Goldberger  
7/21/08 Ltr from Tein

7/10/08 Corr w/ Jack Goldberger



**U.S. Department of Justice**

*United States Attorney  
Southern District of Florida*

---

*500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: [REDACTED]*

July 10, 2008

VIA FACSIMILE

Jack A. Goldberger, Esq.  
Atterbury, Goldberger & Weiss, P.A.  
One Clearlake Centre, Suite 1400  
250 Australian Ave S.  
West Palm Beach, FL 33401-5015

Re: Jeffrey Epstein

Dear Mr. Goldberger:

In response to your letter of today's date, copies of the victim notifications are being mailed to you on a rolling basis. For those victims who have counsel, the attorneys' contact information will be included. As you will see, the letter makes clear that neither the U.S. Attorney's Office nor the Federal Bureau of Investigation can take part in or otherwise assist in civil litigation. The Office feels that is a sufficient statement of its position and we will not include the language that you have requested.

Also, a final list of victims has been sent to you today via Certified Mail. That list is identical to the draft provided to you on June 30th, except that it also includes the full name of the minor victim.

Sincerely,

R. Alexander Acosta  
United States Attorney -

By:

[REDACTED]  
Assistant United States Attorney

cc: [REDACTED], AUSA

\* \* \* TRANSMISSION RESULT REPORT ( JUL.10.2008 5:26PM ) \* \* \*

TTI USAO WPB FL

DATE	TIME	ADDRESS	MODE	TIME	PAGE	RESULT	PERS. NAME	FILE
JUL.10.	5:26PM	5618358691	TES	0'24"	P. 2	OK		434

# : BATCH  
L : SEND LATER  
S : STANDARD  
A-: ASYNC MODE

C : CONFIDENTIAL  
@ : FORWARDING  
D : DETAIL  
1-: MIL STD MODE

P : POLLING  
E : ECM  
F : FINE  
G-: RICOH-MG3/COMPATIBLE MODE

M : MEMORY  
> : REDUCTION



U.S. Department of Justice

United States Attorney  
Southern District of Florida

[REDACTED]  
500 S. Australian Ave, 4th Floor  
West Palm Beach, Florida 33401  
(561) 820-8711  
Facsimile [REDACTED]

**FACSIMILE COVER SHEET**

TO: Jack Alan Goldberger

DATE: July 10, 2008

FAX NO. [REDACTED]

# OF PAGES: 2

PHONE NO. [REDACTED]

RE: Jeffrey Epstein

FROM: [REDACTED], Assistant U.S. Attorney

PHONE NO. [REDACTED]

COMMENTS:

[REDACTED], [REDACTED]. (USAFLS)

---

**From:** [REDACTED] (USAFLS)  
**Sent:** Thursday, July 10, 2008 5:15 PM  
**To:** [REDACTED] (USAFLS); [REDACTED] (USAFLS); [REDACTED]  
**Cc:** [REDACTED] (FBI); [REDACTED] (FBI)  
**Subject:** Re: Proposed response to Goldberger's letter

Fine

----- Original Message -----

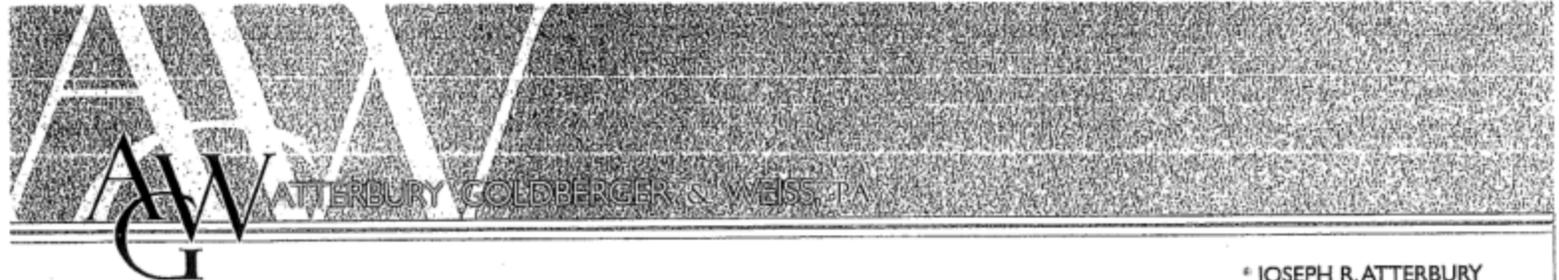
**From:** [REDACTED] (USAFLS)  
**To:** [REDACTED] (USAFLS); Sloman, Jeff (USAFLS); [REDACTED]  
**Cc:** [REDACTED] (FBI); [REDACTED] (FBI)  
**Sent:** Thu Jul 10 17:12:26 2008  
**Subject:** Proposed response to Goldberger's letter

Please let me know if this is alright to fax out today. I can see no reason for us to disclose any of the additional information that they have requested.

The message is ready to be sent with the following file or link attachments:

080710 Response to Goldberger ltr re notification.wpd

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.



\* JOSEPH R. ATTERBURY  
\*† JACK A. GOLDBERGER  
JASON S. WEISS

\*Board Certified Criminal Trial Attorney  
†Member of New Jersey & Florida Bars

July 10, 2008

██████████, Esq.  
Assistant United States Attorney  
500 S. Australian Avenue  
4<sup>th</sup> Floor, Suite 400  
West Palm Beach, Florida 33401

**SENT VIA E-MAIL & FACSIMILE**

Re: Jeffrey E. Epstein

Dear Ms. ██████████:

Thank you for your letter of yesterday. Kindly allow me a few follow-up points.

First, we respectfully request a reasonable opportunity to review and comment on a draft of the modified notification letter you intend to mail before you send it.

Second, we respectfully ask that you provide us with the identity of the victims' rights organization described in your letter; the name and contact information of the person at that organization with whom the Government has been communicating; copies of any communications with that organization and the pro-bono lawyers/groups who were recommended by that organization; and a description of any non-written communications that the Government has had with that organization and the pro-bono lawyers/groups.

Third, while we appreciate your offer to disclose the names of the lawyers currently representing the individuals when you have finished compiling all of that information, we would be very grateful if you would provide any contact information you do have, on a rolling basis.

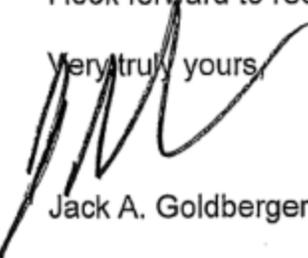
Fourth, would it be possible for you to advise us of the full name of the minor to whom you have referred by initials, as well as the identities of the three individuals whom the Government notified about the deferred-prosecution agreement shortly after its signing (as

indicated in your letter of December 13, 2007)?

Fifth, please recall that Mr. Sloman wrote to Judge [REDACTED] on October 25, 2007 that "The United States takes no position as to the validity of any such claim under this statute." To avoid any appearance that the United States is endorsing or encouraging litigation by the identified individuals, we believe that such a statement should be included in any notification letter.

I look forward to receiving your input on these issues. Until then, I remain,

Very truly yours,



Jack A. Goldberger

JAG/na

cc: Jeffrey E. Epstein

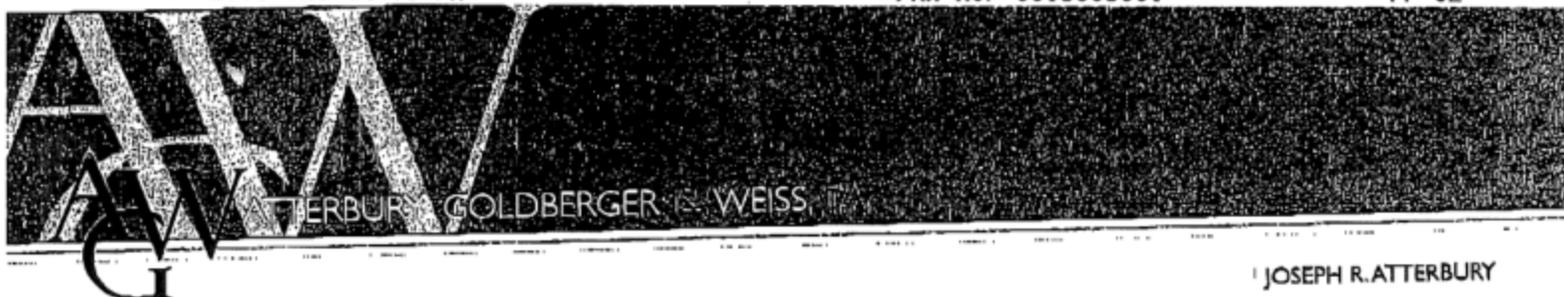
ATTERBURY, GOLDBERGER & WEISS, P.A.  
250 Australian Avenue South  
Suite 1400  
West Palm Beach, Florida 33401  
(561) 659-8300  
Fax: (561) 835-8691

**FAX TRANSMITTAL COVER SHEET**

DATE: July 10, 2008  
TO: [REDACTED], Esquire  
FAX NO.: [REDACTED]  
FROM: Jack A. Goldberger, Esquire  
REMARKS: Jeffrey Epstein  
TOTAL PAGES: 3, including cover sheet

**\*\*\* PLEASE NOTE - CONFIDENTIALITY WARNING \*\*\***

**THIS MESSAGE IS INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW.** If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original message to us at the above address via the U.S. Postal Mail Service. Thank you for your cooperation.



JOSEPH R. ATTERBURY

† JACK A. GOLDBERGER

JASON S. WEISS

† Board Certified Criminal Trial Attorney  
† Member of New Jersey & Florida Bars

July 10, 2008

██████████, Esq.  
Assistant United States Attorney  
500 S. Australian Avenue  
4<sup>th</sup> Floor, Suite 400  
West Palm Beach, Florida 33401

**SENT VIA E-MAIL & FACSIMILE**

Re: Jeffrey E. Epstein

Dear Ms. ██████████:

Thank you for your letter of yesterday. Kindly allow me a few follow-up points.

First, we respectfully request a reasonable opportunity to review and comment on a draft of the modified notification letter you intend to mail before you send it.

Second, we respectfully ask that you provide us with the identity of the victims' rights organization described in your letter; the name and contact information of the person at that organization with whom the Government has been communicating; copies of any communications with that organization and the pro-bono lawyers/groups who were recommended by that organization; and a description of any non-written communications that the Government has had with that organization and the pro-bono lawyers/groups.

Third, while we appreciate your offer to disclose the names of the lawyers currently representing the individuals when you have finished compiling all of that information, we would be very grateful if you would provide any contact information you do have, on a rolling basis.

Fourth, would it be possible for you to advise us of the full name of the minor to whom you have referred by initials, as well as the identities of the three individuals whom the Government notified about the deferred-prosecution agreement shortly after its signing (as

One Clearlake Centre, Suite 1400 250 Australian Avenue South West Palm Beach, FL 33401

p 561.659.8300 f 561.835.8691 www.agwpa.com

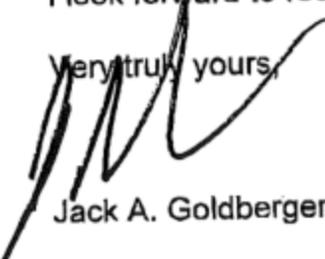
EFTA00183493

indicated in your letter of December 13, 2007)?

Fifth, please recall that Mr. Sloman wrote to Judge [REDACTED] on October 25, 2007 that "The United States takes no position as to the validity of any such claim under this statute." To avoid any appearance that the United States is endorsing or encouraging litigation by the identified individuals, we believe that such a statement should be included in any notification letter.

I look forward to receiving your input on these issues. Until then, I remain,

Very truly yours,



Jack A. Goldberger

JAG/na

cc: Jeffrey E. Epstein

7/9/08 Correspondence w/ Jack Goldberger

[REDACTED], [REDACTED] (USAFLS)

**From:** [REDACTED], [REDACTED] (USAFLS)  
**Sent:** Wednesday, July 09, 2008 1:04 PM  
**To:** [REDACTED] (USAFLS); Sloman, Jeff (USAFLS); [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Response to Goldberger Letter

Here are my thoughts:

1. **Notification only by mail:** For those girls who are currently not represented (or for whom we do not know of any representation), we intend to contact the victims by telephone to tell them of the resolution and to get mailing addresses to send the written notification or to determine if they have secured counsel to send it to them. For the girls who are represented, contact will be made by telephone followed by the mailing of the notification. I think a "live" thank you is the least that is required at this point and a "check in" to make sure that girls who need counseling are getting it. (FBI has already arranged counseling for several girls.) In any written response to Mr. Goldberger, I would simply ignore this request.
2. **Separate mailings:** I have no objection to this change. The notice was drafted the way it was so that Epstein would only have to sign one document rather than 33. Since he isn't going to sign any, that change is fine with me.
3. **Notification limited to the information on the first page of the draft notification:** In light of Epstein's refusal to sign the acknowledgement, I think some additional explanation is required. I will prepare that revision and send to you shortly.
4. **Eliminate the Acknowledgement portion:** I have no objection to this.
5. **Supplement the notification with our previous statement that we are not vouching for the veracity of any claim:** I would reject this request and, in our response to Goldberger, state that we have limited our list to those whom we were prepared to name in an indictment and, accordingly, we believe that there is proof beyond a reasonable doubt that each was a victim of Epstein's.
6. **Explain why the acknowledgement is required:** In our response to Goldberger, I think we should explain that the acknowledgement language was meant to create a means for proving the existence of the agreement without having to provide copies of the Non-Prosecution Agreement, which contains a confidentiality clause. While I have no objection to revising the language, I think that Epstein's position will lead to litigation regarding the need to disclose the full agreement, which is contrary to the parties' interest in confidentiality. I agree that we cannot force him to sign the acknowledgement, but he must accept the consequences of that decision.
7. **Names of pro bono lawyers and information regarding their communications:** I have already advised Mr. Goldberger that I will provide him with the names and contact information of attorneys who represent the victims, so I have no objection to that. I also have no objection to telling him that they were recommended by the Crime Victims Rights Advocacy Group based upon a referral from the Justice Department. Other than that, I have no intention of disclosing any "communications" that I had with them.

I will take a crack at revising the victim notifications and drafting a response to Goldberger. Any other thoughts I should incorporate?

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

Tracking:

**Recipient**

[REDACTED] (USAFLS)  
Sloman, Jeff (USAFLS)  
[REDACTED])  
[REDACTED] (I)  
[REDACTED] (FBI)

**Read**

Read: 7/9/2008 1:26 PM  
Read: 7/9/2008 1:05 PM



U.S. Department of Justice

United States Attorney  
Southern District of Florida

Lewis

NOTIFICATION

**NOTICE: IN ACCORDANCE WITH TITLE 18, UNITED STATES CODE, SECTION 3509(d) AND FLORIDA LAW, THE ATTACHED DOCUMENT IS TO BE TREATED AS CONFIDENTIAL AND SHALL NOT BE DISCLOSED EXCEPT IN CONNECTION WITH A LEGAL PROCEEDING.**



U.S. Department of Justice

United States Attorney  
Southern District of Florida

500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: [REDACTED]

June 30, 2008

**NOTIFICATION OF IDENTIFIED VICTIMS**

On June 30, 2008, Jeffrey Epstein (hereinafter referred to as "Epstein") entered a plea of guilty to violations of Florida Statutes Sections 796.07 (felony solicitation of prostitution) and 796.03 (procurement of minors to engage in prostitution), in the 15th Judicial Circuit in and for Palm Beach County (Case Nos. 2006-cf-009454AXXMB and 2008-cf-009381AXXMB) and was sentenced to a term of twelve months' imprisonment to be followed by eighteen months' of Community Control I, the first six months of which must be served imprisoned at the Palm Beach County Detention Facility.

In light of the entry of the guilty plea and sentence, the United States has agreed to defer federal prosecution in favor of this state plea and sentence, subject to certain conditions.

One such condition to which Epstein has agreed is the following:

"Any person, who while a minor, was a victim of a violation of an offense enumerated in Title 18, United States Code, Section 2255, will have the same rights to proceed under Section 2255 as she would have had, if Mr. Epstein had been tried federally and convicted of an enumerated offense. For purposes of implementing this paragraph, the United States shall provide Mr. Epstein's attorneys with a list of individuals whom it was prepared to name in an Indictment as victims of an enumerated offense by Mr. Epstein. Any judicial authority interpreting this provision, including any authority determining which evidentiary burdens if any a plaintiff must meet, shall consider that it is the intent of the parties to place these identified victims in the same position as they would have been had Mr. Epstein been convicted at trial. No more; no less."

Initials of Jeffrey Epstein \_\_\_\_\_ Initials of Guy Lewis \_\_\_\_\_

Through this letter, this Office hereby provides Notice that the individuals identified below are individuals whom the United States was prepared to name as a victim of an enumerated offense.

**Identified Individuals**



R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

Dated: \_\_\_\_\_

By:   
ASSISTANT U.S. ATTORNEY

**ACKNOWLEDGMENT**

I have received this Notification from my attorney, Guy Lewis, Esquire, have read it and discussed it with my attorney, and I hereby acknowledge that it accurately sets forth my understanding and agreement with the Office of the United States Attorney for the Southern District of Florida regarding the notification and rights of identified victims. I understand

Initials of Jeffrey Epstein \_\_\_\_\_ Initials of Guy Lewis \_\_\_\_\_

that an exact copy of this Notification will be provided to each identified individual, except that the names of all other identified individuals will be redacted, and I hereby waive any evidentiary challenges to the introduction of a copy of this document—even in redacted form—in any judicial proceeding between any identified individual and myself.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Jeffrey Epstein

Witnessed by:

\_\_\_\_\_  
Guy Lewis, Esquire

AGWP  
ATTORNEY GOLDBERGER & WEISS

JOSEPH R. ATTERBURY

JACK A. GOLDBERGER

JASON S. WEISS

Board Certified Criminal Trial Attorney  
Member of New Jersey & Florida Bars

July 9, 2008

██████████ ██████████ Esq.  
Assistant United States Attorney  
United States Attorney's Office  
500 South Australian Avenue  
4<sup>th</sup> Floor, Suite 400  
West Palm Beach, Florida 33401

**SENT VIA E-MAIL & FACSIMILE**

Re: Jeffrey E. Epstein

Dear Ms. ██████████

Thank you for your letter to me dated July 8, 2008 and the draft document dated, e-mailed and faxed to me at my office on June 30, 2008, styled "Notification of Identified Victims." I would like to address a few related issues.

**First**, please note that we have several requests concerning any such notification. Specifically, we request that:

(a) Any notification be sent to any individual by mail (or served upon their attorney, to the extent known), and we respectfully object to any service by hand, a method of service which carries the concomitant risk of conversations regarding the notification that potentially would place the federal authorities in a position of being advocates for civil litigation;

(b) Any notification be effectuated by a separate mailing to each individual without the inclusion of any language that appeared on the second page of your June 30, 2008 memorandum; *i.e.* rather than including in each notification a large section listing "identified individuals" with redactions other than the name of the recipient (which we contend would be a clear and impermissible signal to any individual that the notification is a broad notification to numerous other alleged victims). Rather, a simple one page notification directed only to the recipient, and limited to the information currently on the first page of your draft memorandum would suffice.

(c) You eliminate from any notification any language that is currently contained in the "acknowledgment" section of the June 30, 2008 memorandum; and

(d) You supplement the notification with the Government's previously made representation that it is not vouching for the veracity of any claim by any identified individual. See Letter from J. Sloman to E. [REDACTED] (10/25/07).

**Second**, please note also that we do not understand your request that Mr. Epstein and his attorneys execute the rider / acknowledgment contained within your June 30 hand-delivered draft. Specifically, we do not believe that the Non-Prosecution Agreement requires Mr. Epstein's execution of any such additional stipulation. Because we want to ensure that Mr. Epstein continues to strictly comply with the letter of the parties' agreement, we respectfully ask that you explain why you believe that the Non-Prosecution Agreement requires execution of your stipulation.

Our understanding of the Non-Prosecution Agreement is that it does not require Mr. Epstein to "acknowledge" anything not already contained within the four corners of the written agreement. The agreement certainly contains no written term obligating that he "waive any evidentiary challenge to the introduction of a copy" of any "Notification of Identified Victims" in "any judicial proceeding between any identified individual" and Mr. Epstein, as your memorandum currently requests. Further, please note that your June 30 stipulation, as drafted, is not limited to Section 2255 proceedings. Rather, your June 30 draft requires Mr. Epstein to waive evidentiary challenges in "any judicial proceeding" - - which clearly exceeds the bounds of the parties' written agreement.

**Third**, I would respectfully request that you provide me with the names of the "pro bono lawyers" who, you indicated to me at our June 30 meeting at my office, were intending to represent certain persons identified on your June 30 draft notification, as well as any knowledge that the Government has as to how they were selected, and what communications the Government has had with them to date.

**Finally**, please know that it is Mr. Epstein's firm intent to fulfill strictly each term and condition of his Non-Prosecution Agreement with the Government. Nothing in this letter should be construed, however, as waiving any defense that may be available to Mr. Epstein under the parties' written agreement.

I look forward to your response. Until then, I remain,

[REDACTED] truly yours,

Jack A. Goldberger

cc: Jeffrey Epstein

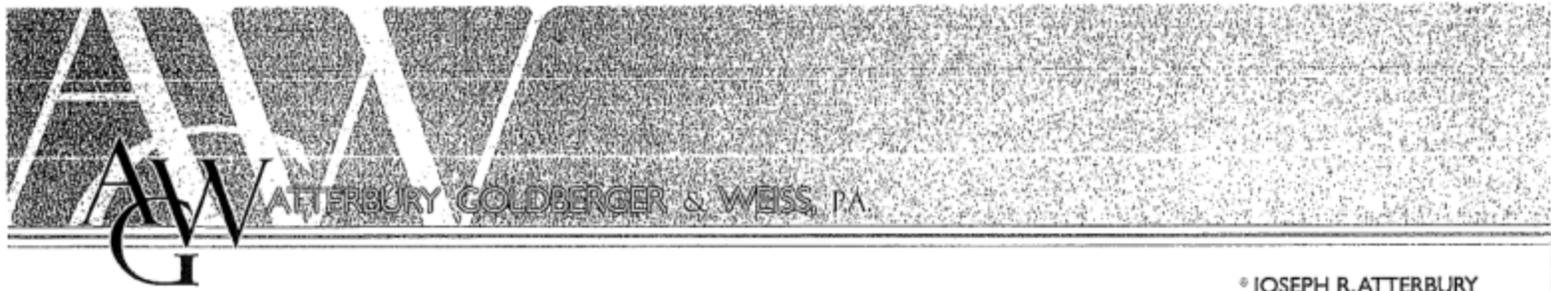
ATTERBURY, GOLDBERGER & WEISS, P.A.  
250 Australian Avenue South  
Suite 1400  
West Palm Beach, Florida 33401  
(561) 659-8300  
Fax: (561) 835-8691

**FAX TRANSMITTAL COVER SHEET**

DATE: July 9, 2008  
TO: [REDACTED] Esquire  
FAX NO.: [REDACTED]  
FROM: Jack A. Goldberger, Esquire  
REMARKS: Jeffrey Epstein  
TOTAL PAGES:  3 , including cover sheet

**\*\*\* PLEASE NOTE - CONFIDENTIALITY WARNING \*\*\***

**THIS MESSAGE IS INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW.** If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original message to us at the above address via the U.S. Postal Mail Service. Thank you for your cooperation.



July 9, 2008

° JOSEPH R. ATTERBURY

°† JACK A. GOLDBERGER

JASON S. WEISS

° Board Certified Criminal Trial Attorney

† Member of New Jersey & Florida Bars

██████████, Esq.  
Assistant United States Attorney  
United States Attorney's Office  
500 South Australian Avenue  
4<sup>th</sup> Floor, Suite 400  
West Palm Beach, Florida 33401

**SENT VIA E-MAIL & FACSIMILE**

Re: Jeffrey E. Epstein

Dear Ms. ██████████:

Thank you for your letter to me dated July 8, 2008 and the draft document dated, e-mailed and faxed to me at my office on June 30, 2008, styled "Notification of Identified Victims." I would like to address a few related issues.

*First*, please note that we have several requests concerning any such notification. Specifically, we request that:

(a) Any notification be sent to any individual by mail (or served upon their attorney, to the extent known), and we respectfully object to any service by hand, a method of service which carries the concomitant risk of conversations regarding the notification that potentially would place the federal authorities in a position of being advocates for civil litigation;

(b) Any notification be effectuated by a separate mailing to each individual without the inclusion of any language that appeared on the second page of your June 30, 2008 memorandum; *i.e.* rather than including in each notification a large section listing "identified individuals" with redactions other than the name of the recipient (which we contend would be a clear and impermissible signal to any individual that the notification is a broad notification to numerous other alleged victims). Rather, a simple one page notification directed only to the recipient, and limited to the information currently on the first page of your draft memorandum would suffice.

(c) You eliminate from any notification any language that is currently contained in the "acknowledgment" section of the June 30, 2008 memorandum; and

(d) You supplement the notification with the Government's previously made representation that it is not vouching for the veracity of any claim by any identified individual. *See* Letter from J. Sloman to E. [REDACTED] (10/25/07).

*Second*, please note also that we do not understand your request that Mr. Epstein and his attorneys execute the rider / acknowledgment contained within your June 30 hand-delivered draft. Specifically, we do not believe that the Non-Prosecution Agreement requires Mr. Epstein's execution of any such additional stipulation. Because we want to ensure that Mr. Epstein continues to strictly comply with the letter of the parties' agreement, we respectfully ask that you explain why you believe that the Non-Prosecution Agreement requires execution of your stipulation.

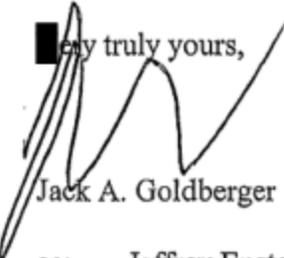
Our understanding of the Non-Prosecution Agreement is that it does not require Mr. Epstein to "acknowledge" anything not already contained within the four corners of the written agreement. The agreement certainly contains no written term obligating that he "waive any evidentiary challenge to the introduction of a copy" of any "Notification of Identified Victims" in "any judicial proceeding between any identified individual" and Mr. Epstein, as your memorandum currently requests. Further, please note that your June 30 stipulation, as drafted, is not limited to Section 2255 proceedings. Rather, your June 30 draft requires Mr. Epstein to waive evidentiary challenges in "any judicial proceeding" - - which clearly exceeds the bounds of the parties' written agreement.

*Third*, I would respectfully request that you provide me with the names of the "pro bono lawyers" who, you indicated to me at our June 30 meeting at my office, were intending to represent certain persons identified on your June 30 draft notification, as well as any knowledge that the Government has as to how they were selected, and what communications the Government has had with them to date.

*Finally*, please know that it is Mr. Epstein's firm intent to fulfill strictly each term and condition of his Non-Prosecution Agreement with the Government. Nothing in this letter should be construed, however, as waiving any defense that may be available to Mr. Epstein under the parties' written agreement.

I look forward to your response. Until then, I remain,

[REDACTED] very truly yours,

  
Jack A. Goldberger

cc: Jeffrey Epstein



**U.S. Department of Justice**

*United States Attorney  
Southern District of Florida*

---

*500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: [REDACTED]*

July 9, 2008

VIA FACSIMILE

Jack A. Goldberger, Esq.  
Atterbury, Goldberger & Weiss, P.A.  
One Clearlake Centre, Suite 1400  
250 Australian Ave S.  
West Palm Beach, FL 33401-5015

Re: Jeffrey Epstein

Dear Mr. Goldberger:

Thank you for your letter of today's date regarding the proposed Victim Notification. Let me address some of the items in your letter.

We have no objection to doing individual mailings. The Notification was drafted in that way in order to minimize the number of documents that Mr. Epstein would sign. Now that you have raised an objection to signing the Acknowledgment, each notification will list only the victim who is being notified.

In light of Mr. Epstein's refusal to sign the Acknowledgment, the Acknowledgment portion has been deleted and the notification has been slightly modified in order to provide more complete information and it has been formatted as a letter rather than a more formal "Notification" document.

We will not be including any statement that the U.S. Attorney's Office is not vouching for the veracity of any claim. As you know, the U.S. Attorney's modification of the 2255 portion of the Agreement now limits our victim list to those persons whom the United States

JACK GOLDBERGER, ESQ.  
JULY 9, 2008  
PAGE 2

was prepared to include in an indictment. This means that, pursuant to Justice Department policy, these are individuals for whom the United States believes it has proof beyond a reasonable doubt that each of them was a victim of an enumerated offense. There will be no statement one way or the other regarding the validity of any claim.

You have asked for an explanation of why I believe the Acknowledgment portion is required by the terms of the Agreement. Under a strict reading of the Agreement, it is not required, other than to Acknowledge that the United States has performed its obligation of providing Mr. Epstein with a list of identified victims following his guilty plea and sentencing. The purpose of the Acknowledgment was to create one single document incorporating the parties' agreement on the single topic of the right to proceed under 18 U.S.C. § 2255. This would avoid litigation regarding the victims' rights to have access to the original Non-Prosecution Agreement. Without such an express Acknowledgment by Mr. Epstein that the Notice contains the substance of that Agreement, I believe that the victims will have a justification to petition for the entire agreement, which is contrary to the confidentiality clause that the parties have signed. If you believe that particular words are objectionable, I am happy to consider a modification.

As I mentioned to you last week, I will provide you with the names of the attorneys currently representing the victims when we have compiled all of that information. Some of the victims are represented by attorneys from the South Carolina Victim Assistance Network and the Maryland Crime Victims Resource Center, both of which were recommended by a victims' rights organization that receives grants from the Justice Department.

If you have any suggestions for a modification of the Acknowledgment, please let me know.

Sincerely,

R. Alexander Acosta  
United States Attorney

By:

 Assistant United States Attorney

cc: , AUSA

EFTA00183508



U.S. Department of Justice

United States Attorney  
Southern District of Florida

██████████ Villafaña  
500 S. Australian Ave, 4th Floor  
West Palm Beach, Florida 33401  
(561) 820-8711  
Facsimile ██████████

**FACSIMILE COVER SHEET**

TO: Jack Alan Goldberger

DATE: July 9, 2008

FAX NO. ██████████

# OF PAGES: 3

PHONE NO. ██████████

RE: Jeffrey Epstein

FROM: ██████████, Assistant U.S. Attorney

PHONE NO. ██████████

COMMENTS:

\* \* \* TRANSMISSION RESULT REPORT ( JUL. 9.2008 4:05PM ) \* \* \*

TTI USAO WPB FL

DATE	TIME	ADDRESS	MODE	TIME	PAGE	RESULT	PERS. NAME	FILE
JUL. 9.	4:04PM		TES	0'36"	P. 3	OK		412

# : BATCH  
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S : STANDARD  
A-: ASYNC MODE

C : CONFIDENTIAL  
@ : FORWARDING  
D : DETAIL  
1-: MIL\_STD MODE

P : POLLING  
E : ECM  
F : FINE  
G-: RICOH-MG3/COMPATIBLE MODE

M : MEMORY  
> : REDUCTION

ATTERBURY, GOLDBERGER & WEISS, P.A.  
250 Australian Avenue South  
Suite 1400  
West Palm Beach, Florida 33401  
(561) 659-8300  
Fax: (561) 835-8691

**FAX TRANSMITTAL COVER SHEET**

DATE: July 8, 2008  
TO: [REDACTED], Assistant U.S. Attorney  
FAX NO.: [REDACTED]  
FROM: Nayanira, Assistant to Jack A. Goldberger, Esquire  
REMARKS: Jeffrey Epstein  
TOTAL PAGES: 2, including cover sheet

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JOSEPH R. ATTERBURY

JACK A. GOLDBERGER

JASON S. WEISS

† Board Certified Criminal Trial Attorney  
‡ Member of New Jersey & Florida Bars

July 8, 2008

██████████ AUSA  
 U.S. Department of Justice  
 United States Attorney  
 Southern District of Florida  
 500 South Australian Avenue, Suite 400  
 West Palm Beach, Florida 33401

Re: Jeffrey Epstein

Dear Marie,

I am out of the office today. I will response to your fax of July 8, 2008 by return of fax tomorrow.

Very truly yours,

Jack A. Goldberg  
Dictated but not read

JAG/na

7/8/08 Corr w/ Jack Goldberger.



