

[REDACTED]

From: [REDACTED]
Sent: Saturday, June 28, 2008 7:38 AM
To: [REDACTED]
Cc: Acosta, Alex (USAFLS); [REDACTED]
Subject: Re: Agreement

I agree. Ask Jack to make that change.

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

From: [REDACTED]
To: [REDACTED]
Sent: Fri Jun 27 21:28:46 2008
Subject: Agreement

Hi [REDACTED] - Hadn't heard back, so I figured this would be easiest way to communicate.

I got a call back from Jack Goldberger, incensed that I was somehow accusing him of trying to get out of the agreement. I was taken aback because the response was completely out of line with the questions I was asking. From my dealings with Jack, this just made me more suspicious than I was originally.

Anyhow, Jack said that "this was the only way to do the consecutive jail time." And he "swore" that Epstein would be in custody 24-hours-a-day during the community confinement portion of the sentence. He also insisted that Epstein had been charged with a substantive procurement offense, not attempt.

He did, however, let it slip that Epstein would not be at the jail, he would be at the stockade out on the fairgrounds (a low security "camp"). Since we specifically discussed this at the meeting with Barry Krisher months ago that Epstein would be at the Gun Club facility (the jail), this certainly violates the spirit of the agreement, if not the letter.

I talked to [REDACTED] who used to be with the Palm Beach County State Attorney's Office before joining our office. She said, first, that it was extremely strange to call it the "Palm Beach County Detention Center," rather than the jail, but I explained that I thought Epstein's people were trying to make us believe he was going to the jail even though he wasn't and this was their way to "finesse" the situation.

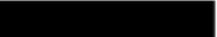
[REDACTED] also explained that the normal way for the plea agreement to read is a consecutive term of six months imprisonment to be followed by one year of community control - in other words, Goldberger's statement that this was the "only way" to do the consecutive sentence is false. I did find a statute that says that if two sentences are imposed consecutively that result in a sentence of greater than one year, the judge is supposed to send the defendant to a state prison rather than a county facility, so that may be why they are wording it this way. [REDACTED] also said that typically the term "community control" means home confinement, and she has never seen imprisonment used as a condition of "community control." She has seen such a condition in connection with a sentence of probation, but not community control.

Also, she and I did a state guideline calculation for Epstein's plea, and, if done correctly, he should be looking at 51 months. The only way that Lanna could avoid that calculation is if she tells the judge that there was no sexual contact. That, of course, would be completely false.

In short, something smells very bad. My suggestion is to ask that we ask them to add one word to the second sentencing paragraph of the plea agreement with the state, as follows: the Defendant is sentenced to 18 months Community Control I (one). As a special condition of this Community Control, the Defendant must serve the first 6 months INCARCERATED [or IMPRISONED] in the Palm Beach County Detention Facility . . .

If they object to this small change - which according to Goldberger is intended by the language already there - then we will know that something is extremely fishy.

What do you think?


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