**U.S. Department of Justice**

*United States Attorney  
Southern District of Florida*

---

*500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: [REDACTED]*

July 8, 2008

VIA FACSIMILE AND ELECTRONIC MAIL

Jack A. Goldberger, Esq.  
Atterbury, Goldberger & Weiss, P.A.  
One Clearlake Centre, Suite 1400  
250 Australian Ave S.  
West Palm Beach, FL 33401-5015

Re: Jeffrey Epstein

Dear Mr. Goldberger:

In accordance with the terms of the Non-Prosecution Agreement, on June 30, 2008, the United States Attorney's Office provided you with a list of thirty-one individuals "whom it was prepared to name in an Indictment as victims of an enumerated offense by Mr. Epstein." Yesterday, I provided you with the identification of another victim whom I had erroneously left off of that list. At the time the list was provided, Special Agent [REDACTED] and I impressed upon you the need to finalize this last piece of the agreement as quickly as possible so that we could fulfill our victim notification obligations. In deference to your vacation, we allowed you a week to provide us with any objections or requested modifications to the list and/or the Notification language. Yesterday, I contacted you via telephone and e-mail, but received no response.

Accordingly, the United States hereby notifies you that it will distribute the victim notifications tomorrow, July 9, 2008, to each of the thirty-two identified victims, either directly or via their counsel. A carbon copy of each notification will be provided to you, and the notification will list you as the contact person for any civil litigation, if the victim decides

JACK GOLDBERGER, ESQ.  
JULY 8, 2008  
PAGE 2

to pursue damages. If the United States learns that a civil suit has been filed against Mr. Epstein and he has denied that one of these victims is entitled to proceed under 18 U.S.C. § 2255, that will be considered a breach of the Non-Prosecution Agreement and the United States will proceed accordingly.

Sincerely,

R. Alexander Acosta  
United States Attorney

By:

A large black rectangular redaction box covering the signature of the Assistant United States Attorney.

Assistant United States Attorney

cc: , AUSA

\* \* \* TRANSMISSION RESULT REPORT ( JUL. 8.2008 2:11PM ) \* \* \*

TTI USAO WPB FL

DATE	TIME	ADDRESS	MODE	TIME	PAGE	RESULT	PERS. NAME	FILE
JUL. 8.	2:10PM	[REDACTED]	TES	0'34"	P. 3	OK		398

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 E : ECM  
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 G-: RICOH-MG3/COMPATIBLE MODE

M : MEMORY  
 > : REDUCTION

835-8691



U.S. Department of Justice

United States Attorney  
Southern District of Florida

[REDACTED]  
500 S. Australian Ave, 4th Floor  
West Palm Beach, Florida 33401  
(561) 820-8711  
Facsimile [REDACTED]

**FACSIMILE COVER SHEET**

TO: Jack Alan Goldberger

DATE: July 8, 2008

FAX NO. [REDACTED]

# OF PAGES: 3

PHONE NO. [REDACTED]

RE: Jeffrey Epstein

FROM: [REDACTED], Assistant U.S. Attorney

PHONE NO. [REDACTED]

COMMENTS:

6/27/08 AMCV Ltr to Black & Goldberger



U.S. Department of Justice

United States Attorney  
Southern District of Florida

---

500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: [REDACTED]

June 27, 2008

VIA FACSIMILE AND ELECTRONIC MAIL

Jack A. Goldberger, Esq.  
Atterbury, Goldberger & Weiss, P.A.  
One Clearlake Centre, Suite 1400  
250 Australian Ave S.  
West Palm Beach, FL 33401-5015

Roy Black, Esq.  
Black Srebnick Kornspan & Stumpf P.A.  
201 S. Biscayne Blvd, Suite 1300  
Miami, FL 33131

Re: Jeffrey Epstein

Dear Messrs. Goldberger and Black:

Thank you for providing me with the proposed plea agreement between Mr. Epstein and the State Attorney's Office. **The U.S. Attorney's Office hereby provides Notice that the proposed sentencing provision does not comply with the terms of the Non-Prosecution Agreement.**

The second sentencing paragraph of the proposed plea agreement reads:

On 08CF009381AMB, the Defendant is sentenced to 18 months Community Control 1 (one). As a special condition of this Community Control, the Defendant must serve the first 6 months in the Palm Beach County Detention Facility . . .

The Non-Prosecution Agreement specifically provides:

Epstein shall be sentenced to consecutive terms of twelve (12) months and six (6) months in county jail for all charges, . . . without probation or community control in lieu of imprisonment.

Thus, the proposed plea agreement with the State Attorney's Office does not comply with the terms of the Non-Prosecution Agreement. To comply with the Agreement, Mr. Epstein must make a binding recommendation of eighteen months imprisonment, which means confinement twenty-four

JACK GOLDBERGER, ESQ.  
ROY BLACK, ESQ.  
JUNE 27, 2008  
PAGE 2 OF 2

hours a day at the County Jail, and the judge must accept that recommendation. Community control must follow that term of incarceration.

Secondly, we have not been provided with a copy of the Information filed in case number 08CF009381AMB. I want to confirm that Mr. Epstein is being charged with the substantive offense of procuring minors to engage in prostitution, not attempted procurement. Accordingly, please provide me with a copy of the Information at your earliest opportunity. I will be available via e-mail throughout the weekend or you may reach me on my cell phone at 561 601-2301.

Thank you.

Sincerely,

R. Alexander Acosta  
United States Attorney

By:

A black rectangular redaction box covering the signature of the Assistant United States Attorney.

Assistant United States Attorney

cc: , AUSA



U.S. Department of Justice

United States Attorney  
Southern District of Florida

██████████ ██████████  
500 S. Australian Ave, 4th Floor  
West Palm Beach, Florida 33401  
(561) 820-8711  
Facsimile ██████████

**FACSIMILE COVER SHEET**

TO: Roy Black, Esq.

DATE: June 27, 2008

FAX NO. ██████████

# OF PAGES: 3

PHONE NO. ██████████

RE: Jeffrey Epstein

FROM: ██████████ Assistant U.S. Attorney

PHONE NO. ██████████

COMMENTS:



U.S. Department of Justice

United States Attorney  
Southern District of Florida

[REDACTED]  
500 S. Australian Ave, 4th Floor  
West Palm Beach, Florida 33401  
(561) 820-8711  
Facsimile [REDACTED]

**FACSIMILE COVER SHEET**

TO: Jack Alan Goldberger

DATE: June 27, 2008

FAX NO. [REDACTED]

# OF PAGES: 3

PHONE NO. [REDACTED]

RE: Jeffrey Epstein

FROM: [REDACTED], Assistant U.S. Attorney

PHONE NO. [REDACTED]

COMMENTS:

\* \* \* TRANSMISSION RESULT REPORT ( JUN.27.2008 5:55PM ) \* \* \*

TTI USAO WPB FL

DATE	TIME	ADDRESS	MODE	TIME	PAGE	RESULT	PERS. NAME	FILE
JUN.27.	5:53PM	[REDACTED]	ES	1'09"	P. 3	OK		328

# : BATCH  
L : SEND LATER  
S : STANDARD  
A-: ASYNC MODE

C : CONFIDENTIAL  
@ : FORWARDING  
D : DETAIL  
1-: MIL\_STD MODE

P : POLLING  
E : ECM  
F : FINE  
G-: RICOH-MG3/COMPATIBLE MODE

M : MEMORY  
> : REDUCTION

\* \* \* TRANSMISSION RESULT REPORT ( JUN.27.2008 5:55PM ) \* \* \*

TTI USAO WPB FL

DATE	TIME	ADDRESS	MODE	TIME	PAGE	RESULT	PERS. NAME	FILE
JUN.27.	5:54PM	[REDACTED]	TES	0'33"	P. 3	OK		329

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1-: MIL\_STD MODE

P : POLLING  
E : ECM  
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G-: RICOH-MG3/COMPATIBLE MODE

M : MEMORY  
> : REDUCTION



**U.S. Department of Justice**

*United States Attorney  
Southern District of Florida*

---

*500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: [REDACTED]*

June 27, 2008

VIA FACSIMILE

Jack A. Goldberger, Esq.  
Atterbury, Goldberger & Weiss, P.A.  
One Clearlake Centre, Suite 1400  
250 Australian Ave S.  
West Palm Beach, FL 33401-5015

Roy Black, Esq.  
Black Srebnick Kornspan & Stumpf P.A.  
201 S. Biscayne Blvd, Suite 1300  
Miami, FL 33131

Re: Jeffrey Epstein

Dear Messrs. Goldberger and Black:

I write to follow up on my e-mail correspondence of June 24 and June 26, and my message this morning. As of 3:15 p.m., Friday, June 27, 2008, the Office still has not received a copy of a proposed plea agreement between Mr. Epstein and the State Attorney's Office, nor has the Office received notice of a date and time for a change of plea.

As you know, the Non-Prosecution Agreement between Mr. Epstein and the Office called for Mr. Epstein to plead, be sentenced, and begin serving his sentence not later than January 4, 2008—almost six months ago. The Office has continued that deadline to allow Mr. Epstein to raise various issues with the Department of Justice, but repeatedly advised that, once those appeals were completed, Mr. Epstein would need to perform the terms of the agreement within a short window thereafter. Now that those appeals have been exhausted, we promptly informed counsel for Mr. Epstein that he must enter his plea, be sentenced, and begin serving his sentence by 5:00 on Monday, June 30, 2008.

This week I have sent two e-mails and left a message with Mr. Black's receptionist asking for the date and time of the change of plea and for a copy of the proposed plea agreement between Mr. Epstein and the State Attorney's Office in accordance with the terms of the Non-Prosecution Agreement. I have received no response to any of those requests.

JACK GOLDBERGER, ESQ.  
ROY BLACK, ESQ.  
JUNE 27, 2008  
PAGE 2 OF 2

I have received correspondence from counsel for a witness asking to cancel or continue the witness's appearance because he "understand[s] that there has been a recent development with respect to Mr. Epstein in that he intends to plead guilty in Florida state court on Monday pursuant to a deferred prosecution agreement with your office that has already been executed" and that he has "learned from Mr. Epstein's attorney that the plea is scheduled to take place on Monday morning." I also understand that there is an entry on Judge McSorley's docket that a hearing is scheduled for 8:30 a.m. on Monday.

Both parties have agreed that it is a material term of the Non-Prosecution Agreement that the United States shall have the right to review the terms of any agreements between Epstein and the State Attorney's Office prior to entering into those agreements. If, indeed, the change of plea is set for 8:30 Monday morning, the agreement with the State Attorney's Office must be provided to the Office by 4:30 today to allow adequate time to review and comment. Failure to provide this opportunity shall be deemed a breach of the Agreement.

Accordingly, I again ask that you provide me with a copy of the Plea Agreement with the State Attorney's Office and notification of the date and time of the change of plea.

Thank you.

Sincerely,

R. Alexander Acosta  
United States Attorney

By:

  
Assistant United States Attorney

cc: , AUSA

\* \* \* TRANSMISSION RESULT REPORT ( JUN.27.2008 3:39PM ) \* \* \*

TTI USAO WPB FL

DATE	TIME	ADDRESS	MODE	TIME	PAGE	RESULT	PERS. NAME	FILE
JUN.27.	3:38PM	[REDACTED]	TES	0'35"	P. 3	OK		324

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 D : DETAIL  
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P : POLLING  
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M : MEMORY  
 > : REDUCTION

\* \* \* TRANSMISSION RESULT REPORT ( JUN.27.2008 3:38PM ) \* \* \*

TTI USAO WPB FL

DATE	TIME	ADDRESS	MODE	TIME	PAGE	RESULT	PERS. NAME	FILE
JUN.27.	3:36PM		TES	1'27"	P. 3	OK		323

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D : DETAIL  
1-: MIL\_STD MODE

P : POLLING  
E : ECM  
F : FINE  
G-: RICOH-MG3/COMPATIBLE MODE

M : MEMORY  
> : REDUCTION



U.S. Department of Justice

United States Attorney  
Southern District of Florida

[REDACTED]  
500 S. Australian Ave, 4th Floor  
West Palm Beach, Florida 33401  
(561) 820-8711  
Facsimile [REDACTED]

**FACSIMILE COVER SHEET**

TO: Roy Black, Esq.

DATE: June 27, 2008

FAX NO. [REDACTED]

# OF PAGES: 3

PHONE NO. [REDACTED]

RE: \_\_\_\_\_

FROM: [REDACTED], Assistant U.S. Attorney

PHONE NO. [REDACTED]

COMMENTS:



U.S. Department of Justice

United States Attorney  
Southern District of Florida

[REDACTED]  
500 S. Australian Ave, 4th Floor  
West Palm Beach, Florida 33401  
(561) 820-8711  
Facsimile [REDACTED]

**FACSIMILE COVER SHEET**

TO: Jack Alan Goldberger

DATE: June 27, 2008

FAX NO. [REDACTED]

# OF PAGES: 3

PHONE NO. [REDACTED]

RE: EPSTEIN

FROM: [REDACTED], Assistant U.S. Attorney

PHONE NO. [REDACTED]

COMMENTS:

6/24/08 AMCV e-mail to Black and  
Goldberger

[REDACTED], [REDACTED]. (USAFLS)

---

From: [REDACTED], [REDACTED]. (USAFLS)  
Sent: Tuesday, June 24, 2008 3:08 PM  
To: Roy BLACK  
Subject: RE: FW: Jeffrey Epstein

Hi Roy -- Is this the best number to call? (305) 371-6421

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

-----Original Message-----

From: Roy BLACK [mailto:[REDACTED]]  
Sent: Tuesday, June 24, 2008 3:02 PM  
To: [REDACTED], [REDACTED]. (USAFLS)  
Cc: jack goldberger  
Subject: Re: FW: Jeffrey Epstein

Marie that is a good time. I also want to conference Jack Goldberger into the call. This will be a wrap up call. Roy

>>> "[REDACTED], [REDACTED]. (USAFLS)"  
<[REDACTED]> 6/24/2008 12:23 PM >>> Dear Roy:

Jeff Sloman contacted me and asked me to return your call regarding the Epstein matter. I am forwarding to you an e-mail that I sent to Jay Lefkowitz last night.

Karen and I can call you at 3:30 to speak about your list of issues. If that time does not work, please let me know what times you are available.

Thank you.

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

---

From: [REDACTED], [REDACTED]. (USAFLS)  
Sent: Monday, June 23, 2008 5:55 PM  
To: [REDACTED]; Jay Lefkowitz

Cc: [REDACTED]  
Subject: Jeffrey Epstein

Dear Mr. Lefkowitz:

I understand that the Deputy Attorney General has completed his review of the Epstein matter and has determined that federal prosecution of Mr. Epstein's case is appropriate.

Accordingly, Mr. Epstein has until the close of business on Monday, June 30, 2008, to comply with the terms and conditions of the agreement between the United States and Mr. Epstein (as modified by the U.S. Attorney's December 19th letter to Ms. Sanchez), including entry of a guilty plea, sentencing, and surrendering to begin his sentence of imprisonment.

If you have any questions, please feel free to contact me at the number shown below.

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

[REDACTED] (USAFLS)

---

**From:** [REDACTED] (USAFLS)  
**Sent:** Tuesday, June 24, 2008 4:05 PM  
**To:** Roy BLACK; Jack Goldberger  
**Cc:** [REDACTED]  
**Subject:** Jeffrey Epstein Agreement

Dear Roy and Jack:

I am just writing to re-state that it is the Government's position that we have a signed, binding agreement and that there is no need for further modification.

Please keep us informed of the date and time of the change of plea and sentencing.

Thank you.

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

Tracking:

6/26/08 ■ AMV e-mail to Black+  
Goldberg

[REDACTED] (USAFLS)

---

**From:** [REDACTED] (USAFLS)  
**Sent:** Thursday, June 26, 2008 11:16 AM  
**To:** Roy BLACK; Jack Goldberger  
**Cc:** [REDACTED]  
**Subject:** Jeffrey Epstein

Dear Roy and Jack:

I have been reviewing the deferred prosecution agreement and wanted to remind you that the agreement states: "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." Please provide me with any proposed agreements at your earliest opportunity, and also please provide me with the date and time of the change of plea.

Thank you.

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

Tracking:

6/15/08 AMCV Ltr to Black + Lemonitz



U.S. Department of Justice

United States Attorney  
Southern District of Florida

---

500 S. Australian Ave, Ste 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: [REDACTED]

August 15, 2008

DELIVERY BY ELECTRONIC MAIL

Jay P. Lefkowitz, Esq.  
Kirkland & Ellis LLP  
Citigroup Center  
153 East 53rd Street  
New York, New York 10022-4675

Roy Black, Esq.  
Black Srebnick Kornspan & Stumpf P.A.  
201 S. Biscayne Blvd, Suite 1300  
Miami, FL 33131

Re: Jeffrey Epstein

Dear Jay and Roy:

Thank you for your response to my earlier e-mail. Our communications with Mr. Black and later with Mr. Lefkowitz were solely to determine what Mr. Epstein considered to be the terms of the Non-Prosecution Agreement. We appreciate your answering our question with finality. You have now made clear that Mr. Epstein did not accept the December modification, and accordingly, the offer to make that modification is a nullity.

Pursuant to our Agreement, I will prepare an Amended Notification that contains the names of additional identified victims. As you know, Judge [REDACTED] had selected the Podhurst firm to serve as the attorney representative for the victims. Assuming that Mr. Josefsberg is still amenable to the appointment, we will provide him with the victim list so that he may begin his service.

Finally, as you are aware, the United States has been ordered to produce the Non-Prosecution Agreement. In accordance with that Order, we will produce the September Agreement with the October Addendum signed by your client. We understand that Mr.

EFTA00183538

JAY P. LEFKOWITZ, ESQ.  
ROY BLACK, ESQ.  
AUGUST 15, 2008  
PAGE 2 OF 2

Goldberger did not provide the state court with a true copy of the complete Agreement, and he should take steps to correct that error.

Sincerely,

R. Alexander Acosta  
United States Attorney

By:   
  
Assistant United States Attorney

cc: , Chief, Northern Division

[REDACTED] (USAFLS)

---

**From:** [REDACTED] (USAFLS)  
**Sent:** Friday, August 15, 2008 2:12 PM  
**To:** [REDACTED]; Roy BLACK  
**Cc:** [REDACTED]  
**Subject:** Response to your e-mail

Dear Jay and Roy:

Please see the attached. Thank you.



080815 [REDACTED]  
Ltr to Lefkow...

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

Tracking:

**Recipient**

[REDACTED]

Roy BLACK

[REDACTED]

[REDACTED] (USAFLS)

Sloman, Jeff (USAFLS)

[REDACTED]

[REDACTED] (USAFLS)

**Read**

Read: 8/15/2008 2:13 PM

Read: 8/15/2008 2:24 PM



U.S. Department of Justice

*United States Attorney  
Southern District of Florida*

---

*500 S. Australian Ave, Ste 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: [REDACTED]*

August 15, 2008

DELIVERY BY ELECTRONIC MAIL

Jay P. Lefkowitz, Esq.  
Kirkland & Ellis LLP  
Citigroup Center  
153 East 53rd Street  
New York, New York 10022-4675

Roy Black, Esq.  
Black Srebnick Kornspan & Stumpf P.A.  
201 S. Biscayne Blvd, Suite 1300  
Miami, FL 33131

Re: Jeffrey Epstein

Dear Jay and Roy:

Thank you for your response to my earlier e-mail. Our communications with Mr. Black and later with Mr. Lefkowitz were solely to determine what Mr. Epstein considered to be the terms of the Non-Prosecution Agreement. We appreciate your answering our question with finality. You have now made clear that Mr. Epstein did not accept the December modification, and accordingly, we will now consider that modification to be a nullity.

Pursuant to our Agreement, I will prepare an Amended Notification that contains the names of additional identified victims. In accordance with Paragraph 7B of the October Addendum, please provide me by Monday afternoon with a proposed written submission to the independent third-party who will select the attorney representative.

Finally, as you are aware, the United States has been ordered to produce the Non-Prosecution Agreement. In accordance with that Order, we will produce the September Agreement with the October Addendum signed by your client. We understand that Mr.

EFTA00183542

JAY P. LEFKOWITZ, ESQ.  
ROY BLACK, ESQ.  
AUGUST 15, 2008  
PAGE 2 OF 2

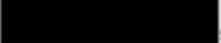
Goldberger did not provide the state court with a true copy of the complete Agreement, and he should take steps to correct that error.

Sincerely,

R. Alexander Acosta  
United States Attorney

By

  
  
Assistant United States Attorney

cc: , Chief, Northern Division

8/15/08 AMCV e-mail re Agrmt

[REDACTED], [REDACTED]. (USAFLS)

---

**From:** [REDACTED], [REDACTED]. (USAFLS)  
**Sent:** Friday, August 15, 2008 11:17 AM  
**To:** [REDACTED] (USAFLS); Sloman, Jeff (USAFLS); [REDACTED]; [REDACTED]  
[REDACTED]; [REDACTED] (USAFLS)  
**Subject:** RE: Follow-up point

We either have to do the October Agreement or the December Agreement, I don't think we can let them get away with doing neither. Two-thirds of the victims do not have any representation.

The language of the agreement gives us the right to select the Special Master, and we should choose someone quickly. We then have to create a written submission, and we should give them a very short time frame to do so. If we keep their feet to the fire, this can be completed within a week.

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

---

**From:** [REDACTED] (USAFLS)  
**Sent:** Friday, August 15, 2008 11:12 AM  
**To:** [REDACTED], [REDACTED]. (USAFLS); Sloman, Jeff (USAFLS); [REDACTED]; [REDACTED]; [REDACTED]  
[REDACTED] (USAFLS)  
**Subject:** RE: Follow-up point

Are we really proposing the Special Master? Is he still on board?

I thought we had said that compliance with that was an impossibility given the passage of time?

---

**From:** [REDACTED], [REDACTED]. (USAFLS)  
**Sent:** Friday, August 15, 2008 11:08 AM  
**To:** [REDACTED] (USAFLS); Sloman, Jeff (USAFLS); [REDACTED]; [REDACTED]; [REDACTED]  
(USAFLS)  
**Subject:** FW: Follow-up point

Just received a response from Jay. I'm not sure what he means about talking "this morning," since I haven't spoken to him today.

I don't believe that we should wait two weeks for them to confer. They have the ability to confer over the telephone or to come and visit him (as reported in the Palm Beach Post).

Here is my proposed response:

Dear Jay:

Thank you for your response. It is our position that Mr. Epstein accepted the December modification by his performance. If you prefer to return to the language of the October addendum, we have no objection, but, as you know, I have been ordered to produce the Non-Prosecution Agreement and I cannot wait two weeks to do

so. Please advise me by noon on Monday in writing, preferably signed by your client, whether Mr. Epstein intends to perform according to the terms of the December modification or whether he elects to return to the October addendum.

If Mr. Epstein elects to perform according to the terms of the October addendum, then please prepare a proposed written submission to the Special Master, in accordance with Paragraph 7B, for my review by Monday afternoon. The extensive delays of the past will no longer be tolerated, and the Office will insist upon a showing of good faith performance in the selection of the attorney representative and all other terms of the Agreement.

Sincerely,  
Marie

[REDACTED]  
Assistant U.S. Attorney

---

**From:** Jay Lefkowitz [mailto:[REDACTED]]  
**Sent:** Friday, August 15, 2008 10:53 AM  
**To:** [REDACTED] (USAFLS)  
**Cc:** [REDACTED]; Roy BLACK; Martin Weinberg  
**Subject:** Re: Follow-up point

Marie - thanks for responding to my email. You have narrowed down some of the implementation issues.

As I told you this morning, we cannot accept your contention that Mr. Epstein is bound by an agreement he didn't sign as opposed to one he did sign, particularly in light of my written communications to your office dated December 21, 2007 and December 26, 2007. However, before we can make a determination whether to adopt the December language as you have now explained it, we need to confer with our client, which we will be able to do within the next two weeks.

I look forward to speaking with you soon to resolve these issues.

Jay

---

**From:** "[REDACTED], [REDACTED] (USAFLS)" [mailto:[REDACTED]]  
**Sent:** 08/14/2008 03:27 PM AST  
**To:** Jay Lefkowitz  
**Cc:** "[REDACTED]" <[REDACTED]>; "Roy BLACK"  
<[REDACTED]>  
**Subject:** RE: Follow-up point

Dear Jay:

The modification contained in the December letter is clear and simple, that is why we were not surprised by Mr. Epstein's and his attorneys' actions affirming acceptance of the modification. Mr. Epstein's acceptance of the modification by pleading guilty was equally clear and simple -- it followed written communications from Mr. Sloman and myself that read: "Mr. Epstein has until the close of business on Monday, June 30, 2008, to comply with the terms and conditions of the agreement between the United States and Mr. Epstein (as modified by the U.S. Attorney's December 19<sup>th</sup> letter to Ms. Sanchez), including entry of a guilty plea, sentencing, and surrendering to begin his sentence of imprisonment."

As clearly stated in the December letter, only those "individuals whom [the United States] was prepared to name in an Indictment as victims of an enumerated offense" are the beneficiaries of the agreement. That is the list of names that I provided to Messrs. Goldberger and Tein following the change of plea. Under the September/October agreement, all "individuals whom [the United States] has identified as victims" are the beneficiaries, so I would prepare a supplement to the earlier list to include identified victims whom we were not yet prepared to name in an indictment.

Again, as stated in the letter, the modification replaces paragraphs 7 and 8 of the Agreement, including paragraphs 7A through 7C that are included in the October Addendum. This means that Mr. Epstein's waiver of "his right to contest damages up to an amount as agreed to between the identified individual and Epstein" will no longer exist, nor will Mr. Epstein's obligation to pay for the victims' counsel. Paragraphs 9 and 10 are still in effect. This includes the statement that there is no admission of civil or criminal liability, and that, "[e]xcept as to those individuals who elect to proceed EXCLUSIVELY under 18 USC § 2255, . . . Epstein's signature [cannot] be construed as admissions or evidence of civil or criminal liability." This addresses your question regarding exclusivity.

I don't think that Mr. Epstein has to make any constructive admissions of conviction. He only needs to admit that the 32 girls whose names I have provided to Mr. Goldberger are "victims" of an offense listed in 18 U.S.C. 2255.

Please let me know if you have any additional questions. Thank you.

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

---

**From:** Jay Lefkowitz [mailto:[REDACTED]]  
**Sent:** Thursday, August 14, 2008 2:39 PM  
**To:** [REDACTED] (USAFLS)  
**Cc:** [REDACTED]; [REDACTED]  
**Subject:** Re: Follow-up point

Marie - In reviewing your December proposal, there are a couple of things I don't understand.

What limits are placed upon individuals who proceed under 2255 as if "Mr. Epstein had been tried federally and convicted of an enumerated offense." In other words, what individuals would have this right? And would these individual only have this right if they proceeded exclusively under 2255? Also, to what enumerated offenses do you think would Mr. Epstein have to make constructive admissions of conviction? and how many such offenses? And against whom? Remember that while you may have investigated various offenses, he only plead guilty to certain state crimes.

Finally, would paragraphs 8-10 of the September Agreement still be operative?

I am trying hard to understand what you have intended by the December letter. Alex has says he thinks it benefits Jeffrey, and I am open to understanding it that way. But I would like some clarity on these issues.

Thanks -- Jay

[Redacted] (USAFELSI)"  
<[Redacted]>

To <[Redacted]>  
cc "[Redacted]" <[Redacted]>

Subject Follow-up point

08/14/2008 12:44 PM

Hi Jay -- I forgot to mention that I can no longer argue that the Court shouldn't force us to produce the agreement because we have already provided the victims with the relevant portion when I now understand from you that I have NOT provided them with the relevant portion.

[Redacted]

Assistant U.S. Attorney

[Redacted]

[Redacted]

[Redacted]

[Redacted]

\*\*\*\*\*  
The information contained in this communication is confidential, may be attorney-client privileged, may constitute inside information, and is intended only for the use of the addressee. It is the property of Kirkland & Ellis LLP or Kirkland & Ellis International LLP. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify us immediately by return e-mail or by e-mail to postmaster@kirkland.com, and destroy this communication and all copies thereof, including all attachments.  
\*\*\*\*\*

\*\*\*\*\*  
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communication in error, please notify us immediately by  
return e-mail or by e-mail to postmaster@kirkland.com, and  
destroy this communication and all copies thereof,  
including all attachments.

\*\*\*\*\*

**Recipient**

[REDACTED] (USAFLS)

Sloman, Jeff (USAFLS)

[REDACTED]

[REDACTED]

[REDACTED] (USAFLS)

**Read**

Read: 8/15/2008 11:17 AM

Can't make argument

If December wasn't accepted, then we are back to October modification

- more victims - not limited to ones prepared to name in an indictment
- waives right to challenge liability
- need to pick Special Master <sup>attorneys</sup>
  - if any of Mr. Epstein's <sup>attorneys</sup> tries to scare off the selected attorney representative or Special Master it will be a breach
- one week to do submissions to Special Master, no more lollygagging

This is a "you reap what you sow" moment.

We tried to limit Mr. Epstein's exposure. We tried to reduce the chance of unscrupulous attorney trying to take advantage of the publicity and unsophisticated victims.

~~We~~ we tried to bring quick, quiet resolutions

You decided that it was in your client's best interests to roll the dice and go for ~~the everything~~ and to smear Jeff Stroman and me in the meantime. Now you have plaintiffs attorneys holding press conferences and victims making multi-million dollar claims in lots of different courts.

If you put that in writing and send it to OPR, I will put it behind me

Mr. Black is the only member of Mr. Epstein's team who has not leveled false allegations of misconduct

The contents of  
12/9 letter were  
clear. that is why  
we were not surprised  
that counsel took actions  
affirming acceptance

and his co-counsel

Ask that you enter an ore tenus motion  
limiting Mr. Edwards' distribution  
~~We up to his clients Jane Does 1 + 2~~  
and co-counsel

As clearly stated in the letter,

Issue regarding what is the agreement, despite fact that  
- working to resolve that now Mr. Tein filed my  
Decl. in the civil

suits against Mr. Epstein  
in support of their motion to  
stay the litigation.

- Names additional persons  
↳ 6e grand jury
- Mr. Cassell
  - Mr. Edwards
  - Mr. Lee
  - Judge Marra

Filed a case yesterday on behalf of [REDACTED]

# KIRKLAND & ELLIS LLP

AND AFFILIATED PARTNERSHIPS

Citigroup Center  
153 East 53rd Street  
New York, New York 10022-4611

Jay P. Lefkowitz, P.C.  
To Call Writer Directly  
[REDACTED]  
lefkowitz@kirkland.com

(212) 446-4800

www.kirkland.com

Facsimile: [REDACTED]

August 18, 2008

**VIA FACSIMILE** [REDACTED]

[REDACTED]  
United States Attorney's Office  
Southern District of Florida  
500 South Australian Avenue, Suite 400  
West Palm Beach, Florida 33401

*Re: Jeffrey Epstein*

Dear Marie:

I write in response to your letter dated August 15, 2008 regarding the civil restitution portion of the Deferred Prosecution Agreement (the "Agreement"). Thank you for confirming our position that the December modification proposal is not part of the Agreement. As expressed by U.S. Attorney Acosta in his December 19, 2007 letter, the unorthodox use of a civil restitution statute in a federal plea agreement, which resulted in state charges against Mr. Epstein, has caused several miscommunications with respect to the implementation of the terms of that Agreement. In order to avoid any further miscommunications and to ensure that the 18 U.S.C. § 2255 aspects of the Agreement are carried out in a proper manner, it would be useful to come to an agreement as to the implementation of the civil restitution portion of the Agreement. As we have previously stated, Mr. Epstein fully intends to abide by the terms of the Agreement, and we hope you appreciate that our efforts to resolve any misunderstandings between Mr. Epstein and the government about the terms of the Agreement are intended only to ensure that it is carried out fully and fairly.

In an effort to avoid having either party unintentionally breach the Agreement, we suggest that steps be taken to clarify the meaning of paragraphs 7-10. It would be extremely helpful to both sides to have an independent third party consider the Agreement and offer the final word on how certain clauses should be interpreted and satisfied. Because the government has already enlisted Judge [REDACTED] to select the attorney representative under the Agreement, we would be amenable to his serving in this role.

In order to come to an agreement on the exact procedure by which the identified individuals will obtain restitution, I am providing you with our thoughts on three issues below.

## KIRKLAND &amp; ELLIS LLP

[REDACTED]  
August 18, 2008

Page 2

Once we come to an agreement on the following and you provide a complete and final list of identified individuals, it will be appropriate to notify them.

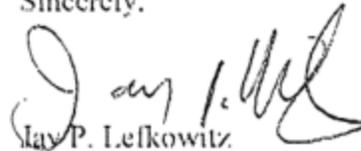
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Second, we will cooperate with the government to reach to an agreement as to substance of the notification to be sent to the government's list of individuals. Based on the Agreement, the information contained in the notification should be limited to (1) the language provided in the Agreement dealing with civil restitution (paragraphs 7-10) and (2) the contact information of the selected attorney representative. We object to the inclusion of additional information about the investigation of Mr. Epstein, the terms of the Agreement other than paragraphs 7-10, and the identity of other identified individuals.

Third, as you are aware, the Addendum requires that "the parties will jointly prepare a short written submission to the independent third-party regarding the role of the attorney representative and regarding Epstein's Agreement to pay such attorney representative his or her customary hourly rate for representing such victims subject to the provisions of Paragraph C, *infra*." We will certainly cooperate with the government to draft such a joint submission and would be pleased to submit draft language to you for such a joint submission.

I look forward to working with you to resolve these matters. I believe we have a mutual interest in moving past all of these issues so that the civil restitution aspects of the Agreement can be fulfilled.

Sincerely,



Jay P. Leskowitz

cc: [REDACTED], Chief, Northern Division

# KIRKLAND & ELLIS LLP

AND AFFILIATED PARTNERSHIPS

Citigroup Center  
153 East 53rd Street  
New York, New York 10022-4611

(212) 446-4800

www.kirkland.com

Jay P. Lefkowitz, P.C.  
To Call Writer Directly  
[REDACTED]  
lefkowitz@kirkland.com

Facsimile:  
[REDACTED]

August 18, 2008

**VIA FACSIMILE (56 [REDACTED])**

[REDACTED]  
United States Attorney's Office  
Southern District of Florida  
500 South Australian Avenue, Suite 400  
West Palm Beach, Florida 33401

*Re: Jeffrey Epstein*

Dear Marie:

I write in response to your letter dated August 15, 2008 regarding the civil restitution portion of the Deferred Prosecution Agreement (the "Agreement"). Thank you for confirming our position that the December modification proposal is not part of the Agreement. As expressed by U.S. Attorney Acosta in his December 19, 2007 letter, the unorthodox use of a civil restitution statute in a federal plea agreement, which resulted in state charges against Mr. Epstein, has caused several miscommunications with respect to the implementation of the terms of that Agreement. In order to avoid any further miscommunications and to ensure that the 18 U.S.C. § 2255 aspects of the Agreement are carried out in a proper manner, it would be useful to come to an agreement as to the implementation of the civil restitution portion of the Agreement. As we have previously stated, Mr. Epstein fully intends to abide by the terms of the Agreement, and we hope you appreciate that our efforts to resolve any misunderstandings between Mr. Epstein and the government about the terms of the Agreement are intended only to ensure that it is carried out fully and fairly.

In an effort to avoid having either party unintentionally breach the Agreement, we suggest that steps be taken to clarify the meaning of paragraphs 7-10. It would be extremely helpful to both sides to have an independent third party consider the Agreement and offer the final word on how certain clauses should be interpreted and satisfied. Because the government has already enlisted Judge [REDACTED] to select the attorney representative under the Agreement, we would be amenable to his serving in this role.

In order to come to an agreement on the exact procedure by which the identified individuals will obtain restitution, I am providing you with our thoughts on three issues below.

Chicago

Hong Kong

London

Los Angeles

Munich

San Francisco

Washington, D.C.

EFTA00183555

KIRKLAND & ELLIS LLP

██████████  
August 18, 2008

Page 2

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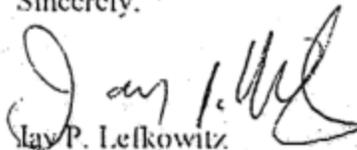
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I look forward to working with you to resolve these matters. I believe we have a mutual interest in moving past all of these issues so that the civil restitution aspects of the Agreement can be fulfilled.

Sincerely,

  
Jay P. Lefkowitz

cc: ██████████, Chief, Northern Division

# KIRKLAND & ELLIS LLP

## Fax Transmittal

Citigroup Center  
153 East 53rd Street  
New York, New York 10022-4611  
Phone: (212) [REDACTED]  
Fax: (212) 46-4900

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PLEASE NOTIFY US IMMEDIATELY AT:  
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<b>To:</b>	<b>Company:</b>	<b>Fax #:</b>	<b>Direct #:</b>	
[REDACTED] Villafana	United States Attorney's Office	[REDACTED]	[REDACTED]	
<b>CC:</b>	<b>Company:</b>	<b>Fax #:</b>	<b>Direct #:</b>	
[REDACTED]	United States Attorney's Office	[REDACTED]		
<b>From:</b>	<b>Date:</b>	<b>Pages w/cover:</b>	<b>Fax #:</b>	<b>Direct #:</b>
Jay P. Leikowitz	August 18, 2008	3	[REDACTED]	[REDACTED]

Message:

# KIRKLAND & ELLIS LLP

AND AFFILIATED PARTNERSHIPS

Citigroup Center  
153 East 53rd Street  
New York, New York 10022-4611

(212) 446-4800

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Jay P. Lefkowitz, P.C.  
To Call Writer Directly:  
[REDACTED]  
lefkowitz@kirkland.com

August 18, 2008

**VIA FACSIMILE** [REDACTED]

[REDACTED] Villafana  
United States Attorney's Office  
Southern District of Florida  
500 South Australian Avenue, Suite 400  
West Palm Beach, Florida 33401

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KIRKLAND & ELLIS LLP

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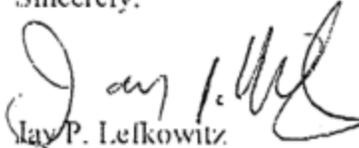
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Sincerely,

  
Jay P. Lefkowitz

cc: ██████████

Chief, Northern Division

# KIRKLAND & ELLIS LLP

## Fax Transmittal

Citigroup Center  
153 East 53rd Street  
New York, New York 10022-4611  
Phone: [REDACTED]  
Fax: [REDACTED]

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[REDACTED]

To:	Company:	Fax #:	Direct #:	
[REDACTED]	United States Attorney's Office	[REDACTED]	[REDACTED]	
	Company:	Fax #:	Direct #:	
	United States Attorney's Office	[REDACTED]		
From:	Date:	Pages w/cover:	Fax #:	Direct #:
Jay P. Lelkowitz	August 18, 2008	3	[REDACTED]	[REDACTED]
<b>Message:</b>				

2/18/08 LEFKOWITZ CT to ANCV

| | | | | | | |

8/21/08 AMCI Ltr to Lefk. + Black



**U.S. Department of Justice**

*United States Attorney  
Southern District of Florida*

---

*500 S. Australian Ave, Ste 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: [REDACTED]*

August 21, 2008

DELIVERY BY ELECTRONIC MAIL

Jay P. Lefkowitz, Esq.  
Kirkland & Ellis LLP  
Citigroup Center  
153 East 53rd Street  
New York, New York 10022-4675

Roy Black, Esq.  
Black Srebnick Kornspan & Stumpf P.A.  
201 S. Biscayne Blvd, Suite 1300  
Miami, FL 33131

Re: Jeffrey Epstein

Dear Jay and Roy:

Thank you for your response to my earlier letter. The U.S. Attorney's Office shares in your desire to implement all of the terms of the Non-Prosecution Agreement. As you are aware, the jointly-approved Special Master, Judge [REDACTED], has already selected an attorney representative, Robert Josefsberg, who was accepted by both parties. The Office has conferred with Mr. Josefsberg, who has agreed to continue in that role. In October 2007, Mr. Josefsberg expended time, effort, and funds in preparing to serve as the attorney representative, and he will need a written confirmation from you that his future fees and expenses will be paid in accordance with the terms of the Non-Prosecution Agreement. Please provide me with a copy of that correspondence for my file.

With that matter settled, I believe that the requirement for a joint written submission to the Special Master has been extinguished. Nonetheless, I have no objection to attempting to create a joint statement to assist Mr. Josefsberg in serving his duties. Regarding your suggestion that we ask Judge [REDACTED] to "offer the final word on how certain clauses should be interpreted and satisfied," I believe that the Agreement speaks for itself.

JAY P. LEFKOWITZ, ESQ.  
ROY BLACK, ESQ.  
AUGUST 21, 2008  
PAGE 2 OF 2

Pursuant to the terms of the Agreement, following Mr. Epstein's sentencing, the U.S. Attorney's Office provided Mr. Epstein's counsel with a list of the individuals whom it was prepared to name in an indictment as victims of an offense enumerated in 18 U.S.C. § 2255, and none of those names will be deleted. By his agreement, Mr. Epstein sought to resolve liability for all criminal activity known to the United States as of the time of his plea and sentencing, and he is responsible for damages to all victims of that criminal activity.

Copies of the victim notifications will continue to be provided to counsel for Mr. Epstein. Please let me know whether I should continue to list Mr. Goldberger as the point of contact for the civil litigation. Regarding your suggestion on the content of the notification letters, I intend to use the same format that was used in the letters previously approved by Messrs. Goldberger and Tein, except that I will include the language from the September and October agreements. I have enclosed a draft herewith. Because I previously provided the victims with incorrect information—albeit with the approval of Mr. Epstein's counsel—it is imperative that I correct the error promptly. Accordingly, if you have any substantive objections to the letter, please advise me by tomorrow afternoon.

Sincerely,

R. Alexander Acosta  
United States Attorney

By:   
  
Assistant United States Attorney

cc: , Chief, Northern Division



U.S. Department of Justice

United States Attorney  
Southern District of Florida

500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: [REDACTED]

August 22, 2008

VIA FACSIMILE AND U.S. MAIL

Michael E. Dutko, Esq.  
Bogenschutz & Dutko  
600 S. Andrews Ave, Suite 500  
Fort Lauderdale, FL 33301-2802

**DRAFT**

Re: Jeffrey Epstein/[REDACTED] [REDACTED]: AMENDED NOTIFICATION  
OF IDENTIFIED VICTIM

Dear Mr. Dutko:

By virtue of this letter, the United States Attorney's Office for the Southern District of Florida asks that you provide the following amended notice to your client, [REDACTED]. Some of the information contained in the July 20, 2008 letter to Ms. [REDACTED] was inaccurate, so please advise her of the following changes.

As you were previously advised, on June 30, 2008, Jeffrey Epstein (hereinafter referred to as "Epstein) entered a plea of guilty to violations of Florida Statutes Sections 796.07 (felony solicitation of prostitution) and 796.03 (procurement of minors to engage in prostitution), in the 15th Judicial Circuit in and for Palm Beach County (Case Nos. 2006-cf-009454AXXXMB and 2008-cf-009381AXXXMB) and was sentenced to a term of twelve months' imprisonment to be followed by an additional six months' imprisonment, followed by twelve months of Community Control 1, with conditions of community confinement imposed by the Court.

In light of the entry of the guilty plea and sentence, the United States has agreed to defer federal prosecution in favor of this state plea and sentence, subject to certain conditions, including the following:

1. An independent Special Master was assigned the task of selecting an attorney representative to represent the victims in connection with civil

litigation between the victims and Mr. Epstein. The Special Master selected Robert Josefsberg, Esq. of the firm Podhurst Orseck, P.A., a highly-respected and experienced attorney. Ms. [REDACTED] is not obligated to use Mr. Josefsberg as her civil attorney, but, as explained in greater detail below, Mr. Josefsberg's services will be provided at no cost to Ms. [REDACTED] because Mr. Epstein is obligated to pay the costs and fees of the attorney-representative. Also, Mr. Epstein and his attorneys can only contact Ms. [REDACTED] via Mr. Josefsberg, assuming that she would like Mr. Josefsberg to serve as her attorney.

2. If Ms. [REDACTED] elects to file suit against Mr. Epstein pursuant to Title 18, United States Code, Section 2255, Mr. Epstein will not contest the jurisdiction of the United States District Court for the Southern District of Florida over his person and/or the subject matter, and Mr. Epstein waives his right to contest liability and also waives his right to contest damages up to an amount as agreed to between Ms. [REDACTED] and Mr. Epstein, so long as Ms. [REDACTED] elects to proceed exclusively under 18 U.S.C. § 2255, and she waives any other claim for damages, whether pursuant to state, federal, or common law. Notwithstanding this waiver, Epstein's agreement with the United States, his waivers and failure to contest liability and such damages in any suit are not to be construed as an admission of any criminal or civil liability.
  
3. As stated above, Mr. Epstein has agreed to pay the fees of the attorney representative selected by the independent third party. This provision, however, shall not obligate Epstein to pay the fees and costs of contested litigation filed against him. Thus, if after consideration of potential settlements, Ms. [REDACTED] and Mr. Josefsberg elect to file a contested lawsuit pursuant to 18 U.S.C. § 2255 or she elects to pursue any other contested remedy, the obligation to pay the costs of the attorney representative, as opposed to any statutory or other obligations to pay reasonable attorneys fees and costs such as those contained in Section 2255 to bear the costs of the attorney representative, shall cease.

Mr. Josefsberg will be contacting you within the next week to explain these terms and to determine if he may contact Ms. [REDACTED] directly. If you would like to contact Mr.

MICHAEL E. DUTKO, ESQ.  
AMENDED NOTIFICATION OF IDENTIFIED VICTIM [REDACTED] [REDACTED]  
AUGUST 22, 2008  
PAGE 3 OF 3

Josefsberg directly, he can be reached at 305 358-2800.

If Ms. [REDACTED] has selected other counsel to represent her, or if she does so in the future, and she decides to pursue a claim against Jeffrey Epstein, his attorney, Jack Goldberger, asks that he be contacted at Atterbury Goldberger and Weiss, 250 Australian Avenue South, Suite 1400, West Palm Beach, FL 33401.

In addition, a judge has ordered that the United States make available to any designated victim (and/or her attorney) a copy of the actual agreement between Mr. Epstein and the United States, so long as the victim (and/or her attorney) reviews, signs, and agrees to be bound by a Protective Order entered by the Court. If Ms. [REDACTED] would like to review the Agreement, please let me know, and I will forward a copy of the Protective Order for her signature.

As I stated in my earlier notification, please understand that neither the U.S. Attorney's Office nor the Federal Bureau of Investigation can take part in or otherwise assist in civil litigation, but we again thank you and your client for all of her assistance during the course of this investigation.

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

**DRAFT**

By:

[REDACTED]

ASSISTANT U.S. ATTORNEY

cc: Robert Josefsberg, Esq.  
Jack Goldberger, Esq.

8/22/08 Lefkowitz ltr to AMCV

**KIRKLAND & ELLIS LLP**  
AND AFFILIATED PARTNERSHIPSCitigroup Center  
153 East 53rd Street  
New York, New York 10022-4611Jay P. Iofkowitz, P.C.  
To Call Writer Directly  
446-4970  
jiofkowitz@kirkland.com

446-4800

www.kirkland.com

Facsimile

August 22, 2008

**VIA FACSIMILE**United States Attorney's Office  
Southern District of Florida  
500 South Australian Avenue, Suite 400  
West Palm Beach, Florida 33401Re: *Jeffrey Epstein*

Dear [REDACTED]:

I write this letter to correct certain misstatements made in your letter dated August 21, 2008, and the accompanying draft notification.

First, you state that "Mr. Josefsberg expended time, effort and funds in preparing to serve as attorney representative in October of 2007." Neither I, nor any other attorney on Mr. Epstein's defense team, was notified of this work by Mr. Josefsberg.

Second, in the victim notification letter, no judge "has ordered that the United States" make available a copy of the Non-Prosecution Agreement. Section (d) of the Order to Compel Production and Protective Order provides that if any of the alleged "victims" and/or their attorneys "request the opportunity to review the Agreement," the USAO shall comply with the request so long as those individuals agree not to disclose the Non-Prosecution Agreement. There is no court order requiring the government to provide the alleged "victims" with notice that the Non-Prosecution Agreement is available to them upon request and doing so is in conflict with the confidentiality provisions of the Agreement. Given that the individuals on the list will have an attorney representative who is fully aware of the terms of the Non-Prosecution Agreement, this conflicting paragraph of your notice is unnecessary in any event and should be excised.

Third, misstatements in your prior notification were not made "with the approval of Mr. Epstein's counsel."

Fourth, we are concerned with your open-ended description of Mr. Epstein's responsibilities regarding civil restitution. The resolution of liability pursuant to 18 U.S.C.

## KIRKLAND &amp; ELLIS LLP

[REDACTED]  
August 22, 2008

Page 2

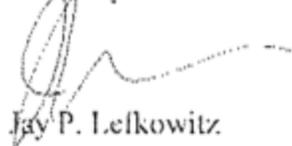
§ 2255 is as stated in paragraphs 7 and 8 of the Agreement and the Addendum to the Agreement, no more, no less.

Fifth, while you state, in your letter, that the USAO does not intend to delete any of the names on the list provided to Mr. Epstein's counsel, you do not confirm that the prior list is final and complete. There can be no expansion of the list of individuals that you informed us had been memorialized as of September 24, 2007 and disclosed to Mr. Epstein on June 30, 2008 (the date of sentence pursuant to the Agreement's disclosure requirements). Please confirm the exact name and number of individuals the government plans on notifying as provided for under the Agreement.

Sixth, based on express language in prior communications from your Office, we are in agreement that paragraphs 7 and 8 of the Agreement are in need of clarification and implementation. We will work with the attorney representative in attempting to reach a fair resolution of the outstanding civil matters in a manner that is in accordance with the Agreement.

Seventh, we have previously communicated our objections to the propriety of the attorney representative engaging in contested litigation. We again dispute the assertion that Mr. Josefsberg's duties include filing contested litigation. In any case, that issue is not ripe for resolution at this point, but again, given his agreement to be the attorney representative, we will address these matters directly with Mr. Josefsberg.

Sincerely,



Jay P. Lefkowitz

cc: [REDACTED], Chief, Northern Division

# KIRKLAND & ELLIS LLP

## Fax Transmittal

Citigroup Center  
153 East 53rd Street  
New York, New York 10022-4611  
Phone: [REDACTED]  
Fax: [REDACTED]

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<b>To:</b> [REDACTED]	<b>Company:</b> United States Attorney's Office	<b>Fax #:</b> [REDACTED]	<b>Direct #:</b> [REDACTED]
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<b>From:</b> Jay P. Lefkowitz	<b>Date:</b> August 22, 2008	<b>Pages w/cover:</b> 3	<b>Fax #:</b> [REDACTED]
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Message:

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Jay P. Iofkowitz, P.C.  
To Call Writer Directly  
-446-4970  
jiofkwitz@kirkland.com

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(212) 446-4900

August 22, 2008

VIA FACSIMILE (561) 820-8777

U.S. Attorney's Office  
Southern District of Florida  
500 South Australian Avenue, Suite 400  
West Palm Beach, Florida 33401

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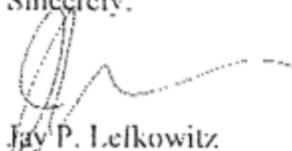
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Sincerely,



Jay P. Lefkowitz

cc: ██████████, Chief, Northern Division

KIRKLAND & ELLIS LLP

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Citigroup Center  
153 East 53rd Street  
New York, New York 10022-4611  
Phone: [REDACTED]  
Fax: [REDACTED]

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PLEASE NOTIFY US IMMEDIATELY AT:  
[REDACTED]

<b>To:</b> [REDACTED]	<b>Company:</b> United States Attorney's Office	<b>Fax #:</b> [REDACTED]	<b>Direct #:</b> [REDACTED]
<b>CC:</b> [REDACTED]	<b>Company:</b> United States Attorney's Office	<b>Fax #:</b> [REDACTED]	<b>Direct #:</b> [REDACTED]
<b>From:</b> Jay P. Lefkowitz	<b>Date:</b> August 22, 2008	<b>Pages w/cover:</b> 3	<b>Fax #:</b> [REDACTED]
<b>Direct #:</b> [REDACTED]			

Message:

# KIRKLAND & ELLIS LLP

AND AFFILIATED PARTNERSHIPS

Citigroup Center  
153 East 53rd Street  
New York, New York 10022-4611

Jay P. Ioffkowitz, P.C.  
To Call Writer Directly  
-446-4970  
jioffkowitz@kirkland.com

www.kirkland.com

Facsimile  
(212) 446-4900

August 22, 2008

VIA FACSIMILE (561) 820-8777

██████████'s Office  
Southern District of Florida  
500 South Australian Avenue, Suite 400  
West Palm Beach, Florida 33401

Re: *Jeffrey Epstein*

Dear ██████████

I write this letter to correct certain misstatements made in your letter dated August 21, 2008, and the accompanying draft notification.

First, you state that "Mr. Josefsberg expended time, effort and funds in preparing to serve as attorney representative in October of 2007." Neither I, nor any other attorney on Mr. Epstein's defense team, was notified of this work by Mr. Josefsberg.

Second, in the victim notification letter, no judge "has ordered that the United States" make available a copy of the Non-Prosecution Agreement. Section (d) of the Order to Compel Production and Protective Order provides that if any of the alleged "victims" and/or their attorneys "request the opportunity to review the Agreement," the USAO shall comply with the request so long as those individuals agree not to disclose the Non-Prosecution Agreement. There is no court order requiring the government to provide the alleged "victims" with notice that the Non-Prosecution Agreement is available to them upon request and doing so is in conflict with the confidentiality provisions of the Agreement. Given that the individuals on the list will have an attorney representative who is fully aware of the terms of the Non-Prosecution Agreement, this conflicting paragraph of your notice is unnecessary in any event and should be excised.

Third, misstatements in your prior notification were not made "with the approval of Mr. Epstein's counsel."

Fourth, we are concerned with your open-ended description of Mr. Epstein's responsibilities regarding civil restitution. The resolution of liability pursuant to 18 U.S.C.

## KIRKLAND &amp; ELLIS LLP

[REDACTED]  
August 22, 2008

Page 2

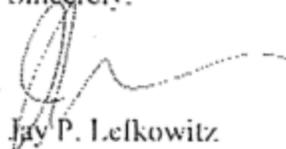
§ 2255 is as stated in paragraphs 7 and 8 of the Agreement and the Addendum to the Agreement, no more, no less.

Fifth, while you state, in your letter, that the USAO does not intend to delete any of the names on the list provided to Mr. Epstein's counsel, you do not confirm that the prior list is final and complete. There can be no expansion of the list of individuals that you informed us had been memorialized as of September 24, 2007 and disclosed to Mr. Epstein on June 30, 2008 (the date of sentence pursuant to the Agreement's disclosure requirements). Please confirm the exact name and number of individuals the government plans on notifying as provided for under the Agreement.

Sixth, based on express language in prior communications from your Office, we are in agreement that paragraphs 7 and 8 of the Agreement are in need of clarification and implementation. We will work with the attorney representative in attempting to reach a fair resolution of the outstanding civil matters in a manner that is in accordance with the Agreement.

Seventh, we have previously communicated our objections to the propriety of the attorney representative engaging in contested litigation. We again dispute the assertion that Mr. Josefsberg's duties include filing contested litigation. In any case, that issue is not ripe for resolution at this point, but again, given his agreement to be the attorney representative, we will address these matters directly with Mr. Josefsberg.

Sincerely,



Jay P. Lefkowitz

cc: [REDACTED], Chief, Northern Division

# KIRKLAND & ELLIS LLP

## Fax Transmittal

Citigroup Center  
153 East 53rd Street  
New York, New York 10022-4611  
Phone: [REDACTED]  
Fax: [REDACTED]

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[REDACTED]

<b>To:</b>	<b>Company:</b>	<b>Fax #:</b>	<b>Direct #:</b>	
[REDACTED] [REDACTED]	United States Attorney's Office	[REDACTED]	[REDACTED]	
<b>CC:</b>	<b>Company:</b>	<b>Fax #:</b>	<b>Direct #:</b>	
[REDACTED]	United States Attorney's Office	[REDACTED]	[REDACTED]	
<b>From:</b>	<b>Date:</b>	<b>Pages w/cover:</b>	<b>Fax #:</b>	<b>Direct #:</b>
Jay P. Leikowitz	August 22, 2008	3	[REDACTED]	[REDACTED]
<b>Message:</b>				

8/26/08 ANCV Ltr to Left + Back



U.S. Department of Justice

United States Attorney  
Southern District of Florida

---

500 S. Australian Ave, Ste 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: [REDACTED]

August 26, 2008

DELIVERY BY ELECTRONIC MAIL

Jay P. Lefkowitz, Esq.  
Kirkland & Ellis LLP  
Citigroup Center  
153 East 53rd Street  
New York, New York 10022-4675

Roy Black, Esq.  
Black Srebnick Kornspan & Stumpf P.A.  
201 S. Biscayne Blvd, Suite 1300  
Miami, FL 33131

Re: Jeffrey Epstein

Dear Jay and Roy:

Thank you for your letter of August 22nd. I write to follow up on some of the points that you raised.

The list of thirty-two victims that was provided to Mr. Goldberger via certified mail on July 10, 2008 is the final list. As I mentioned, copies of the notification letters to each victim will be carbon-copied to an attorney for Mr. Epstein and Mr. Josefsberg. I asked you to advise me whether Mr. Goldberger should continue to be listed as the contact person for the civil litigation in the amended victim notification letters and whether he should receive the carbon copies of those letters as they are sent.

I also asked you to provide me with written confirmation of your agreement to pay Mr. Josefsberg's fees. Please provide that confirmation to Mr. Josefsberg so that he can begin his representation, and provide me with a copy for my file.

I have conferred with the lead AUSA in the case of *Jane Doe 1 and 2*, *United States*,

EFTA00183579

JAY P. LEFKOWITZ, ESQ.  
ROY BLACK, ESQ.  
AUGUST 26, 2008  
PAGE 2 OF 2

and he agrees that, based upon the discussion with Judge Marra during the hearing on the plaintiffs' motion, a notification of the judge's ruling is required. I will, however, change the language slightly to direct the victims to discuss the matter with Mr. Josefsberg.

With regard to your concerns with my "open-ended description of Mr. Epstein's responsibilities regarding civil restitution," I agree that the resolution of civil damages claims is as stated in paragraphs 7 and 8 of the Agreement and Addendum. That is why the language in the notification is taken *verbatim* from paragraphs 7, 8, and 7C of the Agreement and Addendum, except that the victim's name is used in place of "identified individual." As I mentioned in my earlier letter, if you have any proposed substantive changes, please provide them to me.

Mr. Goldberger and Mr. Tein explicitly approved the language in my earlier victim notification letter, even though they apparently were taking the position that the December 19, 2007 letter was *not* part of the Agreement, so that misinformation was provided to the victims with the approval of Mr. Epstein's attorneys.

With regard to your sixth and seventh points, I reiterate that it is the Office's position that the Agreement and Addendum speak for themselves. Let me also reiterate that, while the Office does not intend to involve itself in any civil negotiations or litigation, if it comes to our attention that Mr. Epstein has breached the terms of the Agreement, the Office intends to enforce its right pursuant to the Agreement.

I would appreciate a prompt response to the question regarding which of Mr. Epstein's attorneys should be named in and receive copies of the notification letters, as well as documentation of your commitment to paying Mr. Josefsberg's fees so that I may begin distributing the revised victim notifications on Wednesday morning.

Sincerely,

R. Alexander Acosta  
United States Attorney

By:



Assistant United States Attorney

cc: [REDACTED], Chief, Northern Division

9/2/08 Leffkowitz Ltr to AMCV

# KIRKLAND & ELLIS LLP

AND AFFILIATED PARTNERSHIPS

Citigroup Center  
153 East 53rd Street  
New York, New York 10022-4611

Jay P. Lefkowitz, P.C.  
To Call Writer Directly:  
(██████████)  
lefkowitz@kirkland.com

(██████████) 446-4800

www.kirkland.com

Facsimile:  
(212) 446-4900

September 2, 2008

**VIA FACSIMILE** ██████████

██████████  
United States Attorney's Office  
Southern District of Florida  
500 South Australian Avenue, Suite 400  
West Palm Beach, Florida 33401

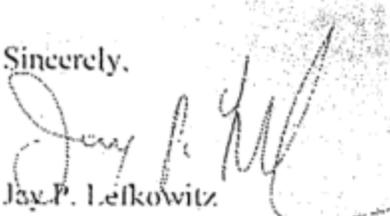
*Re: Jeffrey Epstein*

Dear Marie:

In response to your letter dated August 26, 2008, I am confirming that Mr. Goldberger should continue to be listed as the contact person in the amended victim notification letters and should receive the carbon copies of those letters as they are sent.

Also, we plan on speaking to Mr. Josephsberg this week to discuss a procedure for paying his fees. We intend to comply fully with the agreement and Mr. Epstein will pay Mr. Josephsberg's usual and customary hourly rates for his work pursuant to the agreement facilitating settlements under 2255.

Sincerely,

  
Jay P. Lefkowitz

cc: ██████████ Chief, Northern Division  
Jack Goldberger  
Roy Black

Chicago

Hong Kong

London

Los Angeles

Munich

San Francisco

Washington, D.C.

EFTA00183582

# KIRKLAND & ELLIS LLP

*Fax Transmittal*

Citigroup Center  
153 East 53rd Street  
New York, New York 10022-4611  
Phone: [REDACTED]  
Fax: [REDACTED]

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[REDACTED]

<b>To:</b> [REDACTED]	<b>Company:</b> United States Attorney's Office	<b>Fax #:</b> [REDACTED]	<b>Direct #:</b> [REDACTED]
<b>CC:</b> [REDACTED] Jack Goldberger Roy Black	<b>Company:</b> United States Attorney's Office Atterbury, Goldberger & Weiss Black, Srebnick, Kornspan & Stumpf	<b>Fax #:</b> [REDACTED]	<b>Direct #:</b> [REDACTED]
<b>From:</b> Jay P. Lefkowitz	<b>Date:</b> September 2, 2008	<b>Pages w/cover:</b> 2	<b>Fax #:</b> [REDACTED]

**Message:**

Please see attached.

9/17/08 AMV LTR TO LEFKOWITZ,  
BLACK, GOLDBERGER RE PRDAILY/NEWS



U.S. Department of Justice

United States Attorney  
Southern District of Florida

(305) 620-6777

Facsimile: [REDACTED]

September 17, 2008

DELIVERY BY ELECTRONIC MAIL

Jay P. Lefkowitz, Esq.  
Kirkland & Ellis LLP  
Citigroup Center  
153 East 53rd Street  
New York, New York 10022-4675

Roy Black, Esq.  
Black Srebnick Kornspan & Stumpf P.A.  
201 S. Biscayne Blvd, Suite 1300  
Miami, FL 33131

Jack A. Goldberger, Esq.  
Atterbury, Goldberger & Weiss, P.A.  
One Clearlake Centre, Suite 1400  
250 Australian Ave S.  
West Palm Beach, FL 33401-5015

Re: Jeffrey Epstein

Dear Jay, Roy, and Jack:

On today's date, our Office received an inquiry from State Attorney Barry Krischer related to the Non-Prosecution Agreement. In accordance with the terms of that Agreement, I am notifying you of this development. State Attorney Krischer has been contacted by counsel for the Palm Beach Daily News asking why the Non-Prosecution Agreement is under seal in order to determine whether to file suit asking that it be unsealed. I have informed State Attorney Krischer that the Agreement contains a confidentiality clause requiring us to provide Mr. Epstein's counsel with notice prior to making any disclosure (compulsory or otherwise). Since Mr. Epstein is a party to that criminal case, he has standing to contest any

EFTA00183585

JAY P. LEFKOWITZ, ESQ.  
ROY BLACK, ESQ.  
JACK GOLDBERGER, ESQ.  
SEPTEMBER 17, 2008  
PAGE 2 OF 2

unsealing, while we do not. Accordingly, I ask that you confer with Mr. Krischer regarding how you would like to proceed with the matter.

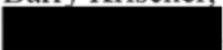
I also want to reiterate the concern I raised in my letter of August 15, 2008, that the complete Non-Prosecution Agreement, which includes the October Addendum, has not been filed with the Court in accordance with the Judge's order. Please advise that this issue has been resolved.

Thank you for your attention to these matters.

Sincerely,

R. Alexander Acosta  
United States Attorney

By:   
  
Assistant United States Attorney

cc: Barry Krischer, State Attorney  
, Chief, Northern Division

11/24/08 letter to Black re breach



U.S. Department of Justice

United States Attorney  
Southern District of Florida

---

500 S. Australian Ave, Ste 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: [REDACTED]

November 24, 2008

DELIVERY BY ELECTRONIC MAIL

Roy Black, Esq.  
Black Srebnick Kornspan & Stumpf P.A.  
201 S. Biscayne Blvd, Suite 1300  
Miami, FL 33131

Re: Jeffrey Epstein

Dear Roy:

On Thursday I learned that Mr. Epstein applied for and was admitted to the Palm Beach County Sheriff's Office's work release program and that he has been on work release for the past few weeks. For the following reasons, the Office believes that Mr. Epstein's application to and participation in the work release program is a material breach of the Non-Prosecution Agreement. Accordingly, the United States demands that Mr. Epstein withdraw his application to participate in the program and complete his eighteen-month term of imprisonment in accordance with the Non-Prosecution Agreement.

The Non-Prosecution Agreement provides that Epstein "shall be sentenced to consecutive terms of twelve (12) months and six (6) months in county jail for all charges, without any opportunity for withholding adjudication or sentencing, and probation or community control in lieu of imprisonment." I have more than a dozen e-mails between myself and Jay Lefkowitz discussing the U.S. Attorney's insistence on eighteen months of incarceration. You will recall that at one meeting you and Ms. Sanchez raised the idea of Mr. Epstein hiring Sheriff's Deputies to guard him as equivalent to imprisonment. Mr. Acosta specifically rejected that suggestion. It is our understanding from the Sheriff's Office that Mr. Epstein is paying off-duty Sheriff's Deputies to guard him while he "works" at Mr.

EFTA00183588

Goldberger's office building each day.

As you remember, shortly before Mr. Epstein's change of plea, Mr. Goldberger sent me a copy of the proposed plea agreement with the state. On June 27, 2008, I sent a letter containing the following language to you and Mr. Goldberger:

**The U.S. Attorney's Office hereby provides Notice that the proposed sentencing provision does not comply with the terms of the Non-Prosecution Agreement.**

The second sentencing paragraph of the proposed plea agreement reads:

On 08CF009381AMB, the Defendant is sentenced to 18 months Community Control 1 (one). As a special condition of this Community Control, the Defendant must serve the first 6 months in the Palm Beach County Detention Facility . . .

The Non-Prosecution Agreement specifically provides:

Epstein shall be sentenced to consecutive terms of twelve (12) months and six (6) months in county jail for all charges, . . . without probation or community control in lieu of imprisonment.

Thus, the proposed plea agreement with the State Attorney's Office does not comply with the terms of the Non-Prosecution Agreement. To comply with the Agreement, Mr. Epstein must make a binding recommendation of eighteen months imprisonment, which means confinement twenty-four hours a day at the County Jail, and the judge must accept that recommendation. Community control must follow that term of incarceration.

(Emphasis in original.)

As I specified in that letter, the Non-Prosecution Agreement calls for "confinement twenty-four hours a day." In response to that letter, Mr. Goldberger agreed that he would revise the state plea agreement to include the word "imprisonment" to make clear that Mr. Epstein would be incarcerated for the full eighteen months and would change the language of the state agreement to match the language of the federal agreement. Mr. Goldberger and I also discussed the situation and he made clear that Mr. Epstein would not be asking for or receiving work release and would remain in jail "around the clock."

In early August, [REDACTED] and I raised the same issue with you when we heard

that Mr. Epstein was considering applying for work release. On August 6, 2008, Ms. Atkinson and I had a conference call with you wherein you again stated that Mr. Epstein would not apply for or receive work release and would spend his eighteen months incarcerated twenty-four hours a day at the Palm Beach County Stockade.

In preparation for this letter, I obtained a certified copy of Mr. Epstein's state court file. On June 30, 2008, on the procurement of minors charge, Judge Pucillo entered the following sentence:

The defendant is hereby committed to the custody of the Sheriff of Palm Beach County, Florida for a term of 6 mos. It is further ordered that the Defendant shall be allowed a total of 1 days [*sic*] as credit for time incarcerated prior to imposition of this sentence. It is further ordered that the composite term of all sentences imposed for the counts specified in the order shall run consecutive to the following: Specific sentences: 2006CF9454AXX.

. . . the following provisions apply to the sentence imposed: . . . Followed by a period of 12 mos on community control 1 under the supervision of the Department of Corrections . . . .

As I learned on Friday when I received the state court file, you neglected to inform our Office that, on July 21, 2008, Judge McSorley modified the judgment *nunc pro tunc* to an "Order of Community Control I." This same language was the basis for the objection in my letter of June 26, 2008 and directly contradicts the language of the Non-Prosecution Agreement. I also note that, on the state plea agreement, Mr. Goldberger did not insert the word "imprisonment" as agreed prior to the change of plea, instead the words "jail sentence" are included.

The Office's Agreement not to prosecute Mr. Epstein was based upon its determination that eighteen months' incarceration (i.e., confinement twenty-four hours a day) was sufficient to satisfy the federal interest in Mr. Epstein's crimes. Accordingly, the U.S. Attorney's Office hereby gives notice that Mr. Epstein has violated the Non-Prosecution Agreement by failing to remain incarcerated twenty-four hours a day for the eighteen-month

ROY BLACK, ESQ.  
NOVEMBER 24, 2008  
PAGE 4 OF 4

term of imprisonment. The United States will exercise any and all rights it has under the Non-Prosecution Agreement unless Mr. Epstein immediately ceases and desists from his breach of this Agreement.

Sincerely,

R. Alexander Acosta  
United States Attorney

By:



  
Assistant United States Attorney

cc: , Chief, Northern Division

---

**IN THE DISTRICT COURT OF APPEAL  
FOURTH DISTRICT OF FLORIDA**

---

**CASE NO. 4D09-2554**

---

**JEFFREY EPSTEIN,**

**Petitioner,**

**vs.**

**STATE OF FLORIDA, PALM BEACH NEWSPAPERS, INC.,  
[REDACTED], AND B.B.,**

**Respondents.**

---

**SUPPLEMENTAL APPENDIX TO  
PALM BEACH NEWSPAPERS, INC., d/b/a THE PALM BEACH POST'S  
RESPONSE TO EMERGENCY PETITION FOR WRIT OF CERTIORARI**

THOMAS, LOCICERO & BRALOW PL  
Deanna K. Shullman  
James B. Lake  
101 N.E. 3<sup>rd</sup> Avenue, Suite 1500  
Ft. Lauderdale, FL 33301

Document	Tab
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<u>John Doe ■ Museum of Science and History of Jacksonville,</u> Case No. 92-32567, 1994 WL 741009 (Fla. 7th Jud. Cir. June 8, 1994) .....	4
Government's Response to Victim's Emergency Petition for Enforcement of Crime Victim Rights Act, 18 U.S.C. § 3771 .....	5
Declaration of ■ ■ In Support of United State's Response to Victim's Emergency Petition for Enforcement of Crime Victim Rights Act, 18 U.S.C. § 3771 .....	6
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09-22784

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

CASE NOS.: 2006-CF9454 AXX and 2008-CF9381 AXX

STATE OF FLORIDA,

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

PROCEEDINGS HELD BEFORE  
THE HONORABLE JEFFREY J. COLBATH  
JUNE 10, 2009  
11:08 A.M. - 11:25 A.M.  
PALM BEACH COUNTY COURTHOUSE  
WEST PALM BEACH, FLORIDA

Reported by Louanne Rawls  
Notary Public, State of Florida  
West Palm Beach Office #100578

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APPEARANCES:

On behalf of the Defendant  
JACK ALAN GOLDBERGER, ESQUIRE  
Atterbury, Goldberger, et al.  
250 Australian Ave. South, Suite 1400  
West Palm Beach, FL 33401

On behalf of the Defendant  
ROBERT CRITTON, JR., ESQUIRE  
Burman, Critton, et al.  
515 N. Flagler Drive, Ste. 400  
West Palm Beach, FL 33401-4349

On behalf of Third Party [REDACTED].  
WILLIAM J. BERGER, ESQUIRE  
BRADLEY J. EDWARDS, ESQUIRE  
Rothstein Rosenfeldt Adler  
401 E. Las Olas Blvd., Suite 1650  
Fort Lauderdale, FL 33394

On behalf of Third Party, The Post  
DEANNA SHULLMAN, ESQUIRE  
Thomas, LoCiero & Bralow, PL  
101 N.E. 3rd Avenue  
Suite 1500  
Fort Lauderdale, FL 33301-1181

P R O C E E D I N G S

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BE IT REMEMBERED that the following proceedings were had and testimony adduced before the Honorable Jeffrey Colbath, at the Palm Beach County Courthouse, West Palm Beach, Florida beginning at the hour of 11:08 a.m. on June 10, 2009, with appearances as herein noted to-wit:

THE COURT: State vs. Epstein. Let me have for the record, announce everybody's appearance.

MR. BERGER: Your Honor, William J. Berger and Bradley Edwards for non-party [REDACTED].

MS. SHULLMAN: Your Honor, Deanna Shullman of Thomas, LoCiero & Bralow for non-party The Palm Beach Post.

THE COURT: Let me slow down a little bit. On behalf of The Post is?

MS. SHULLMAN: Deanna Shullman.

THE COURT: S-H-U-L --

MS. SHULLMAN: S-H-U-L-L-M-A-N.

THE COURT: Ms. Shullman, good morning. Mr. Berger, good morning. And Mr. Berger, your client is E --

MR. BERGER: [REDACTED], yes.

THE COURT: Anybody else here?

MR. EDWARDS: Brad Edwards on behalf of [REDACTED], as well, Judge. Thanks.

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THE COURT: Last name is spelled?

MR. EDWARDS: Edwards. E-D-W-A-R-D-S.

THE COURT: Okay.

MR. GOLDBERGER: For the other side, Your Honor, Jack Goldberger along with Robert Critton on behalf of Jeffrey Epstein.

THE COURT: It is the Post's and [REDACTED]'s Motion to Intervene for the purpose of unsealing records?

MR. BERGER: Yes, sir.

THE COURT: Here's what I think I know, and I tell you this so that you can fill in the gaps of what you know that I don't know and suggest what you think I ought to do. It appears to me that there was some agreement -- an agreement that was sealed and then an addendum or amendment to the agreement that was sealed as to documents in the Court's files under seal and it appears as though the punitive interveners want to unseal those and take a peek at them. I don't see where any of the proper procedures to seal the documents was ever followed to begin with. I don't know but it's not jumping out at me when I reviewed the file. So, I'm thinking that it might be appropriate and the burden might be on the moving party, being the State and Mr. Epstein, to give them the opportunity to jump through the hur -- hoops to seal the documents if they are entitled to have them sealed, then

1 I'll grant that request. If they're not entitled to seal  
2 then I'll order it as documents unsealed. But that's kind  
3 of procedurally where I think the case is. I will allow  
4 Mr. Berger and Ms. Shullman to argue if they wish to,  
5 otherwise I will go over to Mr. Goldberger and Mr. Critton  
6 to perhaps talk about what they think about my suggestion.  
7 Mr. Berger?

8 MR. BERGER: I -- I'd like to hear what they say.

9 THE COURT: Ms. Shullman?

10 MS. SHULLMAN: Agreed.

11 THE COURT: Mr. Goldberger?

12 MR. GOLDBERGER: Your Honor --

13 THE COURT: I mean, it looks like they just handed  
14 up an Agreed Order to sign.

15 MR. GOLDBERGER: Well, if the Court -- I know the  
16 Court is trying to short circuit here and the idea in  
17 theory is not horrible, it's not terrible, it's actually  
18 not so bad. But let me alert the Court to a couple of  
19 issues. First of all, this is not something that came up  
20 ahead of time where we were moving to close a hearing or  
21 file documents under seal and the Rules of Judicial  
22 Administration makes an important distinction between  
23 things that are done in advance and things that come up  
24 during a hearing and the fact that maybe it goes to the  
25 Rule -- talk about situations that arise during the course

1 of a hearing, that the Rules would not apply to that.  
2 Secondly, [REDACTED]'s Motion to Intervene is brought under a  
3 Rule that does not apply because she brought it under a  
4 Rule that applies to non-criminal cases. Having said that  
5 I know the Court's desire to get to the issues here and I  
6 just need to alert the Court to one other matter because I  
7 think it's really important. The Plaintiff's, [REDACTED], has  
8 this agreement already. They have this agreement. Counsel  
9 will tell you they have this agreement. There have been  
10 two hearings in front of Judge Marra who has the Federal  
11 cases here. They moved to unseal the non-prosecution  
12 agreement in front of Judge Marra. He entered an initial  
13 Order, a very, very well reasoned Order which I have a  
14 copy for the Court.

15 THE COURT: Oh, thanks.

16 MR. GOLDBERGER: He entered a very, very well  
17 reasoned Order weighing the interest of the Plaintiffs to  
18 have access to the non-prosecution agreement with the  
19 confidentiality that the parties intended to be part of  
20 this agreement. And what he did, he said they can have  
21 this agreement. They can review it all they want. If they  
22 want to review it with somebody else, they need to give  
23 them a copy of this Order that it is not to be disclosed  
24 to anyone else. Subsequent to that -- so that's the Rule  
25 that's in place right now. Subsequent to that the

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Plaintiffs went back and said we want to disseminate this Order. We want to disseminate this agreement to other parties and Judge Marra entered a second Order denying that request and said, no. My Order is in place but if you have some compelling reason why you want this agreement to be disseminated to others, file a motion and come back to me.

THE COURT: This is as a result of some civil litigation pending in the Federal Courthouse?

MR. GOLDBERGER: Yes.

THE COURT: As opposed to any criminal prosecution going on?

MR. GOLDBERGER: It is civil proceedings that are going on in Federal Court. But in the interest of comedy, Your Honor, the Court has ruled on the confidentiality agreement and has put a well reasoned procedure into place. If the parties want that agreement unsealed where they need to go is go back to Federal Court and Judge Marra invited them to do so.

THE COURT: That may be as it pertains to [REDACTED], but what about The Post?

MR. GOLDBERGER: I think -- and I think I know where the Court is going on this. If The Post's position is the public has right to acc -- access to this then there is a procedure in place and ultimately the Court has to conduct

1 a hearing and do the balancing test where you look at  
2 whether there is some compelling government interest and  
3 that's going to require an evidentiary hearing. So I have  
4 no great objection to filing the Request for Closure and  
5 then have a hearing in front of the Court.

6 THE COURT: Well, let's do -- I'm thinking out loud.  
7 I'm not ruling. I will give you all a chance to argue  
8 further, but this is what I'm thinking I will do, grant  
9 the Motion to Intervene. It gives standing to [REDACTED]. It  
10 gives standing to The Post to contest the fact that these  
11 were sealed. And then I will shift the burden back on the  
12 State and Defendant, Mr. Epstein, to petition the Court to  
13 seal these documents. Until such time that I rule on that  
14 I will leave them under seal because they might have been  
15 correctly sealed but the procedure wasn't followed.  
16 There's got to be notice. You've got to comply with the  
17 Administrative Order 2.303. You've got to comply with the  
18 Rule of Judicial Administration 2.420(d). I think even  
19 though that's a civil -- it addresses a civil matter this  
20 is, you know, in the nature of a civil procedure. So, I'll  
21 do that. And thank you for these Orders. So, where do we  
22 go from here? I'm thinking out loud, not ruling. Mr.  
23 Berger?

24 MR. BERGER: Judge, with all due respect I  
25 completely disagree with counsel's characterization of

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those two Orders. I don't know if he handed up both to you?

THE COURT: I do.

MR. BERGER: They simply do not say what he tells you they say.

THE COURT: I'll read them --

MR. BERGER: All right.

THE COURT: -- and I'll allow you to make that argument --

MR. BERGER: And -- and --

THE COURT: -- at the time of the Renewed Motion to Seal.

MR. BERGER: All right. And, also, I don't think the Court -- I think the Court needs to deal with this immediately, expeditiously. This is a matter that the Supreme Court has placed incredible scrutiny over. And the Rule that we are traveling under -- we're not only traveling under a Rule of Judicial Administration that applies to criminal and civil cases, we're applying to an Administrative Order of this Court that was in place when the sealing was done and that superseded the sealing.

THE COURT: I --

MR. BERGER: I'm just saying, I respectfully request that the Court not delay this one minute.

THE COURT: You've got the agreements.

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MR. BERGER: Pardon me?

THE COURT: You've got the agreements anyway. You've got what's under seal.

MR. BERGER: Judge, we cannot do anything with them.

THE COURT: Take that up with Judge Marra.

MR. BERGER: No, sir. That is not what the Order says. May I quote Judge Marra. "If a specific tangible need arises in a civil case the relief should be sought in that case." In other words, the civil cases which are in front of Judge Hafele is one forum that Judge Marra said go to it. Judge Marra did not say that this Court does not have jurisdiction to unseal its own sealed records or to vacate its own Order sealing. And any characterization is -- is false.

THE COURT: I'll take a look at it and I'll draw from it what it says -- what I think it says. I appreciate your zealous representation of your client. Please, it appears as though you're yelling at me.

MS. SHULLMAN: Your Honor?

THE COURT: Ms. Shullman?

MR. BERGER: Judge, this happens to be a very serious matter and every day of delay delays our discovery.

THE COURT: Ms. Shullman?

MS. SHULLMAN: Your Honor, if I may be heard on the

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issue as well. As a representative of the public's right of access --

THE COURT: Right.

MS. SHULLMAN: -- here essentially, I would agree with Mr. Berger that we need an immediate hearing on this issue. That's what we're here to do today. I think I heard Your Honor say that he's not clear that the procedures were applied. My review of the record does not reveal that the procedures were complied with. My review is similar to Your Honor's. It looks like sort of everybody approached the bench and Judge Pucillo said let's take it under seal. If Mr. Epstein's counsel is not prepared to go forward today and meet his burden, then I would ask that this Court set a hearing as soon as practical because the right solution here should be to unseal the records and then, you know --

THE COURT: I've gotcha.

MS. SHULLMAN: -- and they have to make a motion.

THE COURT: Well, what house is on fire? I mean, what is the -- I think what they have to do is they've got to give ten days notice pursuant to the Rule -- the Administrative Order, Rules of Judicial Administration, to go through that process. What -- what prejudice is there? What house is burning down if I say okay. State and defense, go ahead and expeditiously move through the

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process and let's get this back on my docket as quickly as possible and give them until Friday to file their notice and ten days after that we have an evidentiary hearing. I go through the process then. What bad thing is going to happen by waiting these extra twelve to fifteen days?

MS. SHULLMAN: The bad thing that's going to happen, Your Honor, is that the status quo in Florida is that the constitutional right of access is openness.

THE COURT: Right.

MS. SHULLMAN: You know, certainly if Your Honor is inclined to postpone this hearing I would ask that it be done expeditiously as you suggest.

THE COURT: Yeah.

MS. SHULLMAN: You know, Friday and then ten days thereafter, it just delays access for another two weeks and it infringes on our rights.

THE COURT: I agree. Mr. Berger, I will let you answer that same question.

MR. BERGER: I don't think --

THE COURT: Anything specific rather than --

MR. BERGER: Yes.

THE COURT: You know, anything closed that the people are allowed to look at is a transgression and any transgression is bad, but anything unique beyond that?

MR. BERGER: Your Honor -- Your Honor, I do not

1 believe that this Court has the jurisdiction to revisit  
2 the propriety of the sealing of these records and give the  
3 Defendant or the State, for that matter, a second bite at  
4 the apple. If the records are sealed improperly, which the  
5 Court has said on its face that appears to have occurred,  
6 I do not believe that this Court has jurisdiction to allow  
7 them a second bite at the apple to go through with the  
8 notice requirements. They should have done that in front  
9 of Judge Pucillo a year ago and they did not do it. The  
10 Rule of Judicial Administration 2.420 simply does not give  
11 this Court the right to reactivate the procedure that you  
12 outlined.

13 THE COURT: Okay.

14 MR. BERGER: Thank you.

15 THE COURT: Anything further, Mr. Goldberger or Mr.  
16 Critton?

17 MR. GOLDBERGER: Just note, Your Honor, as far as  
18 the timing of this and we want to do this expeditiously,  
19 of course, this sealing occurred not last week, not two  
20 weeks ago, not four months ago but eleven and one half  
21 months ago. The Post reported this last July. So, I  
22 understand the right for the public to have access and we  
23 want to do this as quickly as possible but there is no  
24 fire here. There is no house burning.

25 THE COURT: Then I'll go ahead and enter an Order as

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I've indicated, that is that I'll grant the Intervener's Motion to Intervene. You have standing. I will order that the State and/or the defense by noon Friday file a Notice of -- comply with the Administrative Order 2.303 and the Judicial Rule -- the Rule of Judicial Administration 2.420, paragraph d, that outlines the procedures to seal files in these types of cases and then we'll get a hearing scheduled for argument on whether or not they will be sealed. Until that time they will remain sealed because Judge Pucillo signed off on the Order and I'm not inclined to disturb that until I find more about the merits of the movant's position.

MR. GOLDBERGER: Thank you.

THE COURT: Anybody want to reduce any of that mess to a written Order?

MR. EDWARDS: I'd like to Your Honor. I'd like to know if you're going to give us a hearing date today.

THE COURT: I'll deal with that. Yeah. Let me give you some time. How much time do you think it's going to take? I don't think I'm going to have any surprises. How much time do you think we need? A half hour?

MR. EDWARDS: Not more. I'd say an hour at the longest.

THE COURT: I'm not taking evidence or anything like that. In the meantime, do you agree it would be prudent

1 for me to take a look and see what the content of these  
2 things are so I can be articulate on what -- their know  
3 about? I didn't do that for today's hearing?

4 MR. GOLDBERGER: The defense --

5 MR. EDWARDS: The non-prosecution agreement?

6 THE COURT: Right. Whatever is under seal. Whatever  
7 it is that's under seal I'll take a look at it so that I  
8 can at least have a feel for apparently what you all know  
9 and I don't.

10 MR. GOLDBERGER: The defense has no objection.

11 THE COURT: Okay. I'll go ahead and read those two  
12 sealed documents and I'll see you back here, assuming that  
13 Mr. Goldberger and Mr. Critton get that done between now  
14 and Friday. Ten days from this Friday is the 22nd. How  
15 about we do this on the 25th at 1:30?

16 MR. GOLDBERGER: One moment, Your Honor. That's fine  
17 with me.

18 MR. BERGER: Thank you.

19 THE COURT: All right. Great. Thank you so much.

20 MR. GOLDBERGER: Thank you, Judge.

21 (PROCEEDINGS CONCLUDED)  
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C E R T I F I C A T E

I, LOUANNE RAWLS, certify that I was authorized to  
and did digitally report the foregoing proceedings and that the  
transcript is a true and complete record of my notes.

Dated this 10th day of June, 2009.

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

STATE OF FLORIDA,

Plaintiff,

vs. JEFFREY EPSTEIN,

Defendant.

PROCEEDINGS HELD BEFORE THE HONORABLE JEFFREY J.

COLBATH

JUNE 10, 2009 11:08 A.M. - 11:25

A.M. PALM BEACH COUNTY COURTHOUSE

WEST PALM BEACH, FLORIDA

Reported by Louanne Rawls Notary Public, State of  
Florida West Palm Beach Office #100578

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On behalf of Third Party, The Post DEANNA  
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PROCEEDINGS

BE IT REMEMBERED that the following proceedings were had and testimony adduced before the Honorable Jeffrey Colbath, at the Palm Beach County Courthouse, West Palm Beach, Florida beginning at the hour of 11:08 a.m. on June 10, 2009, with appearances as herein noted to-wit:

THE COURT: State vs. Epstein. Let me have for the record, announce everybody's appearance.

MR. BERGER: Your Honor, William J. Berger and Bradley Edwards for non-party [REDACTED].

MS. SHULLMAN: Your Honor, Deanna Shullman of Thomas, LoCiero & Bralow for non-party The Palm Beach Post.

THE COURT: Let me slow down a little bit. On behalf of The Post is?

MS. SHULLMAN: Deanna Shullman. THE COURT: S-H-U-

L -

MS. SHULLMAN: S-H-U-L-L-M-A-N.

THE COURT: Ms. Shullman, good morning. Mr. Berger, good morning. And Mr. Berger, your client is E -

MR. BERGER: [REDACTED], yes.

THE COURT: Anybody else here?

MR. EDWARDS: Brad Edwards on behalf of [REDACTED] as well, Judge. Thanks.

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THE COURT: Last name is spelled? MR. EDWARDS: Edwards. E-D-W-A-R-D-S. THE COURT: Okay.

MR. GOLDBERGER: For the other side, Your Honor, Jack Goldberger along with Robert Critton on behalf of Jeffrey Epstein.

THE COURT: It is the Post's and [REDACTED]'s Motion to Intervene for the purpose of unsealing records?

MR. BERGER: Yes, sir.

THE COURT: Here's what I think I know, and I tell you this so that you can fill in the gaps of what you know that I don't know and suggest what you think I ought to do. It appears to me that there was some agreement -- an agreement that was sealed and then an addendum or amendment to the agreement that was sealed as to documents in the Court's files under seal and it appears as though the punitive interveners want to unseal those and take a peak at them. I don't see where any of the proper procedures to seal the documents was ever followed to begin with. I don't know but it's not jumping out at me when I reviewed the file. So, I'm thinking that it might be appropriate and the burden might be on the moving party, being the State and Mr. Epstein, to give them the opportunity to jump through the hoops to seal the documents if they are entitled to have them sealed, then

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I'll grant that request. If they're not entitled to seal then I'll order it as documents unsealed. But that's kind of procedurally where I think the case is. I will allow Mr. Berger and Ms. Shullman to argue if they wish to, otherwise I will go over to Mr. Goldberger and Mr. Critton to perhaps talk about what they think about my suggestion. Mr. Berger?

MR. BERGER: I -- I'd like to hear what they say. THE COURT: Ms. Shullman?

MS. SHULLMAN: Agreed.

THE COURT: Mr. Goldberger? MR. GOLDBERGER: Your Honor -

THE COURT: I mean, it looks like they just handed up an Agreed Order to sign.

MR. GOLDBERGER: Well, if the Court -- I know the Court is trying to short circuit here and the idea in theory is not horrible, it's not terrible, it's actually not so bad. But let me alert the Court to a couple of issues. First of all, this is not something that came up ahead of time where we were moving to close a hearing or file documents under seal and the Rules of Judicial Administration makes an important distinction between things that are done in advance and things that come up during a hearing and the fact that maybe it goes to the Rule -- talk about situations that arise during the course

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of a hearing, that the Rules would not apply to that. Secondly, [REDACTED]'s Motion to Intervene is brought under a Rule that does not apply because she brought it under a Rule that applies to non-criminal cases. Having said that I know the Court's desire to get to the issues here and I just need to alert the Court to one other matter because I think its really important. The Plaintiff's, E.W., has this agreement already. They have this agreement. Counsel will tell you they have this agreement. There have been two hearings in front of Judge Marra who has the Federal cases here. They moved to unseal the non-prosecution agreement in front of Judge Marra. He entered an initial Order, a very, very well reasoned order which I have a copy for the Court.

THE COURT: Oh, thanks.

MR. GOLDBERGER: He entered a very, very well reasoned order weighing the interest of the Plaintiffs to have access to the non-prosecution agreement with the confidentiality that the parties intended to be part of this agreement. And what he did, he said they can have this agreement. They can review it all they want. If they want to review it with somebody else, they need to give them a copy of this Order that it is not to be disclosed to anyone else. Subsequent to that -- so that's the Rule that's in place right now. Subsequent to that the

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Plaintiffs went back and said we want to disseminate this Order. We want to disseminate this agreement to other parties and Judge Marra entered a second Order denying that request and said, no. My Order is in place but if you have some compelling reason why you want this agreement to be disseminated to others, file a motion and come back to

me.

THE COURT: This is as a result of some civil litigation pending in the Federal Courthouse?

MR. GOLDBERGER: Yes.

THE COURT: As opposed to any criminal prosecution going on?

MR. GOLDBERGER: It is civil proceedings that are going on in Federal Court. But in the interest of comedy, Your Honor, the Court has ruled on the confidentiality agreement and has put a well reasoned procedure into place. If the parties want that agreement unsealed where they need to go is go back to Federal Court and Judge Marra invited them to do so.

THE COURT: That may be as it pertains to [REDACTED], but what about The Post?

MR. GOLDBERGER: I think -- and I think I know where the Court is going on this. If The Post's position is the public has right to acc -- access to this then there is a procedure in place and ultimately the Court has to conduct

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a hearing and do the balancing test where you look at whether there is some compelling government interest and that's going to require an evidentiary hearing. So I have no great objection to filing the Request for Closure and then have a hearing in front of the Court.

THE COURT: Well, let's do -- I'm thinking out loud. I'm not ruling. I will give you all a chance to argue further, but this is what I'm thinking I will do, grant the Motion to Intervene. It gives standing to [REDACTED]. It gives standing to The Post to contest the fact that these were sealed. And then I will shift the burden back on the State and Defendant, Mr. Epstein, to petition the Court to seal these documents. Until such time that I rule on that I will leave them under seal because they might have been correctly sealed but the procedure wasn't followed. There's got to be notice. You've got to comply with the Administrative order 2.303. You've got to comply with the Rule of Judicial Administration 2.420(d). I think even though that's a civil -- it addresses a civil matter this is, you know, in the nature of a civil procedure. So, I'll do that. And thank you for these Orders. So, where do we go from here? I'm thinking out loud, not ruling. Mr. Berger?

MR. BERGER: Judge, with all due respect I completely disagree with counsel's characterization of

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those two Orders. I don't know if he handed up both to you?

THE COURT: I do.

MR. BERGER: They simply do not say what he tells you they say.

THE COURT: I'll read them -MR. BERGER: All right.

THE COURT: -- and I'll allow you to make that argument -

MR. BERGER: And -- and -

THE COURT: -- at the time of the Renewed Motion to

Seal.

MR. BERGER: All right. And, also, I don't think the Court -- I think the Court needs to deal with this immediately, expeditiously. This is a matter that the Supreme Court has placed incredible scrutiny over. And the Rule that we are traveling under -- we're not only traveling under a Rule of Judicial Administration that applies to criminal and civil cases, we're applying to an Administrative Order of this Court that was in place when the sealing was done and that superseded the sealing.

THE COURT: I -

MR. BERGER: I'm just saying, I respectfully request that the Court not delay this one minute.

THE COURT: You've got the agreements.

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MR. BERGER: Pardon me?

THE COURT: You've got the agreements anyway. You've got what's under seal.

MR. BERGER: Judge, we cannot do anything with them. THE COURT: Take that up with Judge Marra.

MR. BERGER: No, sir. That is not what the Order says. May I quote Judge Marra. "If a specific tangible need arises in a civil case the relief should be sought in that case." In other words, the civil cases which are in front of Judge Hafele is one forum that Judge Marra said go to it. Judge Marra did not say that this Court does not have jurisdiction to unseal its own sealed records or to vacate its own Order sealing. And any characterization is -- is false.

THE COURT: I'll take a look at it and I'll draw from it what it says -- what I think it says. I appreciate your zealous representation of your client. Please, it appears as though you're yelling at me.

MS. SHULLMAN: Your Honor? THE COURT: Ms. Shullman?

MR. BERGER: Judge, this happens to be a very serious matter and every day of delay delays our discovery.

THE COURT: Ms. Shullman?

MS. SHULLMAN: Your Honor, if I may be heard on the

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issue as well. As a representative of the public's right of access -

THE COURT: Right.

MS. SHULMAN: -- here essentially, I would agree with Mr. Berger that we need an immediate hearing on this issue. That's what we're here to do today. I think I heard Your Honor say that he's not clear that the procedures were applied. My review of the record does not reveal that the procedures were complied with. My review is similar to Your Honor's. It looks like sort of everybody approached the bench and Judge Pucillo said let's take it under seal. If Mr. Epstein's counsel is not prepared to go forward today and meet his burden, then I would ask that this Court set a hearing as soon as practical because the right solution here should be to unseal the records and then, you know -

THE COURT: I've gotcha.

MS. SHULMAN: -- and they have to make a motion. THE COURT: Well, what house is on fire? I mean, what is the -- I think what they have to do is they've got to give ten days notice pursuant to the Rule -- the Administrative Order, Rules of Judicial Administration, to go through that process. What -- what prejudice is there? What house is burning down if I say okay. State and defense, go ahead and expeditiously move through the

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2 process and let's get this back on my docket as quickly as possible and give them until Friday to file their notice and ten days after that we have an evidentiary hearing. I go through the process then. What bad thing is going to happen by waiting these extra twelve to fifteen days?

MS. SHULMAN: The bad thing that's going to happen, Your Honor, is that the status quo in Florida is that the constitutional right of access is openness.

THE COURT: Right.

MS. SHULMAN: You know, certainly if Your Honor is inclined to postpone this hearing I would ask that it be done expeditiously as you suggest.

THE COURT: Yeah.

MS. SHULMAN: You know, Friday and then ten days thereafter, it just delays access for another two weeks and it infringes on our rights.

THE COURT: I agree. Mr. Berger, I will let you answer that same question.

MR. BERGER: I don't think -

THE COURT: Anything specific rather than -MR. BERGER: Yes.

THE COURT: You know, anything closed that the people are allowed to look at is a transgression and any transgression is bad, but anything unique beyond that?

MR. BERGER: Your Honor -- Your Honor, I do not

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believe that this Court has the jurisdiction to revisit the propriety of the sealing of these records and give the Defendant or the State, for that matter, a second bite at the apple. If the records are sealed improperly, which the Court has said on its face that appears to have occurred, I do not believe that this Court has jurisdiction to allow them a second bite at the apple to go through with the notice requirements. They should have done that in front of Judge Pucillo a year ago and they did not do it. The Rule of Judicial Administration 2.420 simply does not give this Court the right to reactivate the procedure that you outlined.

THE COURT: Okay.

MR. BERGER: Thank you.

THE COURT: Anything further, Mr. Goldberger or Mr. Critton?

MR. GOLDBERGER: Just note, Your Honor, as far as the timing of this and we want to do this expeditiously, of course, this sealing occurred not last week, not two weeks ago, not four months ago but eleven and one half months ago. The Post reported this last July. So, I

understand the right for the public to have access and we want to do this as quickly as possible but there is no fire here. There is no house burning.

THE COURT: Then I'll go ahead and enter an Order as

I've indicated, that is that I'll grant the Intervener's Motion to Intervene. You have standing. I will order that the State and/or the defense by noon Friday file a Notice of -- comply with the Administrative Order 2.303 and the Judicial Rule -- the Rule of Judicial Administration

2.420, paragraph d, that outlines the procedures to seal files in these types of cases and then we'll get a hearing scheduled for argument on whether or not they will be sealed. Until that time they will remain sealed because Judge Pucillo signed off on the order and I'm not inclined

to disturb that until I find more about the merits of the movant's position.

MR. GOLDBERGER: Thank you.

THE COURT: Anybody want to reduce any of that mess to a written Order?

MR. EDWARDS: I'd like to Your Honor. I'd like to know if you're going to give us a hearing date today. THE COURT: I'll deal with that. Yeah. Let me give you some time. How much time do you think it's going to take? I don't think I'm going to have any surprises. How much time do you think we need? A half hour?

MR. EDWARDS: Not more. I'd say an hour at the longest.

THE COURT: I'm not taking evidence or anything like that. In the meantime, do you agree it would be prudent

for me to take a look and see what the content of these things are so I can be articulate on what -- their know about? I didn't do that for today's hearing?

MR. GOLDBERGER: The defense -

MR. EDWARDS: The non-prosecution agreement?

THE COURT: Right. Whatever is under seal. Whatever it is that's under seal I'll take a look at it so that I can at least have a feel for apparently what you all know and I don't.

MR. GOLDBERGER: The defense has no objection.

THE COURT: Okay. I'll go ahead and read those two sealed documents and I'll see you back here, assuming that Mr. Goldberger and Mr. Critton get that done between now and Friday. Ten days from this Friday is the 22nd. How about we do this on the 25th at 1:30?

MR. GOLDBERGER: One moment, Your Honor. That's fine with me.

MR. BERGER: Thank you.

THE COURT: All right. Great. Thank you so much. MR. GOLDBERGER: Thank you, Judge.

(PROCEEDINGS CONCLUDED)

C E R T I F I C A T E

I, LOUANNE RAWLS, certify that I was authorized to and did digitally report the foregoing proceedings and that the transcript is a true and complete record of my notes.

Dated this 10th day of June, 2009.

[REDACTED]

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

ADMINISTRATIVE ORDER NO. 2.303-9/08

IN RE: SEALING OF COURT HEARINGS  
AND RECORDS

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The Florida constitution mandates that the public shall have access to court records, subject only to certain enumerated limitations which are restricted by operation of state law, federal law, or court rule. In re Amendments to Florida Rule of Judicial Admin. 2.420 – Sealing of Court Records, 954 So.2d 16 (Fla. 2007). The Rules of the Supreme Court strongly disfavor court records that are hidden from public scrutiny. The Florida Supreme Court recently adopted Interim Rule 2.420 of the Florida Rules of Judicial Administration which addresses the procedures for sealing noncriminal court records. In order to ensure that both criminal and noncriminal court records are sealed properly it is

**NOW, THEREFORE**, pursuant to the authority conferred by Florida Rule of Judicial Administration 2.215, it is **ORDERED** as follows:

1. A request to make court records or a court hearing confidential in any type of case must be made by written motion. Parties cannot submit an agreed-upon order. The Motion must be captioned "Motion to Make Court Records Confidential" or "Motion to Make Court Hearing Confidential". The Motion must identify with particularity the records or hearing to be made confidential and the grounds upon which it is based. The Motion must include a signed certification by the party making the request that the motion is being made in good faith and is supported by a sound factual and legal basis.
2. The records that are the subject of a Motion to Make Court Records Confidential will be treated as confidential pending resolution of the motion. The case number, docket number, or other identifying number of a case will remain public. Pseudonyms may be used as permitted by the court. Court records made confidential under this rule must be treated as confidential during any appellate proceeding in this Circuit.
3. A public hearing on any motion to seal a court record or court hearing will be held as soon as practicable but no less than ten (10) days prior to the notice being given to the public and the press and no later than 30 days after the filing of the motion. A party may seek to hold all or

a portion of the hearing on a Motion to Make Court Records Confidential *in camera* if necessary to protect any of the interests listed in Interim Rule of Judicial Administration 2.420(c)(9)(A). The moving party will be responsible for ensuring that a complete record of any hearing be created either by use of a court reporter or by any recording device that is provided as a matter of right by the court.

4. A sealing order issued by a court must state with specificity the grounds for sealing and the findings of the court that justify sealing. The order granting the sealing request must contain as much detail as possible including the parties' names or pseudonyms, whether the progress docket is to be confidential, the court records that are to be confidential and the names of persons who are permitted access. The order must contain specific findings that the degree, duration, and manner of confidentiality are no broader than necessary to protect the interests listed in Interim Rule of Judicial Administration 2.420(c)(9)(A). The order will not reveal the information that is to be made confidential. The order will direct whether the progress docket is to be sealed.
5. If an order sealing a court file is silent as to whether the progress docket is to be sealed, the clerk shall seal the court file but maintain a public docket with no alternation of the parties' names. In accordance with Interim Rule of Judicial Administration 2.420(c)(9) the Clerk shall NOT seal the case number, docket number, or any other identifying number of a case that is sealed by court order.
6. The Court will direct the Clerk to post the order sealing the court file on the Clerk's website as well as on the bulletin board located at the Main Courthouse within ten (10) days following the entry of the order and must remain posted in both locations for at least 30 days.
7. A nonparty may file a written motion to vacate a sealing order in accordance with Florida Rule of Judicial Administration 2.420 (2007); In re Amendments to Florida Rule of Judicial Admin. 2.420 – Sealing of Court Records, 954 So.2d 16 (Fla. 2007).
8. A public hearing must be held on any contested motion to vacate a sealing order. The court, in its discretion, may hold a hearing on an uncontested motion. While challenge hearings must be open to the public, a party may seek to hold a portion or all of the hearing *in camera* if necessary to protect the interests listed in Interim Rule of Judicial Administration 2.420(c)(9)(A). The movant must ensure that a record of the hearing is made. The movant seeking to vacate an order bears the burden of showing that the order is unsound.
9. If the identity of a party is to remain confidential, all applicable pleadings will be filed with the following designation on the front of the pleading: "Confidential Party – Court Service Requested". The judicial assistant for the division in which the pleading is filed is responsible for providing such notice to the applicable parties. The judicial assistant is to provide such notice so as not to inadvertently reveal the identity of the confidential party.

10. This administrative rule does NOT address the confidentiality of records admitted into evidence and it does NOT pertain to the statutory process for sealing or expunging criminal history records. Motions to Seal pleadings or court records filed in a criminal case must, however, comply with this Administrative Order. This administrative order also does NOT pertain to court records that are confidential pursuant to statute, rule or other legal authority.
11. If a motion to seal is not made in good faith and is not supported by a sound legal and factual basis, the court may impose sanctions upon the movant.
12. The Clerk of Court, or a deputy clerk, is hereby authorized to open any court file sealed by operation of law or court order for the purpose of filing documents pertinent to the particular file, as well as for microfilming or imaging files, and for preparing a record on appeal. The Clerk, or deputy clerk, shall reseal the file immediately upon completion of the task, with the date and time of the unsealing clearly marked on the outside of the file along with the initials of the deputy clerk.
13. In all matters except adoption and surrogacy cases, the Clerk of Court will make the contents of a sealed file available to adult parties and their attorneys of record. The contents of adoption and surrogacy files shall not be made available to any person absent a court order.

**DONE AND SIGNED** in Chambers in West Palm Beach, Palm Beach County, Florida  
this 29 day of September, 2008.

  
Kathleen J. Kroll  
Chief Judge

supersedes admin. order 2.032 10/06



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

ADMINISTRATIVE ORDER NO. 2.032 - 10/06\*

IN RE: SEALING COURT HEARINGS  
AND RECORDS

**WHEREAS** all court proceedings are public events and a strong presumption of public access attaches to all proceedings and their records; and

**WHEREAS** records made or received pursuant to court rule, law, or ordinance, or in connection with the transaction of official business are subject to public disclosure; and

**WHEREAS** privacy rights of litigants may in certain circumstances require that court records or documents in the record should be sealed.

**NOW, THEREFORE**, it is **ORDERED** that to balance the competing interests of litigants' privacy interests and the public's right to access to court records, the following procedures are established for sealing court records:

1. When a Motion is received for the sealing of a hearing or all or part of a court record, the Court will direct a hearing be held on same. The Court will give notice of the hearing by posting same on the electronic bulletin board established by the Clerk of Court expressly for this purpose. Unless otherwise ordered with a reason given by the Court, notice should include enough disclosure to identify the case, the movant, the respondent, and a brief, generic description of the matters sealed or sought to be sealed.

2. The Court will not set a hearing less than ten (10) days prior to the notice being given to the public and the press.

3. Where prior notice to the public and press regarding the sealing of a record is not practicable, the Court will address such Motion, and if granted, provide notice of any decision to seal on the Clerk's electronic bulletin board. Unless otherwise ordered with a reason given by the Court, notice should include enough disclosure to identify the case, the movant, the respondent, and a brief, generic description of the matters sealed or sought to be sealed.

4. Access to court proceedings and records may be restricted to protect the interests of litigants only after a showing that the following has been met:

(i) the measure limiting or denying access, closure or sealing of records or both, is necessary to prevent a serious and imminent threat to the administration of justice;



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Not Reported in So.2d

Not Reported in So.2d, 1994 WL 741009 (Fla.Cir.Ct.), 22 Media L. Rep. 2497

(Cite as: 1994 WL 741009 (Fla.Cir.Ct.))

**C**

Florida Circuit Court, Seventh Judicial Circuit,  
Volusia County.

JOHN DOE-1 THROUGH JOHN DOE-4 and Par-  
ents of John Doe-1 through John Doe-4, Plaintiffs,

MUSEUM OF SCIENCE AND HISTORY OF  
JACKSONVILLE, INC., Defendant.  
Nos. 92-32567-CI-CI, Div. 32.

June 8, 1994.

William H. Ogle, Ormond Beach, FL.

W. Douglas Childs, Jacksonville, FL.

Jonathan D. Kaney Jr., Daytona Beach, FL.

OPINION AND ORDER ON MOTION TO  
CLOSE TRIAL

RICHARD B. ORFINGER, Circuit Judge.

\*1 THIS MATTER is before the Court on the plaintiffs' motion to exclude the public from the trial of this case. Notice of hearing was given to representatives of the media as required by law. News-Journal Corporation, publisher of *The News-Journal*, filed a response and appeared in opposition to the motion. Defendant took no position.

According to the complaint, a man who worked at the local museum sexually abused the minor plaintiffs. He had first come into contact with three of the minors as they served as volunteers under his supervision. More than four years ago, the abuser was prosecuted and sentenced to prison. Since then the plaintiffs have settled suits for damages resulting from this abuse against the Daytona Beach Museum of Arts and Sciences, the Volusia County School Board, and the Florida Department of Health and Rehabilitative Services. As a previous employer of the abuser, plaintiffs allege this de-

fendant failed to disclose information about the abuser's record of sexual abuse when it received an inquiry related to his employment in this community.

Although so many persons have become familiar with the case that defendant has listed eighty-one potential fact witnesses, no victim has yet been identified in the media.

Relying on a privacy interest in the facts relating to the sexual abuse, plaintiffs argue that closure is necessary to prevent the substantial harm that likely would result from revelation of these facts and identification as the victims.<sup>FN1</sup> Thus the motion calls upon the court to decide whether a privacy interest in the facts relating to sexual abuse suffered by the minors provides a proper basis for closure of the trial of the minors' suit for damages arising out of this abuse. For the reasons that follow, the court concludes that this is not a proper basis for closure and denies the motion.

<sup>FN1</sup> Previously, plaintiffs moved for an order restraining anyone, including the media, from publishing information disclosed during the trial that would identify the minor victims. The court denied this motion. See: *Nebraska Press Association v. Stuart*, 427 U.S. 539 (1976) and *The Florida Star v. B.J.F.*, 491 U.S. 524 (1989).

Whenever other interests compete with the public interest in open judicial proceedings, "[o]ur analysis must begin with the proposition that all civil and criminal court proceedings are public events, records of court proceedings are public records, and there is a strong presumption in favor of public access to such matters." *Sentinel Communications Co. v. Watson*, 615 So.2d 768, 770 (Fla. 5th DCA 1993) (citing *Barron v. Florida Freedom Newspapers, Inc.*, 531 So.2d 113 (Fla.1988)). This presumption rests on the most fundamental values of American government.

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"[T]he people have a right to know what is done in their courts.... [T]he greatest publicity to the acts of those holding positions of public trust, and the greatest freedom in the discussion of the proceedings of public tribunals that is consistent with truth and decency, are regarded as essential to the public welfare." *Barron*, 531 So.2d at 116-7 (citing *In re Shortridge*, 34 P. 227, 228-29 (Cal.1893) ). Openness in courts has a salutary effect on the propensity of witnesses to tell the truth and of judicial officers to perform their duties conscientiously. It informs persons affected by litigation of its effect upon them and fosters "respect for the law[,] intelligent acquaintance ... with the methods of government[, and] a strong confidence in judicial remedies ... which could never be inspired by a system of secrecy...." *Id.*, (citing 6 WIGMORE, EVIDENCE § 1834 (Chadbourn rev.1976) ). These fundamental values come into play whenever the court is in session, and the presumption of openness applies in hard cases as well as easy cases. "The reason for openness is basic to our form of government." *Id.*

\*2 This motion is opposed by various news organizations, but the presumption of openness is of larger importance than the immediate interest of the press in the case of the moment. To be sure, the press has a cognizable interest in maintaining open courts "because its ability to gather news is directly impaired or curtailed" by restrictions on access. Moreover, the press is assigned a fiduciary role in enforcing public rights of access because the press "may be properly considered as a representative of the public [for] enforcement of public right of access." Nevertheless, the values of openness in courts transcend the interests of the press because "[f]reedom of the press is not, and has never been a private property right granted to those who own the news media. It is a cherished and almost sacred right of each citizen to be informed about current events on a timely basis so each can exercise his discretion in determining the destiny and security of himself, other people, and the Nation." *State ex rel. Miami Herald Pub. Co. v. McIntosh*, 340 So.2d 904, 908 (Fla.1977). In serving the right of each cit-

izen to be informed, judicial openness, of which the press is an instrument, sustains public confidence in the judiciary and thus serves the ultimate value of popular sovereignty.

This higher purpose of openness is not always apparent in the public scrutiny of the daily business of the courts. Depending on the definition of newsworthiness, it may be possible to dismiss as unworthy much that transpires in civil courts. Here, it is easy to ask what public interest is served by subjecting these minor victims to the risk of public identification. However, *Barron* teaches that this is the wrong question because it overlooks the higher purpose of openness in the courts.

In *Barron*, a case involving privacy concerns inherent in a divorce case, the court strongly reaffirmed the presumption that Florida civil courts are open. In dissent, Justice McDonald saw the question in case-specific terms. He would have closed the proceeding because "the rights of the public to information contained in a domestic relations lawsuit is minimal, if existent at all." 531 So.2d at 121. Implicitly, this approach would have required the proponent of openness to show a particular need to know facts of the specific case in order to gain access. The majority rejected this approach because it saw the conflicting interests in broader terms. "The parties seeking a dissolution of their marriage are not entitled to a private court proceeding just because they are required to utilize the judicial system." 531 So.2d at 119.

A closure request implicates the integrity and credibility of the judicial system itself and not just the immediate concerns of the parties. The balance to be struck is not between the people's need to know the particular facts of the case versus the parties' need to keep these facts private but between the public interest in open courts versus the personal desire for a private forum. "Public trials are essential to the judicial system's credibility in a free society." *Barron* at 116.

\*3 Although the Florida Supreme Court holds that

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"the public and the press have a fundamental right of access to all judicial proceedings," however, this right is not absolute. *State ex rel. Miami Herald Pub. Co. v. McIntosh*, 340 So.2d at 908-9. In *Barron*, the court took the occasion to establish the standards upon which the presumption of openness may be overcome when necessary "to protect competing interests." The court wrote a "definitive statement ... to assist judicial officers in this sensitive area." 531 So.2d at 117-8.

*Barron* establishes a strong presumption of openness for all court proceedings and records, places the burden on the proponent of closure, and grants standing to the public and media to challenge closure orders. Before a court may enter any order of closure it must determine there are no reasonable alternatives to closure and must order the least restrictive closure necessary to accomplish the purpose of closure. 531 So.2d at 118-9. A closure order should be "drawn with particularity and narrowly applied." 531 So.2d at 117.

*Barron* specifies an exclusive listing of those competing interests that may under appropriate circumstances be sufficiently weighty to justify closure. Closure may be ordered "only when necessary" to serve one of six competing interests:

- (a) to comply with established public policy set forth in the constitution, statutes, rules, or case law;
- (b) to protect trade secrets;
- (c) to protect a compelling governmental interest [e.g., national security; confidential informants];
- (d) to obtain evidence to properly determine legal issues in a case;
- (e) to avoid substantial injury to innocent third parties [e.g., to protect young witnesses from offensive testimony; to protect children in a divorce]; or
- (f) to avoid substantial injury to a party by disclos-

ure of matters protected by a common law or privacy right not generally inherent in the specific type of civil proceeding sought to be closed....

At the outset, the proponent of closure must identify one or more of such interests that is implicated in the proposed closure. Here it is not necessary to go beyond this first level of analysis because plaintiffs have not connected their motion to a valid interest that would justify closure.

This motion poses a direct confrontation between the individual interest in privacy and the public interest in open courts. Because there is inherent in the case sensitive, intimate, and embarrassing private facts, plaintiffs seek to litigate their claim in a closed proceeding. They argue "[t]hat revelation of [the identities of the minor plaintiffs] has the potential to inflict substantial harm upon them [as] a matter of common sense."

There is no question there are strong reasons to keep private the facts surrounding the abuse practiced on the minors by the now-imprisoned abuser. The question this court must decide, however, is whether these are reasons to secure the courtroom. The question is not whether to afford privacy to the plaintiffs but whether to afford plaintiffs a closed forum in which to disclose these facts.

\*4 Although there is no case directly on this point, the present question comes fully within the holding of *Barron*, which thoroughly considered the competition between the people's interest in public courts and the personal interest in private facts. In effect, *Barron* raised the question of the role to be assigned to privacy in a system of public courts, and the majority resolved the issue by granting a narrow role to privacy based on considerations relating to the legitimate expectations of privacy.

In the Florida Supreme Court's well-developed privacy jurisprudence, the fundamental basis of the right of privacy is a legitimate expectation of privacy. Not every fact in every circumstance is private, and not every act of government violates

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the right to be let alone. The concept by which the court separates the appropriate from the inappropriate instance for invoking the privacy right is this expectation. *Stall* ■. *State*, 570 So.2d 257, 261 (Fla.1990). In order to establish a right of privacy, the individual must establish that "a reasonable expectation of privacy ... exist[s]." *Winfield* ■. *Division of Pari-Mutuel Wagering*, 477 So.2d 544, 547 (Fla.1985).

A right of privacy cannot attach when there is no expectation of privacy. Under our historic tradition of public courts, what reasonable expectation of privacy could a litigant possibly entertain? Concurring in *Barron*, Justice Erlich would have conceded the litigant no reasonable expectation of privacy. He pointed out, "we have ... recognized that '[t]he potential for invasion of privacy is inherent in the litigation process.' *Rasmussen* ■. *South Florida Blood Service*, 500 So.2d 533, 535 (Fla.1987). While civil litigants may have a legitimate expectation of privacy in pretrial depositions and interrogatories which are not filed with the court (citations omitted), no such expectation exists in connection with civil proceedings and court files which historically have been open to the public. See *Forsberg* ■. *Housing Authority*, 455 So.2d 373, 375 (Fla.1984) (Overton, J., concurring) (there is traditionally no expectation of privacy in court files)." 531 So.2d at 120. Justice Erlich shows the conflict between privacy and publicness. If the privacy interest were allowed unbounded scope, it would overcome the public nature of trials. Thus a system of public trials must insist that litigants abandon qualms about disclosure of private facts when they place them in contest in the court.

Without rejecting this view entirely, the majority nevertheless identified a limited scope of privacy within civil litigation. "We find that, under appropriate circumstances, the constitutional right of privacy established in Florida by the adoption of article I, section 23, could form a constitutional basis for closure under (e) or (f)." 531 So.2d at 118. The majority thus conceived of two instances in which a

reasonable expectation of privacy might be found.

\*5 First, there is the privacy expectation of persons who are not parties to the case. Involuntary participants may have a reasonable claim of privacy. Thus under item (g), *Barron* recognizes that closure may be justified if the proponent carries the heavy burden of showing closure is necessary "to avoid substantial injury to innocent third parties [e.g., to protect young witnesses from offensive testimony; to protect children in a divorce]." 531 So.2d at 118.

Second, there is the more limited privacy expectation of a party. Again, the doctrine of legitimate expectation is applicable. Although a litigant has no right to expect privacy in matters involved in the case litigated in a public court, there may be matters extrinsic to the case with respect to which a litigant has a reasonable privacy claim. Under *Barron's* item (f), a proponent may be entitled to closure if he or she carries the burden of showing that closure is necessary "to avoid substantial injury to a party by disclosure of matters protected by a common law or privacy right not generally inherent in the specific type of civil proceeding sought to be closed." 531 So.2d at 118.

*Barron* rules out closure based on privacy interests of parties in the subject matter of the case itself. In recognizing a peripheral role for the privacy claims of civil litigants, the majority held there can be no privacy interest in that which is inherent in the case. Because litigation in a public court system involves an inherent tendency to invade privacy, a litigant has no reasonable expectation of privacy in the subject matter of a case. This must be so if, as *Barron* soundly affirms, there is to be a system of open courts in Florida.

Applying this standard in *Barron*, the court determined the medical history in question should not be sealed because it was inherent in the case. "Although generally protected by one's privacy right, medical reports and history are no longer protected when the medical condition becomes an integral part of the civil proceeding, particularly

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when the condition is asserted as an issue by the party seeking closure.... [M]edical information is an inherent part of these proceedings and cannot be utilized as a proper basis for closure." 531 So.2d at 119.

The same is true in this case. Those private facts which form the basis of the motion for closure are the facts inherent in the plaintiffs' case. Nevertheless, plaintiffs argue their request implicates the competing interests *Barron* listed in item (a) dealing with public policy, item (c), dealing with privacy of third party, and item (f), dealing with privacy of a party.

Plaintiffs first argue that closure of the trial is necessary under item (a) "to comply with established public policy set forth in the constitution, statutes, rules, or case law." 531 So.2d at 118. Plaintiffs rightly contend "[t]he State of Florida has long recognized, as a matter of public policy, the need to protect minors who come into contact with the justice system," and cite statutory provisions exempting records of sex crimes and child abuse from public records disclosure and providing for closure of adoption and dependency proceedings. See *Fla.Stat.* §§ 119.07(h); 63.162; 39.408(c).

\*6 To be sure, it is public policy to protect minor victims of sex crimes from unnecessary public exposure. The cited exceptions to public records laws illustrate this as does the practice of anonymous pleading.

However, state policy neither requires nor permits closure of public trials on the basis of the privacy interests of minor victims of sex crimes. The trial of the perpetrator of a sex crime against a minor must be conducted in public as a matter of Florida common law.<sup>FN2</sup> Under *Fla.Stat.*, § 918.16, the court has a certain ability to clear the courtroom during testimony of a person under the age of 16,<sup>FN3</sup> but the press specifically may not be excluded.<sup>FN3</sup> A recent statute protecting minor witnesses does not purport to authorize closure of the trial to protect minor witnesses.<sup>FN4</sup> When the state prosecutes the

parent of a minor child for sexual abuses practiced on the child, the trial is not closed nor is there suppression of the identity of the parent from which, as plaintiffs argue here, the identity of the child is readily inferred.<sup>FN5</sup> Indeed, from the reports of tort suits by minor victims of sexual crimes seeking damages from the perpetrator or those vicariously liable, it can be seen that the courts of this state conduct cases like the present as open public trials in the name of the party.<sup>FN6</sup>

FN2. *Bundy* ■. *State*, 455 So.2d 330 (Fla.1984), *cert. denied*, 476 U.S. 1109 (1986). *Miami Herald Publishing Co.* ■. *Lewis*, 426 So.2d 1 (Fla.1982). See also *Globe Newspaper Company* ■. *Superior Court*, 102 S.Ct. 2613 (1982) (Same under First Amendment).

FN3. See *Palm Beach Newspapers* ■. *Nourse*, 413 So.2d 467 (Fla. 4th DCA 1982) (Error to summarily exclude press from arraignment of defendant charge with lewd and lascivious act on child under age 14); *News-Press Pub.* ■. *Shearer*, 5 Med.L.Rptr. 1272 (Fla. 2d DCA 1979) (Error to exclude press from courtroom while juvenile witness in sex crime testifies and error to seal record from press). Compare *Miami Herald Pub. Co.* ■. *Morphonios*, 467 So.2d 1026 (Fla.1985) (Error to gag press from publishing testimony of minor witness via prerecorded video) and *Thornton* ■. *State*, 585 So.2d 1189 (Fla. 2d DCA 1991) (Statute cannot override defendant's Sixth Amendment right to public trial without case-by-case balancing test). See also *Doe* ■. *Doe*, 567 So.2d 1002 (Fla. 4th DCA 1990) (Affirming denial of motion to close proceedings in which mother seeks authority for surgical sterilization of mentally handicapped daughter).

FN4. *Fla.Stat.* § 92.55 (Authorizing the court to permit or prohibit "the attendance

of any *person* at the proceeding") (emphasis supplied).

FN5. See, e.g., *Schmidt*, State, 590 So.2d 404 (Fla.1991) (Father prosecuted for crime of video recording of minor daughter in violation of statute concerning depiction of sex acts); *Sanders*, State, 568 So.2d 1014 (Fla. 3d DCA 1990) (Father prosecuted for lewd and lascivious acts against minor daughter).

FN6. See, e.g., *Zordan*, Page, 500 So.2d 608 (Fla. 2d DCA 1987) (Suit by minor and parents against carrier for damages incurred when insured fondled private parts of minor plaintiff); *Hennagan*, Department of Highway Safety and Motor Vehicles, 467 So.2d 748 (Fla. 1st DCA 1985) (suit by minor and parents against FHP for damages when minor driver was allegedly sexually abused by patrolmen after being stopped on pretext of suspicion); *Drake*, Island Community Church, Inc., 462 So.2d 1142 (Fla. 3d DCA 1985) (Suit by minor and parents for damages from sexual abuse by teacher on minor pupil). Compare *Freehauf*, School Board of Seminole County, 623 So.2d 761 (Fla. 5th DCA) cause dismissed, 629 So.2d 132 (Fla.1994) (Suit for abuse inflicted on son by stepmother; failure to report suspected abuse by school); *Fischer*, Metcalf, 543 So.2d 785 (Fla. 3d DCA 1989) (Suit by minors against psychologist for damages from abusive father when suspicion of abuse was not reported).

The court concludes that it is not necessary to close this trial in order to comply with any public policy of the State of Florida.

The plaintiffs next argue that closure is necessary to serve the interest of innocent third parties whose privacy warrants closure under item (e) of *Barron*. The plaintiffs assert that each minor in this consol-

idated cause is a third party as to the other three actions and thus the trial should be closed to protect them as third parties in the consolidated cases. Having voluntarily joined to bring the action, they cannot claim to be third parties to the action nor assert a legitimate expectation of privacy in the disclosures that necessarily follow from their decision to act in concert.

Plaintiffs also assert the privacy interest of other minors who were victims of this same abuse but who have not joined in this suit. There is no evidence that trial of this case would implicate these third parties. In any event, plaintiffs lack standing to assert the interest of these third parties, and the Court will not decide any issue affecting their rights unless a party with standing raises the issue.

Finally, plaintiffs attempt to bring their motion under item (f) relating to the privacy interest of a party. To be entitled to an order of closure under this item, however, plaintiffs must show that closure is necessary "to avoid substantial injury to a party by disclosure of matters protected by a common law or privacy right *not generally inherent in the specific type of civil proceeding* sought to be closed." 531 So.2d at 119.(emphasis added). Plaintiffs argue their identities are not inherent facts in the case and thus the trial should be closed to prevent revelation of the identity. However, plaintiffs also contend it will be impossible to try the case without revelation of their names. Their argument refutes itself. The identity of a party is inherent in the case, and that concern alone could not justify total closure. This argument is a proxy for the ineffective argument that the sensitive nature of inherent private facts should justify a private forum. Facts regarding abuse form the core of their case, and thus it "is an inherent part of these proceedings and cannot be utilized as a proper basis for closure." 531 So.2d at 119. The decision to litigate this issue is tantamount to a decision to place the information before the public.

\*7 As sympathetic as their claim is, it fails to state a cognizable reason for closure under the law. The

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request to close a civil trial because of a party's disclosural concerns with facts inherent in the cause cannot be reconciled with *Barron*. Facts generally protected by a party's privacy right are no longer protected from disclosure when they become an integral part of a civil proceeding. Indeed, plaintiffs' argument for a private forum could be asserted as the basis for a wide array of exceptions that would swallow up the presumption of openness. "The ... argument based on this interest therefore proves too much. [T]hat same interest could be relied upon to support an array of mandatory closure rules ... proves too much, and runs contrary to the very foundation of the right of access...." *Globe Newspaper Company* ■. *Superior Court*, 102 S.Ct. 2613, 2622 (1982).

Accordingly, having considered the briefs and arguments of counsel for the reasons set forth in this opinion, it is ORDERED that the Motion to Close Trial be denied.

DONE AND ORDERED.

Fla.Cir.Ct.,1994.

John Doe-1 Through John Doe-4 ■. Museum of Science and History of Jacksonville, Inc.

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-80736-CIV-MARRA/JOHNSON

IN RE: JANE DOE,

Petitioner.

FILED by MLB D.C.  
JUL 09 2008  
STEVEN M. LARIMORE  
CLERK U.S. DIST. CT.  
S.D. OF FLA. - W.F.B.

GOVERNMENT'S RESPONSE TO VICTIM'S EMERGENCY PETITION  
FOR ENFORCEMENT OF CRIME VICTIM RIGHTS ACT, 18 U.S.C. § 3771

The United States of America, by and through its undersigned counsel, files its Response to Victim's Emergency Petition for Enforcement of Victim Rights Act, 18 U.S.C. § 3771, and states:

I. THERE IS NO "COURT PROCEEDING" UNDER 18 U.S.C. § 3771(b)

Petitioner complains that she has been denied her rights under the Crime Victims Rights Act, 18 U.S.C. § 3771. In the emergency petition filed by the victim, she alleges the Government has denied her rights since she has received no consultation with the attorney for the government regarding possible disposition of the charges (18 U.S.C. § 3771(a)(5)); no notice of any public court proceedings (18 U.S.C. § 3771(a)(2)); no information regarding her right to restitution (18 U.S.C. § 3771(a)(6)); and no notice of rights under the Crime Victim Rights Act (CVRA).  
Emergency Petition, ¶ 5.

The instant case is unique in several respects. First, in 2006, Jeffrey Epstein was charged with felony solicitation of prostitution in the Circuit Court of the Fifteenth Judicial Circuit, Palm Beach County, Florida. This charge was based upon the offenses alleged in paragraph 1 of the petition. Second, while Epstein has been under federal investigation, he has not been charged in

*7/RB*

the Southern District of Florida.

Title 18, U.S.C., Section 3771(b)(1) provides in pertinent part that, “[i]n any court proceeding involving an offense against a crime victim, the court shall ensure that the crime victim is afforded the rights described in subsection (a).” There is no “court proceeding” in the instant case since Epstein has not been charged with violation of any federal statute. No federal grand jury indictment has been returned, nor has any criminal information been filed. There can thus be no failure of a right to notice of a public court proceeding or the right to restitution.

In her memorandum, petitioner relies upon In Re Dean, 527 F.3d 391 (5th Cir. 2008), where the Fifth Circuit held that the CVRA required the government to “confer in some reasonable way with the victims before ultimately exercising its broad discretion.” Id. at 395. In Dean, the government sought and obtained an ex parte order permitting it to negotiate a plea agreement with BP Products North America, without first consulting with the victims, individuals injured and survivors of those killed in a refinery explosion. A plea agreement was ultimately negotiated and the victims objected. The appellate court found that the CVRA granted a right to confer. However, the court declined to grant mandamus relief for prudential reasons, finding that the district court had the benefit of the views of the victims who chose to participate at the hearing held on whether the plea agreement should be accepted. Id. at 396.

Dean is legally distinguishable in several respects. For one thing, the court’s discussion of the scope of the right to confer was unnecessary because the court ultimately declined to issue mandamus relief. Dean, 527 F.3d at 395. Also, in offering its view that this right applies pre-charge, it is noteworthy that the court, in purporting to quote the statute, omitted the last three words of section 3771(a)(5)(“in the case”), words that arguably point in the opposite direction by

suggesting that the right applies post-charge. Further, the court went to great lengths to emphasize that its holding was limited to the particular circumstances presented in that case (i.e., the simultaneous filing of a plea agreement and formal charges), which of course, is not the case here. No federal charges have been filed in the instant case, and this case, unlike Dean, involves an agreement to defer federal prosecution in favor of prosecution by the State of Florida and not a guilty plea. Id. at 394. Finally, the Dean court expressly declined to “speculate on the [right to confer’s] applicability to other situations.” Id. Nothing in § 3771(a)(5) supports the petitioner’s claim that she had a right to be consulted before the Government could enter into a non-prosecution agreement which defers federal prosecution in exchange for state court resolution of criminal liability, and a significant concession on an element of a claim for compensation under 18 U.S.C. § 2255.

II. THE GOVERNMENT HAS USED ITS BEST EFFORTS TO COMPLY WITH 18 U.S.C. § 3771(a)

The Epstein case was investigated initially by the Palm Beach Police Department in 2006. Exhibit A, Declaration of Assistant United States Attorney [REDACTED], ¶ 2. Subsequently, the Palm Beach Police Department sought the assistance of the Federal Bureau of Investigation (FBI). Id. Throughout the investigation, when a victim was identified, victim notification letters were provided to the victim by both the FBI Victim-Witness Specialist and AUSA [REDACTED]. Id., ¶ 3. Petitioner’s counsel, Brad Edwards, Esq., currently represents [REDACTED], [REDACTED], and [REDACTED]. The U.S. Attorney’s Office victim notification letter to [REDACTED] was provided by the FBI, and the letter to [REDACTED] was hand-delivered by AUSA [REDACTED] to her when she was interviewed in April 2007. FBI victim notification letters were mailed to [REDACTED] and [REDACTED] on

January 10, 2008, and to [REDACTED] on May 30, 2008. [REDACTED] Decl., ¶ 3.

Throughout the investigation, AUSA [REDACTED] and the FBI's Victim-Witness Specialist had contact with [REDACTED]. [REDACTED] Decl., ¶ 4. Earlier in the investigation, [REDACTED] was represented by James Eisenberg, Esq. Consequently, all contact with [REDACTED] was made through Mr. Eisenberg.

In mid-2007, Epstein's attorneys approached the U.S. Attorney's Office in an effort to resolve the federal investigation. *Id.*, ¶ 5. At that time, Mr. Epstein had been charged by the State of Florida with solicitation of prostitution, in violation of Florida Statutes § 796.07. Mr. Epstein's attorneys sought a global resolution of this matter. The United States subsequently agreed to defer federal prosecution in favor of prosecution by the State of Florida, so long as certain basic preconditions were met. One of the key objectives for the Government was to preserve a federal remedy for the young girls whom Epstein had sexually exploited. Thus, one condition of that agreement, notice of which was provided to the victims on July 9, 2008, is the following:

"Any person, who while a minor, was a victim of a violation of an offense enumerated in Title 18, United States Code, Section 2255, will have the same rights to proceed under Section 2255 as she would have had, if Mr. Epstein had been tried federally and convicted of an enumerated offense. For purposes of implementing this paragraph, the United States shall provide Mr. Epstein's attorneys with a list of individuals whom it was prepared to name in an Indictment as victims of an enumerated offense by Mr. Epstein. Any judicial authority interpreting this provision, including any authority determining which evidentiary burdens if any a plaintiff must meet, shall consider that it is the intent of the parties to place these identified victims in the same position as they would have been had Mr. Epstein been convicted at trial. No more; no less."

The Attorney General Guidelines for Victim and Witness Assistance (May 2005), Article

IV, Services to Victims and Witnesses, provides the following guidance for proposed plea agreements:

(3) Proposed Plea Agreements. Responsible officials should make reasonable efforts to notify identified victims of, and consider victims' views about, prospective plea negotiations. In determining what is reasonable, the responsible official should consider factors relevant to the wisdom and practicality of giving notice and considering views in the context of the particular case, including, but not limited to, the following factors:

- (a) The impact on public safety and risks to personal safety.
- (b) The number of victims.
- (c) Whether time is of the essence in negotiating or entering a proposed plea.
- (d) Whether the proposed plea involves confidential information or conditions.
- (e) Whether there is another need for confidentiality.
- (f) Whether the victim is a possible witness in the case and the effect that relaying any information may have on the defendant's right to a fair trial.

Throughout negotiations, Epstein's attorneys claimed that one reason victims came forward and pressed their claims was their desire for money. They argued that victims might have an inducement to fabricate or enhance their testimony, in order to maximize their opportunities to obtain financial recompense. [REDACTED] Decl., ¶ 8. The Government was extremely concerned that disclosure of the proposed terms would compromise the investigation by providing Epstein the means of impeaching the victim witnesses, should the parties fail to reach an agreement. In light of the fact (i) that the United States agreed to defer prosecution to a previously filed state criminal case; (ii) that as a result sentencing would take place in state court before a state judge; (iii) that if the state resolution failed to meet minimum standards such that a federal prosecution was warranted, the victims would be witnesses and thus potential

impeachment issues were of concern; and (iv) the United States was already making efforts to secure for victims the right to proceed federally under 18 U.S.C. § 2255 even if prosecution took place in state court, the Government determined that its actions in proceeding with this agreement best balanced the dual position of the Jane Does as both victims and potential witnesses in a criminal proceeding.

On Friday, June 27, 2008, at approximately 4:15 p.m., AUSA [REDACTED] received a copy of the proposed state plea agreement, and learned that Epstein's state plea hearing was scheduled for Monday, June 30, 2008, at 8:30 a.m. [REDACTED] Decl., ¶ 10. AUSA [REDACTED] and the Palm Beach Police Department attempted to provide notification to victims in the short time that they had. Id. Although all known victims were not notified, AUSA [REDACTED] did call attorney Edwards to provide notice to his clients regarding the hearing. AUSA [REDACTED] did this, even though she had no obligation to provide notice of a state court hearing. Mr. Edwards advised that he could not attend but that someone would be present at the hearing. Id.

The Government has complied with 18 U.S.C. § 3771(c)(1) by using its best efforts to "see that crime victims are notified of, and accorded, the rights described in subsection (a)." Specifically, petitioner was afforded the reasonable right to confer with the attorney for the Government under 18 U.S.C. § 3771(a)(5). Disclosure of the specific terms of the negotiation were not disclosed prior to a final agreement being reached because the Government believed doing so would jeopardize and prejudice the prosecution in the event an agreement could not be made. Further, although 18 U.S.C. § 3771(a)(2) does not apply to state court proceedings, the government nonetheless notified petitioner's counsel on June 27, 2008, of the plea hearing in state court on June 30, 2008.

Section 3771(d)(6) provides, in relevant part, that “[n]othing in this chapter shall be construed to impair the prosecutorial discretion of the Attorney General or any officer under his direction.” The Government exercised its judgment and discretion in determining that there was a need for confidentiality in the negotiations with Epstein. The significant benefit of obtaining Epstein’s concession that victims suing him under 18 U.S.C. § 2255(a) were “victims” of the enumerated offenses, despite the fact he has not been convicted in federal court, was of sufficient importance to justify confidentiality of the negotiations.

III. THE GOVERNMENT’S DISCUSSIONS WITH [REDACTED], [REDACTED], AND [REDACTED]

Attorney Brad Edwards has advised the Government that he represents [REDACTED], [REDACTED], and [REDACTED]. Victim letters were provided to all three individuals. The letters to [REDACTED] and [REDACTED] were forwarded on January 10, 2008. Villafaña Decl., ¶ 3. On May 28, 2008, [REDACTED]’s status as a victim was confirmed when she was interviewed by federal agents. Id. The FBI Victim Witness specialist sent her a letter on May 30, 2008. Id.

When the agreement was signed in September 2007, [REDACTED] was openly hostile to a prosecution of Epstein, and [REDACTED] had refused to speak with federal investigators. Id., ¶ 7. While individual victims were not consulted regarding the agreement, none of Mr. Edwards’ clients had expressed a desire to be consulted prior to the resolution of the federal investigation. Id.

In October 2007, [REDACTED] was not represented by counsel. Id., ¶ 8. She was given telephonic notice of the agreement, as were three other victims. Id. These four individuals were also given notice of an expected change of plea, in state court, in October 2007.

In mid-June 2008, Mr. Edwards contacted AUSA [REDACTED] to advise that he represented [REDACTED] and [REDACTED], and requested a meeting. Id., ¶ 9. AUSA [REDACTED] asked Mr. Edwards to send

to her any information that he wished her to consider. Nothing was provided. Id. AUSA [REDACTED] also told Mr. Edwards he could contact the State Attorney's Office, if he wished. To her knowledge, Mr. Edwards did not make the contact.

The Government has acted reasonably in keeping [REDACTED], [REDACTED], and [REDACTED] informed. Petitioner's rights under the CVRA have not been violated. Therefore, her emergency petition should be denied.

Respectfully submitted,

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

By: 

[REDACTED]  
Assistant U.S. Attorney

[REDACTED]  
Attorney for Respondent

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via facsimile transmission and U.S. Mail, this 7th day of July, 2008, to: Brad Edwards, Esq., The Law Offices of Brad Edwards & Associates, LLC, (954) 924-1530, 2028 [REDACTED] Street, Suite 202, Hollywood, Florida 33020.

[REDACTED]

Assistant U.S. Attorney

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

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

IN RE: JANE DOE,

Petitioner.

FILED by MS D.C.  
JUL 09 2008  
STEVEN M. LARIMORE  
CLERK U.S. DIST. CT.  
S.D. OF FLA. - W.P.B.

**DECLARATION OF [REDACTED]**  
**IN SUPPORT OF UNITED STATES' RESPONSE**  
**TO VICTIM'S EMERGENCY PETITION FOR ENFORCEMENT**  
**OF CRIME VICTIM RIGHTS ACT, 18 U.S.C. § 3771**

1. I, [REDACTED], do hereby declare that I am a member in good standing of the Bar of the State of Florida. I graduated from the University of California at Berkeley School of Law (Boalt [REDACTED]) in 1993. After serving as a judicial clerk to the Hon. David F. Levi in Sacramento, California, I was admitted to practice in California in 1995. I also am admitted to practice in all courts of the states of Minnesota and Florida, the Eighth, Eleventh, and Federal Circuit Courts of Appeals, and the U.S. District Courts for the Southern District of Florida, the District of Minnesota, and the Northern District of California. My bar admission status in California and Minnesota is currently inactive. I am currently employed as an Assistant United States Attorney in the Southern District of Florida and was so employed during all of the events described herein.

S/AB

2. I am the Assistant United States Attorney assigned to the investigation of Jeffrey Epstein. The case was investigated by the Federal Bureau of Investigation ("FBI"). The federal investigation was initiated in 2006 at the request of the Palm Beach Police Department ("PBPB") into allegations that Jeffrey Epstein and his personal assistants had used facilities of interstate commerce to induce young girls between the ages of thirteen and seventeen to engage in prostitution, amongst other offenses.

3. Throughout the investigation, when a victim was identified, victim notification letters were provided to her both from your Affiant and from the FBI's Victim-Witness Specialist. Attached hereto are copies of the letters provided to Bradley Edwards' three clients, [REDACTED], [REDACTED], and [REDACTED].<sup>1</sup> Your Affiant's letter to [REDACTED] was provided by the FBI. (Ex. 1). Your Affiant's letter to [REDACTED] was hand-delivered by myself to [REDACTED] at the time that she was interviewed (Ex. 2).<sup>2</sup> Both [REDACTED] and [REDACTED] also received letters from the FBI's Victim-Witness Specialist, which were sent on January 10, 2008 (Exs. 3 & 4). [REDACTED] was identified via the FBI's investigation in 2007, but she initially refused to speak with investigators. [REDACTED]'s status as a victim of a federal offense was confirmed when she was interviewed by

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<sup>1</sup>Attorney Edwards filed his Motion on behalf of "Jane Doe," without identifying which of his clients is the purported victim. Accordingly, I will address facts related to [REDACTED], [REDACTED], and S.R. All three of those clients were victims of Jeffrey Epstein's while they were minors beginning when they were fifteen years old.

<sup>2</sup>Please note that the dates on the U.S. Attorney's Office letters to [REDACTED] and [REDACTED] are not the dates that the letters were actually delivered. Letters to all known victims were prepared early in the investigation and delivered as each victim was contacted.

federal agents on May 28, 2008. The FBI's Victim-Witness Specialist sent a letter to [REDACTED] on May 30, 2008 (Ex. 5).

4. Throughout the investigation, the FBI agents, the FBI's Victim-Witness Specialist, and your Affiant had contact with [REDACTED] and [REDACTED] Attorney Edwards' other client, [REDACTED], was represented by counsel and, accordingly, all contact with [REDACTED] was made through that attorney. That attorney was James Eisenberg, and his fees were paid by Jeffrey Epstein, the target of the investigation.<sup>3</sup>

5. In the summer of 2007, Mr. Epstein and the U.S. Attorney's Office for the Southern District of Florida ("the Office") entered into negotiations to resolve the investigation. At that time, Mr. Epstein had been charged by the State of Florida with solicitation of prostitution, in violation of Florida Statutes § 796.07. Mr. Epstein's attorneys sought a global resolution of the matter. The United States subsequently agreed to defer federal prosecution in favor of prosecution by the State of Florida, so long as certain basic preconditions were met. One of the key objectives for the Government was to preserve a federal remedy for the young girls whom Epstein had sexually exploited. Thus, one condition of that agreement, notice of which was provided to the victims on July 9, 2008, is the following:

"Any person, who while a minor, was a victim of a violation of an offense enumerated in Title 18, United States Code, Section 2255, will have the same rights to proceed under Section 2255 as she would have had, if Mr. Epstein

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<sup>3</sup>The undersigned does not know when Mr. Edwards began representing [REDACTED] or whether [REDACTED] ever formally terminated Mr. Eisenberg's representation.

had been tried federally and convicted of an enumerated offense. For purposes of implementing this paragraph, the United States shall provide Mr. Epstein's attorneys with a list of individuals whom it was prepared to name in an Indictment as victims of an enumerated offense by Mr. Epstein. Any judicial authority interpreting this provision, including any authority determining which evidentiary burdens if any a plaintiff must meet, shall consider that it is the intent of the parties to place these identified victims in the same position as they would have been had Mr. Epstein been convicted at trial. No more; no less."

6. An agreement was reached in September 2007. The Agreement contained an express confidentiality provision.

7. Although individual victims were not consulted regarding the agreement, several had expressed concerns regarding the exposure of their identities at trial and they desired a prompt resolution of the matter. At the time the agreement was signed in September 2007, [REDACTED] was openly hostile to the prosecution of Epstein. The FBI attempted to interview [REDACTED] in October 2007, at which time she refused to provide any information regarding Jeffrey Epstein. None of Attorney Edwards' clients had expressed a desire to be consulted prior to the resolution of the federal investigation.

8. As explained above, one of the terms of the agreement deferring prosecution to the State of Florida was securing a federal remedy for the victims. In October 2007, shortly after the agreement was signed, four victims were contacted and these provisions were discussed. One of those victims was [REDACTED], who at the time was not represented, and she was given notice of the agreement. Notice was also provided of an expected change of plea in October 2007. When Epstein's attorneys learned that some of the victims had been

notified, they complained that the victims were receiving an incentive to overstate their involvement with Mr. Epstein in order to increase their damages claims. While your Affiant knew that the victims' statements had been taken and corroborated with independent evidence well before they were informed of the potential for damages, the agents and I concluded that informing additional victims could compromise the witnesses' credibility at trial if Epstein reneged on the agreement.

9. After [REDACTED] had been notified of the terms of the agreement, but before Epstein performed his obligations, [REDACTED] contacted the FBI because Epstein's counsel was attempting to take her deposition and private investigators were harassing her. Your Affiant secured pro bono counsel to represent [REDACTED] and several other identified victims. Pro bono counsel was able to assist [REDACTED] in avoiding the improper deposition. That pro bono counsel did not express to your Affiant that [REDACTED] was dissatisfied with the resolution of the matter.

10. In mid-June 2008, Attorney Edwards contacted your Affiant to inform me that he represented [REDACTED] and [REDACTED] and asked to meet to provide me with information regarding Epstein. I invited Attorney Edwards to send to me any information that he wanted me to consider. Nothing was provided. I also advised Attorney Edwards that he should consider contacting the State Attorney's Office, if he so wished. I understand that no contact with that office was made. Attorney Edwards had alluded to [REDACTED], so I advised him that, to my knowledge, [REDACTED] was still represented by Attorney James Eisenberg.

11. On Friday, June 27, 2008, at approximate 4:15 p.m., your Affiant received a copy of the proposed state plea agreement and learned that the plea was scheduled for 8:30 a.m., Monday, June 30, 2008. Your Affiant and the Palm Beach Police Department attempted to provide notification to victims in the short time that Epstein's counsel had given us. Although all known victims were not notified, your Affiant specifically called attorney Edwards to provide notice to his clients regarding the hearing. Your Affiant believes that it was during this conversation that Attorney Edwards notified me that he represented [REDACTED], and I assumed that he would pass on the notice to her, as well. Attorney Edwards informed your Affiant that he could not attend but that someone would be present at the hearing. Your Affiant attended the hearing, but none of Attorney Edwards' clients was present.

12. On today's date, your Affiant provided the attached victim notifications to [REDACTED] and [REDACTED] via their attorney, Bradley Edwards (Exs. 6 & 7). A notification was not provided to [REDACTED] because the U.S. Attorney's modification limited Epstein's liability to victims whom the United States was prepared to name in an indictment. In light of [REDACTED]'s prior statements to law enforcement, your Affiant could not in good faith include [REDACTED] as a victim in an indictment and, accordingly, could not include her in the list provided to Epstein's counsel.

13. Furthermore, with respect to the Certification of Emergency, Attorney Edwards did not ever contact me prior to the filing of that Certification to demand the relief that he requests in his Emergency Petition. On the afternoon of July 7, 2008, after your Affiant had

already received the Certification of Emergency and Emergency Petition, I received a letter from Attorney Edwards that had been sent, via Certified Mail, on July 3, 2008. While that letter urges the Attorney General and the United States Attorney to consider "vigorous enforcement" of federal laws with respect to Jeffrey Epstein, it contains no demand for the relief requested in the Emergency Petition.

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

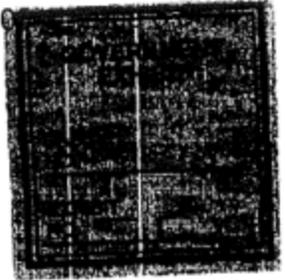
Executed this 9th day of July, 2008.





U.S. Department of Justice

United States Attorney  
Southern District of Florida



500 South Australian Ave, Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: [REDACTED]

June 7, 2007

**DELIVERY BY HAND**

Miss C [REDACTED] W [REDACTED]

Re: Crime Victims' and Witnesses' Rights

Dear Miss W [REDACTED]

Pursuant to the Justice for All Act of 2004, as a victim and/or witness of a federal offense, you have a number of rights. Those rights are:

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

Members of the U.S. Department of Justice and other federal investigative agencies, including the Federal Bureau of Investigation, must use their best efforts to make sure that these rights are protected. If you have any concerns in this regard, please feel free to contact me at [REDACTED], or Special Agent [REDACTED] from the Federal Bureau of Investigation at 561 822-5946. You also can contact the Justice Department's Office for Victims of Crime in Washington, D.C. at 202-307-5983. That Office has a website at [www.ovc.gov](http://www.ovc.gov).

You can seek the advice of an attorney with respect to the rights listed above and, if you believe that the rights set forth above are being violated, you have the right to petition the Court for relief.

MISS C [REDACTED] W [REDACTED]  
JUNE 7, 2007  
PAGE 2

In addition to these rights, you are entitled to counseling and medical services, and protection from intimidation and harassment. If the Court determines that you are a victim, you also may be entitled to restitution from the perpetrator. A list of counseling and medical service providers can be provided to you, if you so desire. If you or your family is subjected to any intimidation or harassment, please contact Special Agent [REDACTED] or myself immediately. It is possible that someone working on behalf of the targets of the investigation may contact you. Such contact does not violate the law. However, if you are contacted, you have the choice of speaking to that person or refusing to do so. If you refuse and feel that you are being threatened or harassed, then please contact Special Agent [REDACTED] or myself.

You also are entitled to notification of upcoming case events. At this time, your case is under investigation. If anyone is charged in connection with the investigation, you will be notified.

Sincerely,

R. Alexander Acosta  
United States Attorney

By [REDACTED]

Assistant United States Attorney

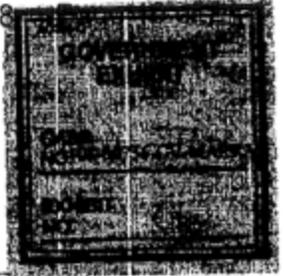
cc: Special Agent [REDACTED] [REDACTED], F.B.I.

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U.S. Department of Justice

United States Attorney  
Southern District of Florida



500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: [REDACTED]

August 11, 2006

DELIVERY BY HAND

Miss T [REDACTED] M [REDACTED]

Re: Crime Victims' and Witnesses' Rights

Dear Miss M [REDACTED]

Pursuant to the Justice for All Act of 2004, as a victim and/or witness of a federal offense, you have a number of rights. Those rights are:

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

Members of the U.S. Department of Justice and other federal investigative agencies, including the Federal Bureau of Investigation, must use their best efforts to make sure that these rights are protected. If you have any concerns in this regard, please feel free to contact me at [REDACTED], or Special Agent [REDACTED] [REDACTED] from the Federal Bureau of Investigation at 561 822-5946. You also can contact the Justice Department's Office for Victims of Crime in Washington, D.C. at 202-307-5983. That Office has a website at [www.ovc.gov](http://www.ovc.gov).

You can seek the advice of an attorney with respect to the rights listed above and, if you believe that the rights set forth above are being violated, you have the right to petition the Court for relief.

MISS T [REDACTED] M [REDACTED]  
AUGUST 11, 2006  
PAGE 2

In addition to these rights, you are entitled to counseling and medical services, and protection from intimidation and harassment. If the Court determines that you are a victim, you are also entitled to restitution from the perpetrator. A list of counseling and medical service providers will be provided to you, if you so desire. If you or your family is subjected to any intimidation or harassment, please contact Special Agent [REDACTED] or myself immediately. It is possible that someone working on behalf of the targets of the investigation may contact you. Such contact does not violate the law. However, if you are contacted, you have the choice of speaking to them or refusing to do so. If you refuse and feel that you are being threatened or harassed, then please contact Special Agent [REDACTED] or myself.

You also are entitled to notification of upcoming case events. At this time, your case is under investigation. If anyone is charged in connection with the investigation, you will be notified.

Sincerely,

R. Alexander Acosta  
United States Attorney

By [REDACTED]

Assistant United States Attorney

cc: Special Agent [REDACTED] [REDACTED] F.B.I.



U.S. Department of Justice  
Federal Bureau of Investigation  
FBI - West Palm Beach  
Suite 500  
505 South Flagler Drive  
West Palm Beach, FL 33401  
Phone: (561) 833-7517  
Fax: (561) 833-7970

January 10, 2008

C. W. [REDACTED]  
[REDACTED]

Re: Case Number: [REDACTED]

Dear C. W. [REDACTED]

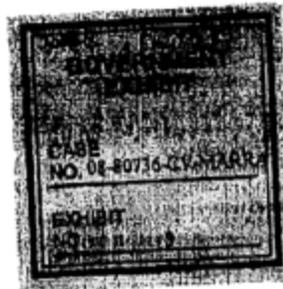
This case is currently under investigation. This can be a lengthy process and we request your continued patience while we conduct a thorough investigation.

As a crime victim, you have the following rights under 18 United States Code § 3771: (1) The right to be reasonably protected from the accused; (2) The right to reasonable, accurate, and timely notice of any public court proceeding, or any parole proceeding, involving the crime or of any release or escape of the accused; (3) The right not to be excluded from any such public court proceeding, unless the court, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard other testimony at that proceeding; (4) The right to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding; (5) The reasonable right to confer with the attorney for the Government in the case; (6) The right to full and timely restitution as provided in law; (7) The right to proceedings free from unreasonable delay; (8) The right to be treated with fairness and with respect for the victim's dignity and privacy.

We will make our best efforts to ensure you are accorded the rights described. Most of these rights pertain to events occurring after the arrest or indictment of an individual for the crime, and it will become the responsibility of the prosecuting United States Attorney's Office to ensure you are accorded those rights. You may also seek the advice of a private attorney with respect to these rights.

The Victim Notification System (VNS) is designed to provide you with direct information regarding the case as it proceeds through the criminal justice system. You may obtain current information about this matter on the Internet at [WWW.Notify.USDOJ.GOV](http://WWW.Notify.USDOJ.GOV) or from the VNS Call Center at [REDACTED]

[REDACTED] In addition, you may use the Call Center or Internet to update your contact information and/or change your decision about participation in the notification program. If you update your information to include a current email address, VNS will send information to that address. You will need the following Victim Identification Number [REDACTED] and Personal Identification [REDACTED] anytime you contact the Call Center and the first time you log on to VNS on the Internet. In addition, the first time you access the VNS Internet site, you will be prompted to enter your last name (or business name) as currently contained in VNS. The name you should enter is W. [REDACTED]



If you have additional questions which involve this matter, please contact the office listed above. When you call, please provide the file number located at the top of this letter. Please remember, your participation in the notification part of this program is voluntary. In order to continue to receive notifications, it is your responsibility to keep your contact information current.

Sincerely,

A large black rectangular redaction box covering the signature of the sender.

  
Victim Specialist



U.S. Department of Justice  
Federal Bureau of Investigation  
FBI - West Palm Beach  
Suite 500  
505 South Flagler Drive  
West Palm Beach, FL 33401  
Phone: (561) 833-7517  
Fax: (561) 833-7970

January 10, 2008

James Elsenberg  
One Clearlake Center Ste 704 Australian South  
West Palm Beach, FL 33401

Re: [REDACTED]

Dear James Elsenberg:

You have requested to receive notifications for [REDACTED]

This case is currently under investigation. This can be a lengthy process and we request your continued patience while we conduct a thorough investigation.

As a crime victim, you have the following rights under 18 United States Code § 3771: (1) The right to be reasonably protected from the accused; (2) The right to reasonable, accurate, and timely notice of any public court proceeding, or any parole proceeding, involving the crime or of any release or escape of the accused; (3) The right not to be excluded from any such public court proceeding, unless the court, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard other testimony at that proceeding; (4) The right to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding; (5) The reasonable right to confer with the attorney for the Government in the case; (6) The right to full and timely restitution as provided in law; (7) The right to proceedings free from unreasonable delay; (8) The right to be treated with fairness and with respect for the victim's dignity and privacy.

We will make our best efforts to ensure you are accorded the rights described. Most of these rights pertain to events occurring after the arrest or indictment of an individual for the crime, and it will become the responsibility of the prosecuting United States Attorney's Office to ensure you are accorded those rights. You may also seek the advice of a private attorney with respect to these rights.

The Victim Notification System (VNS) is designed to provide you with direct information regarding the case as it proceeds through the criminal justice system. You may obtain current information about this matter on the Internet at [WWW.Notify.USDOJ.GOV](http://WWW.Notify.USDOJ.GOV) or from the VNS Call Center at 1-866-DOJ-4YOU (1-866-365-4968) (TDD/TTY: 1-866-228-4619) (International: 1-502-213-2767). In addition, you may use the Call Center or Internet to update your contact information and/or change your decision about participation in the notification program. If you update your information to include a current email address, VNS will send information to that address. You will need the following Victim Identification Number (VIN) '1941741' and Personal Identification Number (PIN) '7760' anytime you contact the Call Center and the first time you log on to VNS on the Internet. In addition, the first time you access the VNS Internet site, you will be prompted to enter your last name (or business name) as currently contained in VNS. The name you should enter is Eisenberg.



If you have additional questions which involve this matter, please contact the office listed above. When you call, please provide the file number located at the top of this letter. Please remember, your participation in the notification part of this program is voluntary. In order to continue to receive notifications, it is your responsibility to keep your contact information current.

Sincerely,



Victim Specialist



U.S. Department of Justice  
Federal Bureau of Investigation  
FBI - West Palm Beach  
Suite 500  
505 South Flagler Drive  
West Palm Beach, FL 33401  
Phone: (561) 833-7517  
Fax: (561) 833-7970



May 30, 2008

S [REDACTED]  
[REDACTED]

Re: [REDACTED]

Dear S [REDACTED] P [REDACTED]

Your name was referred to the FBI's Victim Assistance Program as being a possible victim of a federal crime. We appreciate your assistance and cooperation while we are investigating this case. We would like to make you aware of the victim services that may be available to you and to answer any questions you may have regarding the criminal justice process throughout the investigation. Our program is part of the FBI's effort to ensure the victims are treated with respect and are provided information about their rights under federal law. These rights include notification of the status of the case. The enclosed brochures provide information about the FBI's Victim Assistance Program, resources and instructions for accessing the Victim Notification System (VNS). VNS is designed to provide you with information regarding the status of your case.

This case is currently under investigation. This can be a lengthy process and we request your continued patience while we conduct a thorough investigation.

As a crime victim, you have the following rights under 18 United States Code § 3771: (1) The right to be reasonably protected from the accused; (2) The right to reasonable, accurate, and timely notice of any public court proceeding, or any parole proceeding, involving the crime or of any release or escape of the accused; (3) The right not to be excluded from any such public court proceeding, unless the court, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard other testimony at that proceeding; (4) The right to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding; (5) The reasonable right to confer with the attorney for the Government in the case; (6) The right to full and timely restitution as provided in law; (7) The right to proceedings free from unreasonable delay; (8) The right to be treated with fairness and with respect for the victim's dignity and privacy.

We will make our best efforts to ensure you are accorded the rights described. Most of these rights pertain to events occurring after the arrest or indictment of an individual for the crime, and it will become the responsibility of the prosecuting United States Attorney's Office to ensure you are accorded those rights. You may also seek the advice of a private attorney with respect to these rights.

The Victim Notification System (VNS) is designed to provide you with direct information regarding the case as it proceeds through the criminal justice system. You may obtain current information about this matter on the Internet at [WWW.Notify.USDOJ.GOV](http://WWW.Notify.USDOJ.GOV) or from the VNS Call Center at 1-866-DOJ-4YOU (1-866-365-4968) (TDD/TTY: 1-866-228-4619) (International: 1-502-213-2757). In addition, you may use the Call Center or Internet to update your contact information and/or change your decision about participation in the notification program. If you update your information to include a current email address, VNS will send information to that address. You will need the following Victim Identification Number (VIN) '2074381' and Personal Identification Number (PIN) '1816' anytime you contact the Call Center and the first time you log on to VNS on the Internet. In addition, the first time you access the VNS Internet site, you will be prompted to enter your last name (or business name) as currently contained in VNS. The name you should enter is R [REDACTED]

[REDACTED]

[REDACTED]

If you have additional questions which involve this matter, please contact the office listed above. When you call, please provide the file number located at the top of this letter. Please remember, your participation in the notification part of this program is voluntary. In order to continue to receive notifications, it is your responsibility to keep your contact information current.

Sincerely,



  
Victim Specialist



U.S. Department of Justice

United States Attorney  
Southern District of Florida

Accession
<b>GOVERNMENT EXHIBIT</b>
CASE NO. 08-80736-CV-MARRA
EXHIBIT NO. 6

500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: [REDACTED]

July 9, 2008

VIA FACSIMILE

Brad Edwards, Esq.  
The Law Offices of Brad Edwards & Associates, LLC  
2028 [REDACTED] Street, Suite 202  
Hollywood, Florida 33020.

Re: Jeffrey Epstein/C [REDACTED] W [REDACTED]: NOTIFICATION OF IDENTIFIED VICTIM

Dear Mr. Edwards:

By virtue of this letter, the United States Attorney's Office for the Southern District of Florida asks that you provide the following notice to your client, C [REDACTED] W [REDACTED].

On June 30, 2008, Jeffrey Epstein (hereinafter referred to as "Epstein) entered a plea of guilty to violations of Florida Statutes Sections 796.07 (felony solicitation of prostitution) and 796.03 (procurement of minors to engage in prostitution), in the 15th Judicial Circuit in and for Palm Beach County (Case Nos. 2006-cf-009454AXXXMB and 2008-cf-009381AXXXMB) and was sentenced to a term of twelve months' imprisonment to be followed by an additional six months' imprisonment, followed by twelve months of Community Control 1, with conditions of community confinement imposed by the Court.

In light of the entry of the guilty plea and sentence, the United States has agreed to defer federal prosecution in favor of this state plea and sentence, subject to certain conditions.

One such condition to which Epstein has agreed is the following:

"Any person, who while a minor, was a victim of a violation of an offense enumerated in Title 18, United States Code, Section 2255, will have the same rights to proceed under Section 2255 as she would have had, if Mr. Epstein

BRAD EDWARDS, ESQ.

NOTIFICATION OF IDENTIFIED VICTIM C [REDACTED] W [REDACTED]

JULY 9, 2008

PAGE 2 OF 2

had been tried federally and convicted of an enumerated offense. For purposes of implementing this paragraph, the United States shall provide Mr. Epstein's attorneys with a list of individuals whom it was prepared to name in an Indictment as victims of an enumerated offense by Mr. Epstein. Any judicial authority interpreting this provision, including any authority determining which evidentiary burdens if any a plaintiff must meet, shall consider that it is the intent of the parties to place these identified victims in the same position as they would have been had Mr. Epstein been convicted at trial. No more; no less."

Through this letter, this Office hereby provides Notice that your client, C [REDACTED] W [REDACTED] is an individual whom the United States was prepared to name as a victim of an enumerated offense.

Should your client decide to file a claim against Jeffrey Epstein, his attorney, Jack Goldberger, asks that you contact him at Atterbury Goldberger and Weiss, 250 Australian Avenue South, Suite 1400, West Palm Beach, FL 33401, (561) 659-8300.

Please understand that neither the U.S. Attorney's Office nor the Federal Bureau of Investigation can take part in or otherwise assist in civil litigation; however, if you do file a claim under 18 U.S.C. § 2255 and Mr. Epstein denies that your client is a victim of an enumerated offense, please provide notice of that denial to the undersigned.

Please thank your client for all of her assistance during the course of this examination and express the heartfelt regards of myself and Special Agents [REDACTED] and Richards for the health and well-being of Ms. W [REDACTED]

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

By: [REDACTED]

ASSISTANT U.S. ATTORNEY

cc: Jack Goldberger, Esq.



U.S. Department of Justice

United States Attorney  
Southern District of Florida

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<b>GOVERNMENT EXHIBIT</b>	
CASE NO.	08-80736-CV-MARRA
EXHIBIT NO.	7

500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: [REDACTED]

July 9, 2008

VIA FACSIMILE

Brad Edwards, Esq.  
The Law Offices of Brad Edwards & Associates, LLC  
2028 [REDACTED] Street, Suite 202  
Hollywood, Florida 33020.

Re: Jeffrey Epstein/S [REDACTED] R [REDACTED] NOTIFICATION OF IDENTIFIED VICTIM

Dear Mr. Edwards:

By virtue of this letter, the United States Attorney's Office for the Southern District of Florida asks that you provide the following notice to your client, S [REDACTED] R [REDACTED]

On June 30, 2008, Jeffrey Epstein (hereinafter referred to as "Epstein") entered a plea of guilty to violations of Florida Statutes Sections 796.07 (felony solicitation of prostitution) and 796.03 (procurement of minors to engage in prostitution), in the 15th Judicial Circuit in and for Palm Beach County (Case Nos. 2006-cf-009454AXXXMB and 2008-cf-009381AXXXMB) and was sentenced to a term of twelve months' imprisonment to be followed by an additional six months' imprisonment, followed by twelve months of Community Control 1, with conditions of community confinement imposed by the Court.

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BRAD EDWARDS, ESQ.

NOTIFICATION OF IDENTIFIED VICTIM S [REDACTED]

JULY 9, 2008

PAGE 2 OF 2

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Through this letter, this Office hereby provides Notice that your client, S [REDACTED] R [REDACTED] is an individual whom the United States was prepared to name as a victim of an enumerated offense.

Should your client decide to file a claim against Jeffrey Epstein, his attorney, Jack Goldberger, asks that you contact him at Atterbury Goldberger and Weiss, 250 Australian Avenue South, Suite 1400, West Palm Beach, FL 33401, (561) 659-8300.

Please understand that neither the U.S. Attorney's Office nor the Federal Bureau of Investigation can take part in or otherwise assist in civil litigation; however, if you do file a claim under 18 U.S.C. § 2255 and Mr. Epstein denies that your client is a victim of an enumerated offense, please provide notice of that denial to the undersigned.

Please thank your client for all of her assistance during the course of this examination and express the heartfelt regards of myself and Special Agents [REDACTED] and Richards for the health and well-being of Ms. R [REDACTED]

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

By: [REDACTED]

ASSISTANT U.S. ATTORNEY

cc: Jack Goldberger, Esq.

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 08-80811-CIV-ZLOCH/SNOW

C.M.A.,

Plaintiff,

vs.

JEFFREY EPSTEIN and  
[REDACTED],

Defendants.

**FILED UNDER SEAL\***

Sealed

FILED by [REDACTED] D.C.  
JUL 25 2008  
STEVEN M. LARIMORE  
CLERK U.S. DIST CT  
S.D. OF FLA. MIAMI

**DEFENDANTS JEFFREY EPSTEIN AND  
[REDACTED] MOTION FOR STAY**

\* This motion is filed under seal because the deferred-prosecution agreement between the United States Attorney's Office (by Assistant U.S. Attorney [REDACTED], Esq.) and Mr. Epstein, discussed herein, contains a confidentiality clause.

**Lewis Tein** P.L.  
ATTORNEYS AT LAW

3059 GRAND AVENUE, SUITE 340, COCONUT GROVE, FLORIDA 33133

Defendants Jeffrey Epstein and ██████ ██████ respectfully move for a mandatory stay of this action under Title 18, United States Code, Section 3509(k), Section 1595(b)(1), and alternatively, under this Court's discretionary authority to stay civil litigation, based on the existence of a pending federal criminal action.

### Introduction

This lawsuit arises from a pending federal criminal action concerning, among other things, an alleged assault of the plaintiff Jane Doe, who, according to her complaint, on "numerous occasions" provided "massages" to Epstein with "no credentials to provide massage therapy" and was "sometimes paid . . . for the 'sessions'." Compl., ¶¶ 6, 11. A federal statute directly on point provides that when a civil suit alleging damages to a minor victim arises out of the same occurrence as a "criminal action," the civil suit "*shall be stayed* until the end of *all* phases of the criminal action." 18 U.S.C. § 3509(k) (emphasis added).<sup>1</sup>

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<sup>1</sup> The full text of the mandatory-stay provision reads:

If, at any time that a cause of action for recovery of compensation for damage or injury to the person of a child exists, a criminal action is pending which arises out of the same occurrence and in which the child is the victim, the civil action shall be stayed until the end of all phases of the criminal action and any mention of the civil action during the criminal proceeding is prohibited. As used in this subsection, a criminal action is pending until its final adjudication in the trial court.

18 U.S.C. § 3509(k).

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**Lewis Tein** PLC.

ATTORNEYS AT LAW

3059 GRAND AVENUE, SUITE 340, COCONUT GROVE, FLORIDA 33133

Accordingly, a stay of this case is mandatory until the criminal action arising from the same allegations is no longer pending.

**The Pending Federal Criminal Action**

In 2006, a Florida state grand jury indicted Jeffrey Epstein on allegations similar to those in the instant action (*State of Florida v. Jeffrey Epstein*, Case No. 2006 CF 09454A, Fifteenth Judicial Circuit, Palm Beach County) (the "Florida Criminal Action"). Shortly thereafter, the United States Attorney's Office for the Southern District of Florida (the "USAO") began a federal grand-jury investigation into allegations arising out of the same incidents alleged in the instant action (Grand Jury No. 07-103 (WPB), United States District Court for the Southern District of Florida) ("the Federal Criminal Action").

In September 2007, the USAO and Mr. Epstein entered into a highly unusual and unprecedented deferred-prosecution agreement (the "Agreement"), in which the USAO agreed to *defer* (not dismiss or close) the Federal Criminal Action *on the condition that* Mr. Epstein continue to comply with numerous obligations, the first of which was pleading guilty to certain state charges in the Florida Criminal Action. The Agreement itself uses the term "*deferred*" (rather than "dismissed" or "closed") to describe the status of the Federal Criminal Action:

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 . . . .

Agreement, at 2.

By no stretch did the USAO finalize, close, complete, dismiss or abandon the Federal Criminal Action. Indeed, as the lead federal prosecutor recently explained, the USAO merely “agreed to *defer* federal prosecution in favor of prosecution by the State of Florida . . . .” See *In re: Jane Doe*, Case No. 08-80736-CIV-Marra/Johnson (S.D. Fla.) (D.E. 14), Decl. of AUSA [REDACTED], 07/09/08, ¶ 5, attached hereto as Exhibit “A” (emphasis added). Under the Agreement, the USAO presently retains the continuing right to indict Mr. Epstein - or to unseal “any” already-existing federal “charges” that may already have been handed up by the federal grand jury and sealed - - should he breach any of its provisions. Agreement, at 2.

The period of the deferral continues until three months after Mr. Epstein completes service of his sentence in the Florida Criminal Action. *Id.* Indeed, the final three months of the Agreement’s term constitute an extended period during which the USAO expressly retains the ability to evaluate whether Epstein committed any breaches of his numerous obligations under the agreement while he was serving his state sentence, and, if it so determines, reserves the right to indict

(or unseal an existing indictment against) Mr. Epstein - - even after he has completed serving his entire state sentence.

The Agreement further provides that upon Epstein's execution of a plea agreement in the State Criminal Case, the Federal Criminal Action "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." Agreement, at 5 (emphasis added). The Agreement directs the USAO and Epstein to "*maintain their evidence*, specifically evidence requested by or directly related to the grand jury subpoenas that have been issued," and to maintain such evidence "inviolable." *Id.* (emphasis added). It also expressly provides that the grand-jury subpoenas continue to remain "*outstanding*" until "*the successful completion* of the terms of this agreement." *Id.* (emphasis added).

Further, it includes a promise not to prosecute movant/defendant [REDACTED] [REDACTED], only if "Epstein successfully fulfills all of the terms and conditions of th[e] agreement." *Id.*

Finally, the Agreement provides that the USAO's declination of prosecution for certain enumerated offenses and dismissal of any existing (sealed) charges *will not occur until 90 days following the completion of his state sentence:*

If the United States Attorney should determine, based on reliable evidence, that, during the period of the Agreement, Epstein willfully violated any of the conditions of this Agreement, then the

United States Attorney may, within ninety (90) days following the expiration of the term of home confinement discussed below, provide Epstein with timely notice specifying the condition(s) of the Agreement that he has violated, and shall initiate its prosecution on any offense within sixty (60) days' of [sic] giving notice of the violation. Any notice provided to Epstein pursuant to this paragraph shall be provided within 60 days of the United States learning of facts which may provide a basis for a determination of a breach of the Agreement.

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, nor any other offenses that have been the subject of the joint investigation by the Federal Bureau of Investigation and the United States Attorney's Office, nor any offenses that arose from the Federal Grand Jury investigation will be instituted in this District, and the charges against Epstein, if any, will be dismissed.

Agreement, at 2.

Consistent with the Agreement and its position that the Federal Criminal Action continues to remain pending, the USAO recently sent letters to attorneys for people that the USAO has designated as "victims." In those letters, the USAO asked, "[I]f you do file a claim under 18 U.S.C. § 2255 and Mr. Epstein denies that your client is a victim of an enumerated offense, please provide notice of that denial to the undersigned [AUSA]." *See* Decl. of AUSA [REDACTED], Exhs. 6 & 7, at 2 (July 9, 2008). The clear implication of the USAO's request (by which the USAO appears to involve itself in the instant litigation, despite advising the recipients that it cannot "take part in or otherwise assist in civil litigation," *id.* at 2), is that the USAO believes that such denial might breach the Agreement.

Accordingly, the Federal Criminal Action remains “pending.”

### Discussion

#### **I. Section 3509(k) Imposes a Mandatory Stay.**

The language of Title 18, United States Code, Section 3509(k) is clear and mandatory: a parallel “civil action *shall be stayed* until the end of all phases of the criminal action.” 18 U.S.C. § 3509(k) (emphasis added). The word “*shall*” means that the statute’s command is mandatory and not subject to a Court’s discretion. *See, e.g.,* [REDACTED] v. [REDACTED], 531 U.S. 230, 241 (2001) (noting Congress’ “use of a mandatory ‘shall’ to impose *discretionless obligations*”) (emphasis added); *Lexecon Inc. v. Milberg Weiss Bershad Hynes & Lerach*, 523 U.S. 26, 35 (1998) (explaining that “the mandatory ‘shall’ . . . normally creates an obligation *impervious to judicial discretion*”) (emphasis added). *Cf.* [REDACTED] v. *French*, 530 U.S. 327, 350 (2000) (construing the litigation-stay provision of the Prison Litigation Reform Act, holding, “Through the PLRA, Congress clearly intended to make operation of the automatic stay *mandatory*, precluding courts from exercising their equitable powers to enjoin the stay. And we conclude that this provision does not violate separation of powers principles.”) (emphasis added).

One District Court within the Eleventh Circuit recently construed “the plain language of § 3509(k)” as “*requir[ing] a stay* in a case . . . where . . . a parallel criminal action [is] pending.” *Doe* v. *Francis*, No. 5:03 CV 260, 2005 WL 950623,

at \*2 (N.D. Fla. Apr. 20, 2005) (*Francis II*) (emphasis added). *Accord Doe* **█** *Francis*, No. 5:03 CV 260, 2005 WL 517847, at \*1–2 (N.D. Fla. Feb. 10, 2005) (*Francis I*) (staying federal civil action in favor of “a criminal case currently pending in state court in Bay County, Florida, arising from the same facts and involving the same parties as the Instant action,” noting that “the language of 18 U.S.C. § 3509(k) is clear that *a stay is required* in a case such as this where a parallel criminal action is pending which arises from the same occurrence involving minor victims”) (emphasis added). There is no contrary opinion from any court.

In determining that the federal stay provision is mandatory, the *Francis II* court expressed that there was apparently no case law supporting, or even “discussing the [avoidance] of a stay [under the command of] § 3509(k).” *Francis II*, 2005 WL 950623, at \*2. Deferring to the statute as written, the *Francis II* court rejected the plaintiffs’ argument that some of the alleged victims had already reached their majority. *See id.* The court similarly rejected the plaintiffs’ argument that it would be in the victims’ best interests to avoid a stay so as to counteract the victims’ “ongoing and increasing mental harm due to the ‘frustrating delay in both the criminal case and [the civil] case.’” *Id.*

## II. Section 3509(k) Applies to Investigations, Not Just Indictments.

While there is no unsealed indicted criminal case against Mr. Epstein, the government's criminal investigation against him remains open. Section 3509(k) clearly applies to stay civil cases during the pendency, not only of indicted criminal cases, but also of pre-indictment criminal investigations.

The term "criminal action" is not expressly defined in § 3509(k). It is defined, however, by a closely related statute. Title 18, U.S.C. § 1595 provides a civil remedy for "forced labor" and "sex trafficking" violations, but stays such actions "during the pendency of any criminal action arising out of the same occurrence in which the claimant is the victim."<sup>2</sup> In enacting § 1595, Congress

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<sup>2</sup> The full text of that statute provides:

§ 1595. Civil remedy

- (a) An individual who is a victim of a violation of section 1589, 1590, or 1591 of this chapter may bring a civil action against the perpetrator in an appropriate district court of the United States and may recover damages and reasonable attorneys fees.
- (b)
  - (1) Any civil action filed under this section shall be stayed during the pendency of any criminal action arising out of the same occurrence in which the claimant is the victim.
  - (2) In this subsection, a "criminal action" includes investigation and prosecution and is pending until final adjudication in the trial court.

18 U.S.C. § 1595.

specifically intended that the term “criminal action” would be applied extremely broadly. Accordingly, Congress took pains to ensure that courts would give it the broadest possible construction and, for that reason, specified in the definition provision that “criminal action” also “includes investigation.” 18 U.S.C. § 1595(b)(2). The only reported decision addressing this provision interpreted it according to its plain language. *See Ara Khan*, No. CV 07-1251, 2007 WL 1726456, \*2 (E.D.N.Y. June 14, 2007) (ordering “all proceedings in this case stayed pending the conclusion of the government’s criminal investigation of the defendants and of *any* resulting criminal prosecution”) (emphasis added).

Given that the USAO’s Agreement with Epstein indicates that:

- the grand-jury’s subpoenas remain “outstanding” (Agreement, at 5);
- the subpoenas are “h[e]ld . . . in abeyance” (*id.*);
- the subpoenas are not “withdrawn” (*id.*);
- the parties must “maintain their evidence” (*id.*) (which would be entirely unnecessary if the investigation against Epstein were closed);
- “any” existing “charges” will *not* “**be dismissed**” *until after* Epstein has “timely fulfill[ed] all the terms and conditions of the Agreement” (*id.* at 2) (emphasis added); and
- “prosecution in this District . . . shall be **deferred**” (*id.*) (but not closed or dismissed) - -

then the only reasonable conclusion is that the Federal Criminal Action remains “pending.”

The ordinary meaning of the adjective “pending” is “[r]emaining undecided; awaiting decision . . . .” *Black’s Law Dictionary* 1154 (8th ed. 2004).<sup>3</sup> See also *White v. Klitzkie*, 281 F.3d 920, 928 (9th Cir. 2002) (relying on *Black’s Law Dictionary*, in the context of a criminal case, for the definition of “pending” as “awaiting decision”); *Swartz v. Meyers*, 204 F.3d 417, 421 (3d Cir. 2000) (relying on *Black’s Law Dictionary* for the definition of “pending,” expressly because “‘pending’ is not defined in the statute”). Any common-sense reading of the Agreement and the USAO’s recent sworn construction of it, is consonant with the Federal Criminal Action’s “remaining undecided” and “awaiting decision.” See *Unified Gov’t of Athens-Clarke County v. Athens Newspapers, LLC*, No. S07G1133, \_\_S.E.2d \_\_, 2008 WL 2579238, \*3 (Ga. June 30, 2008) (reviewing a public-records request against Georgia’s “pending investigation” exception to its open-records law, and holding that “a seemingly inactive investigation which has not yet resulted in a prosecution logically “remains undecided,” and is therefore “pending,” until it “is concluded and the file *closed*”) (emphasis added).

<sup>3</sup> The United States Court of Appeals for the Eleventh Circuit routinely relies on *Black’s Law Dictionary* for the definition of statutory terms, including in criminal cases. See e.g., *United States v. Young*, 528 F.3d 1294, 1297 n.3 (11th Cir. 2008) (definitions of criminal “complaint” and “indictment”); *United States v. Brown*, 526 F.3d 691, 705 (11th Cir. 2008) (definition of “knowingly” in criminal statute).

### III. Section 3509(k) Applies Even After a Plaintiff Turns 18.

The parallel stay provision in § 1595, discussed *supra* at 8-9, mandates, without exception, that any civil action brought under that section for violation of § 1591 (prohibiting transportation of minors for prostitution) “shall be stayed during the pendency of any criminal action arising out of the same occurrence in which the claimant is the victim.” 18 U.S.C. § 1591(b)(1). Whether the § 1595 plaintiff has turned 18 does not vitiate the efficacy of this mandatory stay.

An example illustrates why the stay provided in § 3509(k) has the same broad scope as the stay provided in § 1591(b)(1). As discussed above, § 3509(k) stays any civil suit for injury to a minor, arising out of the same occurrence as a pending criminal action. One type of civil suit falling within § 3509(k)’s ambit is a suit seeking redress for a violation of 18 U.S.C. § 2423(a). Section 2423(a) - - just like § 1591 - - prohibits transportation of minors for prostitution. The elements of both statutes are identical. There would simply be no legitimate basis for Congress to differentiate between the consequences attached to violating these two sections. Thus, just as Congress mandated under § 1595(b)(1) that civil discovery shall be stayed when there is an ongoing federal investigation under § 1591 (even after the victim turns 18), the identical treatment should apply under § 3509(k) to civil actions brought for the identical violation of § 2423(a).

Logic compels a rule requiring continued application of the § 3509(k) stay to a putative victim who has since turned 18. Consider again the example of § 2243(a). Assume that the USAO is investigating a § 2243(a) violator with two alleged victims; one who is now 17, and one who has turned 19. Assume further that both decide to sue the alleged offender while the USAO is still in the process of conducting its criminal investigation. Why would Congress enact § 3509(k) to prohibit the defendant from conducting civil discovery in the 17-year-old's lawsuit, but permit him to conduct full discovery in the 19-year-old's lawsuit, including taking the depositions of both the 19- and the 17-year-old, the federal investigating agents and all the grand-jury witnesses? This could not have been Congress' intent.

The legislative history to a statute resembling § 1595 is also instructive. When Congress enacted 18 U.S.C. § 2255, it provided a civil remedy to any "minor . . . victim" of enumerated federal sex offenses. *See* Child Abuse Victims' Rights Act of 1986, Pub. L. No. 99-500, 100 Stat. 1783, § 703 (1986). In 2006, Congress amended the statute to clarify that the civil cause of action was available not just while the victim was a minor, but even after she or he turned 18. *See* Pub. L. 109-248, 120 Stat. 650, § 707 (b)(1)(A) (amending § 2255 to permit suit by adults who were victims of enumerated federal offenses when they were minors, by deleting "Any minor who is [a victim]" and adding "Any person, who, while a

completion of a criminal action. *See also* 18 USC § 3509(k).

H.R. Rep. 108-264(II), 108th Cong., 1st Sess. (2003), *reprinted at* 2003 WL 22272907, at \*16-17 (“agency view” by the Department of Justice on bill later codified at 18 U.S.C. § 1595).

The Department specifically argued to Congress in the clearest terms: “We believe that prosecutions should take priority over civil redress and that *prosecutions should be complete* prior to going forward with civil suits.” *Id.* at 17 (emphasis added). Nowhere did the Department suggest that pending prosecutions warrant *less* protection (*i.e.*, should be “hinder[ed]”) simply because a particular civil plaintiff happens to reach his or her 18th birthday.

#### **IV. A Stay is Mandatory Despite Resulting “Delay” to Civil Lawsuits.**

Inherent in any § 3509(k) stay is delay to the progress (discovery, trial, appeal) of *all* related civil lawsuits. Congress recognized this in enacting the stay provision, which necessarily prioritized the interests of completing a criminal investigation and prosecution over the interests of a particular plaintiff in seeking personal pecuniary damages. Based on this reasoning, the *Francis II* court specifically refused to provide any relief to plaintiffs “simply because the state [criminal] matter is not progressing as fast as they would hope.” The court made this determination despite the plaintiffs’ complaints about the “frustrating delay” and that “the state criminal case ‘has languished for almost two years with no end

in sight,” finding that this “is a matter to be addressed in state [criminal] court.”

*Id.* Accordingly, the anticipated delay in this case, attendant to the term of the deferred-prosecution agreement, does not change the clear command of § 3509(k).

According to her own pleadings, the plaintiff waited seven years before filing this lawsuit, Compl. ¶¶ 2,6, and so cannot rightfully claim prejudice from additional temporary delay.

■. **Section 3509 Aside, a Discretionary Stay is Warranted.**

Even, *arguendo*, were this Court not to apply the mandate of § 3509, a discretionary stay should still be entered during the pendency of the Federal Criminal Action. *SEC v. Healthsouth Corp.*, 261 F. Supp. 2d 1298, 1326 (N.D. Ala. 2003) (“No question exists that this court has the power to stay a civil proceeding due to an active, parallel criminal investigation.”). Other federal statutes support such a stay -- particularly when the criminal action may be adversely affected by the civil litigation. For example, under 18 U.S.C. § 2712(e)(1), “the court shall stay any action commenced [against the United States] if the court determines that civil discovery will adversely affect the ability of the Government to conduct a related investigation or prosecution of a related criminal case.” Allowing this lawsuit to progress while Epstein remains subject to the Federal Criminal Action will prejudice him irrevocably and irreparably. As

provided below, there are several adverse effects to allowing this case to proceed while the Federal Criminal Action remains pending.

In this lawsuit, Epstein has a right to defend himself. In the Federal Criminal Action, Epstein has a right against self-incrimination.<sup>4</sup> Without a stay, Epstein will be immediately forced to abandon one of these rights.

Should he choose his Fifth Amendment rights, he will expose himself to an adverse inference at the summary-judgment stage and at trial. *See generally, Wehling* ■. *Columbia Broad. Sys.*, 611 F.2d 1026, 1027 (5th Cir. 1980) (observing that “invocation of the privilege would be subject to the drawing of an adverse inference by the trier of fact”). On the other hand, should Epstein choose his right to defend himself in this lawsuit, the USAO will be able to use his responses at every stage of the discovery and trial process (*e.g.*, his Answer, responses to document requests, responses to requests for admissions, sworn answers to interrogatories, answers to deposition questions, and trial testimony) to his detriment in the Federal Criminal Action.<sup>5</sup>

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<sup>4</sup> The privilege applies in “instances where the witness has reasonable cause to apprehend danger” of criminal liability. *Hoffman* ■. *United States*, 341 U.S. 479, 486 (1951).

<sup>5</sup> This could give the USAO a tremendous advantage in prosecuting Epstein in the Federal Criminal Action. *See Comment, Using Equitable Powers to Coordinate Parallel Civil and Criminal Actions*, 98 Harv. L. Rev. 1023, 1026 (1985) (observing that “the prosecutor may have access to detailed civil depositions of the accused witnesses, while the rules of criminal procedure bar the accused from deposing the prosecutor’s witnesses”).

In this lawsuit, even before civil discovery begins, under the Initial Disclosures required by Fed. R. Civ. P. 26 and S.D. Fla. Local Rule 26.1, Epstein “must” disclose the identities of all the witnesses he would call in his defense to the Federal Criminal Action (Rule 26(a)(1)(A)(i)), copies of “all documents” he “may use to support [his] defenses” (Rule 26(a)(1)(A)(ii)), as well as the identity of “any” expert witness he “may use at trial,” along with mandatory disclosure of “a written report” containing “a complete statement of all opinions the [expert] will express and the basis and reasons for them” (Rule 26(a)(2)(A) and (B)(i)).

In contrast, in the pending Federal Criminal Action, which is governed exclusively by the Federal Rules of Criminal Procedure, the USAO would not be entitled to compel pre-trial production of *any* of this information. See Fed. R. Cr. P. 16(b)(1)(A), (C), and 16(b)(2); *United States v. Argomaniz*, 925 F.2d 1349, 1355-56 (11th Cir. 1991) (explaining act-of-production privilege).

Thus, absent a stay of this civil action, the USAO would receive fundamentally unfair access to defense information and highly prejudicial advance insight into criminal defense strategy. See Comment, 98 Harv. L. Rev. at 1030 (“To the extent that a prosecutor acquires evidence that was elicited from the accused in a parallel civil proceeding, the criminal process becomes less adversarial.”).

Without a stay in place, discovery will proceed, including against third parties. Mr. Epstein will have no alternative but to issue subpoenas seeking evidence from state and federal law-enforcement officers. For example, Epstein is clearly entitled to discover evidence of prior statements (including inconsistent statements) given by witnesses whom law-enforcement has previously interviewed. *See, e.g., Cox v. Treadway*, 75 F.3d 230 (6th Cir. 1996) (holding that district court properly admitted testimony of prosecutor about prior inconsistent statements that witness made to the prosecutor). Likewise, Epstein may be entitled to discovery of relevant evidence that is in the present possession of the grand jury or other law-enforcement agencies. *See, e.g., Simpson v. Hines*, 729 F. Supp. 526, 527 (E.D. Tex. 1989) (“The grand jury has concluded its deliberations . . . . The need for secrecy of these specific tapes no longer outweighs other concerns.”); *Golden Quality Ice Cream Co., Inc. v. Deerfield Specialty Papers, Inc.*, 87 F.R.D. 53, 59 (E.D. Pa. 1980) (“[W]here, as here, the grand jury has completed its work and all that is sought are those documents turned over to the grand jury by the corporations which are defendants in the civil case, the considerations . . . militating against disclosure are beside the point.”) (citing *Douglas Oil Co. of Calif. v. Petrol Stops Nw.*, 441 U.S. 211 (1979)).

In response to such third-party subpoenas to law-enforcement witnesses, we anticipate that it will be the government, not Mr. Epstein, who will object to

discovery in this civil case, until the final conclusion of the Federal Criminal Action.

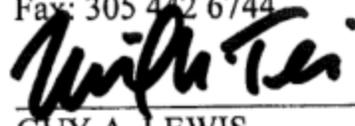
**Conclusion**

Because this lawsuit arises from the same allegations as the Federal Criminal Action, this Court should stay this lawsuit until that action is no longer pending.

Respectfully submitted,

LEWIS TEIN, P.L.  
3059 Grand Avenue, Suite 340  
Coconut Grove, Florida 33133  
Tel: 305 442 1101  
Fax: 305 442 6744

By:



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lewis@lewistein.com  
MICHAEL R. TEIN  
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By: Jack A. Goldberger  
Fla. Bar No. 262013  
jgoldberger@agwpa.com

*Attorneys for Defendant Jeffrey Epstein*

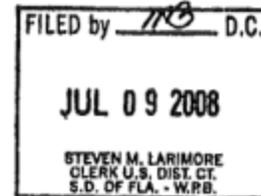
# EXHIBIT A

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

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

IN RE: JANE DOE,

Petitioner.



**DECLARATION OF [REDACTED]**  
**IN SUPPORT OF UNITED STATES' RESPONSE**  
**TO VICTIM'S EMERGENCY PETITION FOR ENFORCEMENT**  
**OF CRIME VICTIM RIGHTS ACT, 18 U.S.C. § 3771**

1. I, [REDACTED] do hereby declare that I am a member in good standing of the Bar of the State of Florida. I graduated from the University of California at Berkeley School of Law (Boalt [REDACTED]) in 1993. After serving as a judicial clerk to the Hon. David F. Levi in Sacramento, California, I was admitted to practice in California in 1995. I also am admitted to practice in all courts of the states of Minnesota and Florida, the Eighth, Eleventh, and Federal Circuit Courts of Appeals, and the U.S. District Courts for the Southern District of Florida, the District of Minnesota, and the Northern District of California. My bar admission status in California and Minnesota is currently inactive. I am currently employed as an Assistant United States Attorney in the Southern District of Florida and was so employed during all of the events described herein.

S/AB

2. I am the Assistant United States Attorney assigned to the investigation of Jeffrey Epstein. The case was investigated by the Federal Bureau of Investigation ("FBI"). The federal investigation was initiated in 2006 at the request of the Palm Beach Police Department ("PBPD") into allegations that Jeffrey Epstein and his personal assistants had used facilities of interstate commerce to induce young girls between the ages of thirteen and seventeen to engage in prostitution, amongst other offenses.

3. Throughout the investigation, when a victim was identified, victim notification letters were provided to her both from your Affiant and from the FBI's Victim-Witness Specialist. Attached hereto are copies of the letters provided to Bradley Edwards' three clients, ■■■, ■■■, and ■■■.<sup>1</sup> Your Affiant's letter to ■■■ was provided by the FBI. (Ex. 1). Your Affiant's letter to ■■■ was hand-delivered by myself to ■■■ at the time that she was interviewed (Ex. 2).<sup>2</sup> Both ■■■ and ■■■ also received letters from the FBI's Victim-Witness Specialist, which were sent on January 10, 2008 (Exs. 3 & 4). ■■■ was identified via the FBI's investigation in 2007, but she initially refused to speak with investigators. ■■■'s status as a victim of a federal offense was confirmed when she was interviewed by

---

<sup>1</sup>Attorney Edwards filed his Motion on behalf of "Jane Doe," without identifying which of his clients is the purported victim. Accordingly, I will address facts related to ■■■, ■■■, and ■■■. All three of those clients were victims of Jeffrey Epstein's while they were minors beginning when they were fifteen years old.

<sup>2</sup>Please note that the dates on the U.S. Attorney's Office letters to ■■■ and ■■■ are not the dates that the letters were actually delivered. Letters to all known victims were prepared early in the investigation and delivered as each victim was contacted.

federal agents on May 28, 2008. The FBI's Victim-Witness Specialist sent a letter to [REDACTED] on May 30, 2008 (Ex. 5).

4. Throughout the investigation, the FBI agents, the FBI's Victim-Witness Specialist, and your Affiant had contact with C.W. and [REDACTED]. Attorney Edwards' other client, [REDACTED], was represented by counsel and, accordingly, all contact with [REDACTED] was made through that attorney. That attorney was James Eisenberg, and his fees were paid by Jeffrey Epstein, the target of the investigation.<sup>3</sup>

5. In the summer of 2007, Mr. Epstein and the U.S. Attorney's Office for the Southern District of Florida ("the Office") entered into negotiations to resolve the investigation. At that time, Mr. Epstein had been charged by the State of Florida with solicitation of prostitution, in violation of Florida Statutes § 796.07. Mr. Epstein's attorneys sought a global resolution of the matter. The United States subsequently agreed to defer federal prosecution in favor of prosecution by the State of Florida, so long as certain basic preconditions were met. One of the key objectives for the Government was to preserve a federal remedy for the young girls whom Epstein had sexually exploited. Thus, one condition of that agreement, notice of which was provided to the victims on July 9, 2008, is the following:

"Any person, who while a minor, was a victim of a violation of an offense enumerated in Title 18, United States Code, Section 2255, will have the same rights to proceed under Section 2255 as she would have had, if Mr. Epstein

---

<sup>3</sup>The undersigned does not know when Mr. Edwards began representing [REDACTED] or whether [REDACTED] ever formally terminated Mr. Eisenberg's representation.

had been tried federally and convicted of an enumerated offense. For purposes of implementing this paragraph, the United States shall provide Mr. Epstein's attorneys with a list of individuals whom it was prepared to name in an Indictment as victims of an enumerated offense by Mr. Epstein. Any judicial authority interpreting this provision, including any authority determining which evidentiary burdens if any a plaintiff must meet, shall consider that it is the intent of the parties to place these identified victims in the same position as they would have been had Mr. Epstein been convicted at trial. No more; no less."

6. An agreement was reached in September 2007. The Agreement contained an express confidentiality provision.

7. Although individual victims were not consulted regarding the agreement, several had expressed concerns regarding the exposure of their identities at trial and they desired a prompt resolution of the matter. At the time the agreement was signed in September 2007, [REDACTED], was openly hostile to the prosecution of Epstein. The FBI attempted to interview [REDACTED] in October 2007, at which time she refused to provide any information regarding Jeffrey Epstein. None of Attorney Edwards' clients had expressed a desire to be consulted prior to the resolution of the federal investigation.

8. As explained above, one of the terms of the agreement deferring prosecution to the State of Florida was securing a federal remedy for the victims. In October 2007, shortly after the agreement was signed, four victims were contacted and these provisions were discussed. One of those victims was [REDACTED], who at the time was not represented, and she was given notice of the agreement. Notice was also provided of an expected change of plea in October 2007. When Epstein's attorneys learned that some of the victims had been

notified, they complained that the victims were receiving an incentive to overstate their involvement with Mr. Epstein in order to increase their damages claims. While your Affiant knew that the victims' statements had been taken and corroborated with independent evidence well before they were informed of the potential for damages, the agents and I concluded that informing additional victims could compromise the witnesses' credibility at trial if Epstein reneged on the agreement.

9. After [REDACTED] had been notified of the terms of the agreement, but before Epstein performed his obligations, [REDACTED] contacted the FBI because Epstein's counsel was attempting to take her deposition and private investigators were harassing her. Your Affiant secured pro bono counsel to represent [REDACTED] and several other identified victims. Pro bono counsel was able to assist [REDACTED] in avoiding the improper deposition. That pro bono counsel did not express to your Affiant that [REDACTED] was dissatisfied with the resolution of the matter.

10. In mid-June 2008, Attorney Edwards contacted your Affiant to inform me that he represented [REDACTED] and [REDACTED] and asked to meet to provide me with information regarding Epstein. I invited Attorney Edwards to send to me any information that he wanted me to consider. Nothing was provided. I also advised Attorney Edwards that he should consider contacting the State Attorney's Office, if he so wished. I understand that no contact with that office was made. Attorney Edwards had alluded to [REDACTED], so I advised him that, to my knowledge, [REDACTED] was still represented by Attorney James Eisenberg.

11. On Friday, June 27, 2008, at approximate 4:15 p.m., your Affiant received a copy of the proposed state plea agreement and learned that the plea was scheduled for 8:30 a.m., Monday, June 30, 2008. Your Affiant and the Palm Beach Police Department attempted to provide notification to victims in the short time that Epstein's counsel had given us. Although all known victims were not notified, your Affiant specifically called attorney Edwards to provide notice to his clients regarding the hearing. Your Affiant believes that it was during this conversation that Attorney Edwards notified me that he represented [REDACTED], and I assumed that he would pass on the notice to her, as well. Attorney Edwards informed your Affiant that he could not attend but that someone would be present at the hearing. Your Affiant attended the hearing, but none of Attorney Edwards' clients was present.

12. On today's date, your Affiant provided the attached victim notifications to [REDACTED] and [REDACTED] via their attorney, Bradley Edwards (Exs. 6 & 7). A notification was not provided to [REDACTED] because the U.S. Attorney's modification limited Epstein's liability to victims whom the United States was prepared to name in an indictment. In light of [REDACTED]'s prior statements to law enforcement, your Affiant could not in good faith include [REDACTED] as a victim in an indictment and, accordingly, could not include her in the list provided to Epstein's counsel.

13. Furthermore, with respect to the Certification of Emergency, Attorney Edwards did not ever contact me prior to the filing of that Certification to demand the relief that he requests in his Emergency Petition. On the afternoon of July 7, 2008, after your Affiant had

already received the Certification of Emergency and Emergency Petition, I received a letter from Attorney Edwards that had been sent, via Certified Mail, on July 3, 2008. While that letter urges the Attorney General and the United States Attorney to consider "vigorous enforcement" of federal laws with respect to Jeffrey Epstein, it contains no demand for the relief requested in the Emergency Petition.

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

Executed this 9th day of July, 2008.





U.S. Department of Justice

United States Attorney  
Southern District of Florida

500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: [REDACTED]

June 7, 2007

**DELIVERY BY HAND**

Miss C [REDACTED] W [REDACTED]

Re: Crime Victims' and Witnesses' Rights

Dear Miss W [REDACTED]

Pursuant to the Justice for All Act of 2004, as a victim and/or witness of a federal offense, you have a number of rights. Those rights are:

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

Members of the U.S. Department of Justice and other federal investigative agencies, including the Federal Bureau of Investigation, must use their best efforts to make sure that these rights are protected. If you have any concerns in this regard, please feel free to contact me at [REDACTED], or Special Agent [REDACTED] from the Federal Bureau of Investigation at 561 822-5946. You also can contact the Justice Department's Office for Victims of Crime in Washington, D.C. at 202-307-5983. That Office has a website at [www.ovc.gov](http://www.ovc.gov).

You can seek the advice of an attorney with respect to the rights listed above and, if you believe that the rights set forth above are being violated, you have the right to petition the Court for relief.

MISS C [REDACTED] W [REDACTED]  
JUNE 7, 2007  
PAGE 2

In addition to these rights, you are entitled to counseling and medical services, and protection from intimidation and harassment. If the Court determines that you are a victim, you also may be entitled to restitution from the perpetrator. A list of counseling and medical service providers can be provided to you, if you so desire. If you or your family is subjected to any intimidation or harassment, please contact Special Agent [REDACTED] or myself immediately. It is possible that someone working on behalf of the targets of the investigation may contact you. Such contact does not violate the law. However, if you are contacted, you have the choice of speaking to that person or refusing to do so. If you refuse and feel that you are being threatened or harassed, then please contact Special Agent [REDACTED] or myself.

You also are entitled to notification of upcoming case events. At this time, your case is under investigation. If anyone is charged in connection with the investigation, you will be notified.

Sincerely,

R. Alexander Acosta  
United States Attorney

By: [REDACTED]

Assistant United States Attorney

cc: Special Agent [REDACTED], F.B.I.



U.S. Department of Justice

United States Attorney  
Southern District of Florida

500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: [REDACTED]

August 11, 2006

**DELIVERY BY HAND**

Miss [REDACTED]

Re: Crime Victims' and Witnesses' Rights

Dear Miss M [REDACTED]

Pursuant to the Justice for All Act of 2004, as a victim and/or witness of a federal offense, you have a number of rights. Those rights are:

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

Members of the U.S. Department of Justice and other federal investigative agencies, including the Federal Bureau of Investigation, must use their best efforts to make sure that these rights are protected. If you have any concerns in this regard, please feel free to contact me at [REDACTED] or Special Agent [REDACTED] from the Federal Bureau of Investigation at 561 822-5946. You also can contact the Justice Department's Office for Victims of Crime in Washington, D.C. at 202-307-5983. That Office has a website at [www.ovc.gov](http://www.ovc.gov).

You can seek the advice of an attorney with respect to the rights listed above and, if you believe that the rights set forth above are being violated, you have the right to petition the Court for relief.

MISS T [REDACTED] M [REDACTED]  
AUGUST 11, 2006  
PAGE 2

In addition to these rights, you are entitled to counseling and medical services, and protection from intimidation and harassment. If the Court determines that you are a victim, you are also entitled to restitution from the perpetrator. A list of counseling and medical service providers will be provided to you, if you so desire. If you or your family is subjected to any intimidation or harassment, please contact Special Agent [REDACTED] or myself immediately. It is possible that someone working on behalf of the targets of the investigation may contact you. Such contact does not violate the law. However, if you are contacted, you have the choice of speaking to them or refusing to do so. If you refuse and feel that you are being threatened or harassed, then please contact Special Agent [REDACTED] or myself.

You also are entitled to notification of upcoming case events. At this time, your contact with the investigation. If anyone is charged in connection with the investigation, you will be notified.

Sincerely,

R. Alexander Acosta  
United States Attorney

By: [REDACTED]

Assistant United States Attorney

cc: Special Agent [REDACTED] [REDACTED], F.B.I.



U.S. Department of Justice  
Federal Bureau of Investigation  
FBI - West Palm Beach  
Suite 500  
505 South Flagler Drive  
West Palm Beach, FL 33401  
Phone: (561) 833-7517  
Fax: (561) 833-7970

January 10, 2008

C. W. [REDACTED]

Re: Case Number: [REDACTED]

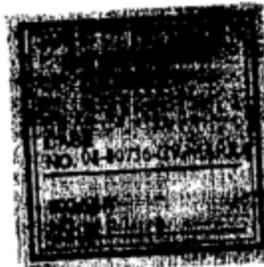
Dear C. W. [REDACTED]

This case is currently under investigation. This can be a lengthy process and we request your continued patience while we conduct a thorough investigation.

As a crime victim, you have the following rights under 18 United States Code § 3771: (1) The right to be reasonably protected from the accused; (2) The right to reasonable, accurate, and timely notice of any public court proceeding, or any parole proceeding, involving the crime or of any release or escape of the accused; (3) The right not to be excluded from any such public court proceeding, unless the court, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard other testimony at that proceeding; (4) The right to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding; (5) The reasonable right to confer with the attorney for the Government in the case; (6) The right to full and timely restitution as provided in law; (7) The right to proceedings free from unreasonable delay; (8) The right to be treated with fairness and with respect for the victim's dignity and privacy.

We will make our best efforts to ensure you are accorded the rights described. Most of these rights pertain to events occurring after the arrest or indictment of an individual for the crime, and it will become the responsibility of the prosecuting United States Attorney's Office to ensure you are accorded those rights. You may also seek the advice of a private attorney with respect to these rights.

The Victim Notification System (VNS) is designed to provide you with direct information regarding the case as it proceeds through the criminal justice system. You may obtain current information about this matter on the Internet at [WWW.Notify.USDOJ.GOV](http://WWW.Notify.USDOJ.GOV) or from the VNS Call Center at 1-866-DOJ-4YOU (1-866-365-4968) (TDD/TTY: 1-866-228-4619) (International: 1-502-213-2767). In addition, you may use the Call Center or Internet to update your contact information and/or change your decision about participation in the notification program. If you update your information to include a current email address, VNS will send information to that address. You will need the following Victim Identification Number (VIN) '1941737' and Personal Identification Number (PIN) '5502' anytime you contact the Call Center and the first time you log on to VNS on the Internet. In addition, the first time you access the VNS Internet site, you will be prompted to enter your last name (or business name) as currently contained in VNS. The name you should enter is W.



If you have additional questions which involve this matter, please contact the office listed above. When you call, please provide the file number located at the top of this letter. Please remember, your participation in the notification part of this program is voluntary. In order to continue to receive notifications, it is your responsibility to keep your contact information current.

Sincerely,



  
Victim Specialist



U.S. Department of Justice  
Federal Bureau of Investigation  
FBI - West Palm Beach  
Suite 500  
505 South Flagler Drive  
West Palm Beach, FL 33401  
Phone: (561) 833-7517  
Fax: (561) 833-7970

January 10, 2008

James Eisenberg  
One Clearlake Center Ste 704 Australian South  
West Palm Beach, FL 33401

Re: [REDACTED]

Dear James Eisenberg:

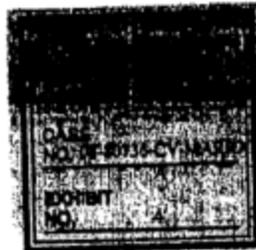
You have requested to receive notifications for T [REDACTED] M [REDACTED]

This case is currently under investigation. This can be a lengthy process and we request your continued patience while we conduct a thorough investigation.

As a crime victim, you have the following rights under 18 United States Code § 3771: (1) The right to be reasonably protected from the accused; (2) The right to reasonable, accurate, and timely notice of any public court proceeding, or any parole proceeding, involving the crime or of any release or escape of the accused; (3) The right not to be excluded from any such public court proceeding, unless the court, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard other testimony at that proceeding; (4) The right to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding; (5) The reasonable right to confer with the attorney for the Government in the case; (6) The right to full and timely restitution as provided in law; (7) The right to proceedings free from unreasonable delay; (8) The right to be treated with fairness and with respect for the victim's dignity and privacy.

We will make our best efforts to ensure you are accorded the rights described. Most of these rights pertain to events occurring after the arrest or indictment of an individual for the crime, and it will become the responsibility of the prosecuting United States Attorney's Office to ensure you are accorded those rights. You may also seek the advice of a private attorney with respect to these rights.

The Victim Notification System (VNS) is designed to provide you with direct information regarding the case as it proceeds through the criminal justice system. You may obtain current information about this matter on the Internet at [WWW.Notify.USDOJ.GOV](http://WWW.Notify.USDOJ.GOV) or from the VNS Call Center at 1-866-DOJ-4YOU (1-866-365-4968) (TDD/TTY: 1-866-228-4619) (International: 1-502-213-2767). In addition, you may use the Call Center or Internet to update your contact information and/or change your decision about participation in the notification program. If you update your information to include a current email address, VNS will send information to that address. You will need the following Victim Identification Number (VIN) '1941741' and Personal Identification Number (PIN) '7760' anytime you contact the Call Center and the first time you log on to VNS on the Internet. In addition, the first time you access the VNS Internet site, you will be prompted to enter your last name (or business name) as currently contained in VNS. The name you should enter is Eisenberg.



If you have additional questions which involve this matter, please contact the office listed above. When you call, please provide the file number located at the top of this letter. Please remember, your participation in the notification part of this program is voluntary. In order to continue to receive notifications, it is your responsibility to keep your contact information current.

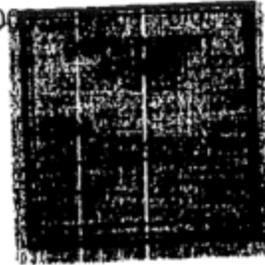
Sincerely,

*Dwiler Smith*

  
Victim Specialist



U.S. Department of Justice  
Federal Bureau of Investigation  
FBI - West Palm Beach  
Suite 500  
505 South Flagler Drive  
West Palm Beach, FL 33401  
Phone: (561) 833-7517  
Fax: (561) 833-7970



May 30, 2008

[Redacted]

Re: [Redacted]

Dear S [Redacted]

Your name was referred to the FBI's Victim Assistance Program as being a possible victim of a federal crime. We appreciate your assistance and cooperation while we are investigating this case. We would like to make you aware of the victim services that may be available to you and to answer any questions you may have regarding the criminal justice process throughout the investigation. Our program is part of the FBI's effort to ensure the victims are treated with respect and are provided information about their rights under federal law. These rights include notification of the status of the case. The enclosed brochures provide information about the FBI's Victim Assistance Program, resources and instructions for accessing the Victim Notification System (VNS). VNS is designed to provide you with information regarding the status of your case.

This case is currently under investigation. This can be a lengthy process and we request your continued patience while we conduct a thorough investigation.

As a crime victim, you have the following rights under 18 United States Code § 3771: (1) The right to be reasonably protected from the accused; (2) The right to reasonable, accurate, and timely notice of any public court proceeding, or any parole proceeding, involving the crime or of any release or escape of the accused; (3) The right not to be excluded from any such public court proceeding, unless the court, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard other testimony at that proceeding; (4) The right to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding; (5) The reasonable right to confer with the attorney for the Government in the case; (6) The right to full and timely restitution as provided in law; (7) The right to proceedings free from unreasonable delay; (8) The right to be treated with fairness and with respect for the victim's dignity and privacy.

We will make our best efforts to ensure you are accorded the rights described. Most of these rights pertain to events occurring after the arrest or indictment of an individual for the crime, and it will become the responsibility of the prosecuting United States Attorney's Office to ensure you are accorded those rights. You may also seek the advice of a private attorney with respect to these rights.

The Victim Notification System (VNS) is designed to provide you with direct information regarding the case as it proceeds through the criminal justice system. You may obtain current information about this matter on the Internet at [WWW.Notify.USDOJ.GOV](http://WWW.Notify.USDOJ.GOV) or from the VNS Call Center at 1-866-DOJ-4YOU (1-866-365-4958) (TDD/TTY: 1-866-228-4619) (International: 1-602-213-2767). In addition, you may use the Call Center or Internet to update your contact information and/or change your decision about participation in the notification program. If you update your information to include a current email address, VNS will send information to that address. You will need the following Victim Identification Number (VIN) '2074381' and Personal Identification Number (PIN) '1816' anytime you contact the Call Center and the first time you log on to VNS on the Internet. In addition, the first time you access the VNS Internet site, you will be prompted to enter your last name (or business name) as currently contained in VNS. The name you should enter is R [Redacted]

[Redacted]

[Redacted]



U.S. Department of Justice

United States Attorney  
Southern District of Florida



500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: (561) 820-8777

July 9, 2008

VIA FACSIMILE

Brad Edwards, Esq.  
The Law Offices of Brad Edwards & Associates, LLC  
2028 [REDACTED] Street, Suite 202  
Hollywood, Florida 33020.

Re: Jeffrey Epstein/C [REDACTED] W [REDACTED]: NOTIFICATION OF IDENTIFIED VICTIM

Dear Mr. Edwards:

By virtue of this letter, the United States Attorney's Office for the Southern District of Florida asks that you provide the following notice to your client, C [REDACTED] W [REDACTED].

On June 30, 2008, Jeffrey Epstein (hereinafter referred to as "Epstein") entered a plea of guilty to violations of Florida Statutes Sections 796.07 (felony solicitation of prostitution) and 796.03 (procurement of minors to engage in prostitution), in the 15th Judicial Circuit in and for Palm Beach County (Case Nos. 2006-cf-009454AXXXMB and 2008-cf-009381AXXXMB) and was sentenced to a term of twelve months' imprisonment to be followed by an additional six months' imprisonment, followed by twelve months of Community Control 1, with conditions of community confinement imposed by the Court.

In light of the entry of the guilty plea and sentence, the United States has agreed to defer federal prosecution in favor of this state plea and sentence, subject to certain conditions.

One such condition to which Epstein has agreed is the following:

"Any person, who while a minor, was a victim of a violation of an offense enumerated in Title 18, United States Code, Section 2255, will have the same rights to proceed under Section 2255 as she would have had, if Mr. Epstein

BRAD EDWARDS, ESQ.  
NOTIFICATION OF IDENTIFIED VICTIM C [REDACTED] W [REDACTED]  
JULY 9, 2008  
PAGE 2 OF 2

had been tried federally and convicted of an enumerated offense. For purposes of implementing this paragraph, the United States shall provide Mr. Epstein's attorneys with a list of individuals whom it was prepared to name in an Indictment as victims of an enumerated offense by Mr. Epstein. Any judicial authority interpreting this provision, including any authority determining which evidentiary burdens if any a plaintiff must meet, shall consider that it is the intent of the parties to place these identified victims in the same position as they would have been had Mr. Epstein been convicted at trial. No more; no less."

Through this letter, this Office hereby provides Notice that your client, C [REDACTED] W [REDACTED] is an individual whom the United States was prepared to name as a victim of an enumerated offense.

Should your client decide to file a claim against Jeffrey Epstein, his attorney, Jack Goldberger, asks that you contact him at Atterbury Goldberger and Weiss, 250 Australian Avenue South, Suite 1400, West Palm Beach, FL 33401, (561) 659-8300.

Please understand that neither the U.S. Attorney's Office nor the Federal Bureau of Investigation can take part in or otherwise assist in civil litigation; however, if you do file a claim under 18 U.S.C. § 2255 and Mr. Epstein denies that your client is a victim of an enumerated offense, please provide notice of that denial to the undersigned.

Please thank your client for all of her assistance during the course of this examination and express the heartfelt regards of myself and Special Agents [REDACTED] and Richards for the health and well-being of Ms. W [REDACTED]

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

By:

[REDACTED]  
ASSISTANT U.S. ATTORNEY

cc: Jack Goldberger, Esq.



U.S. Department of Justice

United States Attorney  
Southern District of Florida

ADM-C	
GOVERNMENT EXHIBIT	
CASE NO.	08-80736-CV-MARRA
EXHIBIT NO.	7

500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: [REDACTED]

July 9, 2008

VIA FACSIMILE

Brad Edwards, Esq.  
The Law Offices of Brad Edwards & Associates, LLC  
2028 [REDACTED] Street, Suite 202  
Hollywood, Florida 33020.

Re: Jeffrey Epstein/S [REDACTED] R [REDACTED] NOTIFICATION OF  
IDENTIFIED VICTIM

Dear Mr. Edwards:

By virtue of this letter, the United States Attorney's Office for the Southern District of Florida asks that you provide the following notice to your client, S [REDACTED] R [REDACTED]

On June 30, 2008, Jeffrey Epstein (hereinafter referred to as "Epstein") entered a plea of guilty to violations of Florida Statutes Sections 796.07 (felony solicitation of prostitution) and 796.03 (procurement of minors to engage in prostitution), in the 15th Judicial Circuit in and for Palm Beach County (Case Nos. 2006-cf-009454AXXXMB and 2008-cf-009381AXXXMB) and was sentenced to a term of twelve months' imprisonment to be followed by an additional six months' imprisonment, followed by twelve months of Community Control I, with conditions of community confinement imposed by the Court.

In light of the entry of the guilty plea and sentence, the United States has agreed to defer federal prosecution in favor of this state plea and sentence, subject to certain conditions.

One such condition to which Epstein has agreed is the following:

"Any person, who while a minor, was a victim of a violation of an offense enumerated in Title 18, United States Code, Section 2255, will have the same rights to proceed under Section 2255 as she would have had, if Mr. Epstein

BRAD EDWARDS, ESQ.  
NOTIFICATION OF IDENTIFIED VICTIM S [REDACTED]  
JULY 9, 2008  
PAGE 2 OF 2

had been tried federally and convicted of an enumerated offense. For purposes of implementing this paragraph, the United States shall provide Mr. Epstein's attorneys with a list of individuals whom it was prepared to name in an Indictment as victims of an enumerated offense by Mr. Epstein. Any judicial authority interpreting this provision, including any authority determining which evidentiary burdens if any a plaintiff must meet, shall consider that it is the intent of the parties to place these identified victims in the same position as they would have been had Mr. Epstein been convicted at trial. No more; no less."

Through this letter, this Office hereby provides Notice that your client, S [REDACTED] R [REDACTED] is an individual whom the United States was prepared to name as a victim of an enumerated offense.

Should your client decide to file a claim against Jeffrey Epstein, his attorney, Jack Goldberger, asks that you contact him at Atterbury Goldberger and Weiss, 250 Australian Avenue South, Suite 1400, West Palm Beach, FL 33401, (561) 659-8300.

Please understand that neither the U.S. Attorney's Office nor the Federal Bureau of Investigation can take part in or otherwise assist in civil litigation; however, if you do file a claim under 18 U.S.C. § 2255 and Mr. Epstein denies that your client is a victim of an enumerated offense, please provide notice of that denial to the undersigned.

Please thank your client for all of her assistance during the course of this examination and express the heartfelt regards of myself and Special Agents [REDACTED] and Richards for the health and well-being of Ms. R [REDACTED]

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

By: [REDACTED]

ASSISTANT U.S. ATTORNEY

cc: Jack Goldberger, Esq.



IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT  
IN AND FOR LEON COUNTY, FLORIDA



FLORIDA SUGAR CANE  
LEAGUE, INC.

Plaintiff,

vs.

FLORIDA DEPARTMENT OF  
ENVIRONMENTAL REGULATION,

Defendant.

OR1517PC0554

Case Number: 91-2108

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ORDER

This cause is before the Court on the Complaint of the Florida Sugar Cane League, Inc. ("League"). The League seeks an order requiring a state agency, the Florida Department of Environmental Regulation ("DER"), to release certain documents under its custody and control, pursuant to the Florida Public Records Act, Chapter 119, Florida Statutes. The facts in this case are as follows:

DER is a Defendant in the case styled United States v. South Florida Water Management District, et al., Case No. 88-1886-CIV-Hoeveler, United States District Court, Southern District of Florida ("U.S. v. SFWMD"). DER, as a Defendant in that case, entered into settlement negotiations with the plaintiff as represented by the United States Department of Justice ("DOJ"). During the negotiations, drafts of proposed settlement agreements and other information relating to the settlement proposal were made, sent or received by DER to and from federal agencies and representatives, including DOJ. DER also entered into an agreement with DOJ to keep all documents it received during the settlement negotiations confidential.

On May 21, 1991, the League made a public records request for a draft of the Settlement Agreement which the Secretary of DER had publicly stated as having been received by DER. On May 28, 1991, DER responded to the League's request by refusing to disclose the requested document claiming the document was privileged and immune to discovery. On May 31, 1991, the League filed this action, pursuant to Chapter 119, Florida Statutes. A hearing was originally scheduled before this Court for June 5, 1991, but DER removed the case to federal district court, where it was ultimately transferred to the Southern District of Florida. The League filed a Motion to Quash DER's Notice of Removal, which motion was argued before Judge William Hoeverler on July 10, 1991, and was granted on September 10, 1991. The federal court held that there was no federal jurisdiction over the matter as the League's claim arises purely under state law, and Judge Hoeverler remanded the case back to this Court. A hearing was held before this Court on September 16, 1991. Attorneys for the parties appeared and argued their respective positions. DOJ also appeared, pursuant to title 28, United States Codes, section 517, to argue in support of DER and to advise the Court of the United States' asserted interest in keeping the documents from public disclosure. DER asserts that Florida's Public Records Act is not applicable in this matter because it has been preempted by "federal immunities and privileges." DER further claims that it has contractually vowed to the United States to withhold requested documents under the confidentiality agreement

into which it entered with DOJ, and that DER is acting as DOJ's agent in withholding the documents from public disclosure.

This Court rejects these arguments. Florida's public records law is sweeping in its breadth and requires virtually unfettered public access to records in the custody of state agencies. Unless a statutorily provided exemption permits nondisclosure of public records, Florida law requires that all such records in the custody of state agencies be open and available for public inspection. The parties agreed that there is no statutory exemption in the Florida Public Records Act which would prevent disclosure of public records received by state agencies during settlement negotiations in U.S. v. SFWMD, including the records sought by the League in this case. DER has cited no applicable statutory exemption in the Florida Public Records Act, and the judiciary is without any authority to expand or create an exemption to Florida's public records law. Wait v. Florida Power & Light Co., 372 So. 2d 420 (Fla. 1979); Times Publishing Co. v. City of St. Petersburg, 558 So. 2d 487 (Fla. 2d DCA 1990).

Principles of federal preemption under the Supremacy Clause may, in limited circumstances, act to prevent application of Florida's public records law where there is a clear conflict with an express requirement of confidentiality provided in a federal statute. See Cummer v. Pace, 159 So. 2d 679, 681-82 (Fla. 1935); see generally, pp. 81-82, Florida's Government-in-the-Sunshine Manual, Office of the Attorney General (1991). In this case, although DER claims preemption under federal law of privileges and

immunities, it has cited no specific federal statute which clearly requires that the documents in question be kept confidential.

DER also relies on DOJ's assertion that the documents would not be "discoverable" from DOJ in the pending case, and that documents are exempt from disclosure by DOJ under FOIA. Even assuming that were true, it is irrelevant to the application of Florida's public records law to documents in the custody of Florida's state agencies. As stated by Judge Hoeveler in remanding this action:

Thus, while FOIA may provide an independent cause of action insofar as the document in dispute is also in the custody of a federal agency, i.e., the Department of Justice, it cannot be said to displace and supplant a state statute directed at state agencies and state records. (Hoeveler Order at p. 12.)

DER's reliance on its confidentiality agreement with DOJ is equally misplaced. A state agency cannot bargain away its Public Records Act duties or create a "self-exemption" with a promise to third parties to keep records from disclosure to the public. Tribune Co. v. Hardee Memorial Hospital, Case No. CA-91-370, Tenth Judicial Circuit in and for Hardee County, Florida. See also Browning v. Walton, 351 So. 2d 380 (Fla. 4th DCA 1977).

THEREFORE, it is hereby ORDERED and ADJUDGED that:

1. Settlement agreements made or received at any time by DER in connection with U.S. v. SFWMD are hereby declared to be public records subject to disclosure under the Public Records Act, Chapter 119, Florida Statutes.
2. The Federal Freedom of Information Act, title 5, United States Code, section 552, does not preempt Chapter 119, Florida

Statutes, to exempt from public disclosure public records in the custody of Florida state agencies, including DER;

3. DER shall provide access to the League, within forty-eight hours of rendition of this Order, to inspect and examine any and all draft settlement agreements DER has withheld from public disclosure based on a claim of federal preemption;

4. If DER desires to appeal this Order, DER shall prepare and deliver to the clerk of this Court, for inclusion in the record under seal, at the time it files its notice of appeal, all draft settlement agreements exchanged with the DOJ relating to U.S. ■ SFWM which it asserts are exempt from Florida's public records law based on a claim of federal preemption. Such documents shall be held under seal pending final disposition of the appeal; and

5. As the parties have not yet agreed to a stipulation as to an appropriate award of attorneys' fees, the Court retains jurisdiction to determine the award of attorneys' fees pursuant to section 119.12, Florida Statutes.

DONE and ORDERED in Chambers at Tallahassee, Leon County, Florida, this 20<sup>th</sup> day of September, 1991.

  
P. Kevin Davey  
Circuit Court Judge

Copies furnished to  
counsel of record

606 So.2d 1267  
17 Fla. L. Weekly D2571  
(Cite as: 606 So.2d 1267)

**FLORIDA DEPARTMENT OF  
ENVIRONMENTAL REGULATION,  
Appellant,  
■.  
FLORIDA SUGAR CANE LEAGUE, INC.,  
Appellee.**

No. 91-3128.

District Court of Appeal of Florida,  
First District.

Oct. 29, 1992.

\*1267 An appeal from the Leon County  
Circuit Court; P. Kevin Davey, Judge.

Robert G. Gough, Asst. Gen. Counsel,  
Florida Dept. of Environmental Regulation,  
Tallahassee, for appellant.

Judith S. Kavanaugh, William L. Hyde and  
Richard A. Russell of Peeples, Earl & Blank,  
P.A., Miami, for appellee.

Barry M. Hartman, Acting Asst. Atty. Gen.,  
Dexter W. Lehtinen, U.S. Atty., and Susan  
Hill Ponzoli, Asst. U.S. Atty., Miami, Keith E.  
Saxe, David C. Shilton and Ellen J. Durkee,  
Dept. of Justice, Washington, D.C., for amicus/  
U.S.

PER CURIAM.

AFFIRMED. Wait ■. Florida Power & Light  
Co., 372 So.2d 420 (Fla.1979).

MINER, ALLEN and KAHN, JJ., concur.

END OF DOCUMENT

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