

**Villafana, Ann Marie C. (USAFLS)**

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**From:** Villafana, Ann Marie C. (USAFLS)  
**Sent:** Friday, March 21, 2008 3:47 PM  
**To:** Gelber, [REDACTED]  
**Subject:** RE: Follow up

Hi [REDACTED] – Don't worry, I have decided to just wait to see your result. I think the state charges don't fit the crime anyway, and I have the tapes of the grand jury presentation, where the Assistant State Attorney cross-examined the victims instead of simply presenting the case. (The defense doesn't know that we have those tapes.) The State's handling of the case was one of the reasons why we looked into this in the first place.

As I mentioned earlier, I will be out next week. Starting on late Tuesday or Wednesday, I should be able to check e-mail, so feel free to contact me that way. My cell phone is 561 601-2301, and you can reach Nesbitt on her cell phone at 954 553-3471.

Thanks again.

*A. Marie Villafana*  
Assistant U.S. Attorney  
561 209-1047  
Fax 561 820-8777

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**From:** Gelber, [REDACTED]  
**Sent:** Friday, March 21, 2008 3:20 PM  
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**Cc:** Sloman, Jeff (USAFLS); Senior, Robert (USAFLS)  
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**Cc:** Sloman, Jeff (USAFLS)  
**Subject:** RE: Follow up

Marie,

Two quick questions: Could you clarify whether any of the victims that are included in the state indictment would also be included in any federal indictment? If you know, what is the status of the state case?

Thanks,

---

**From:** Oosterbaan, Andrew  
**Sent:** Wednesday, March 19, 2008 7:17 PM  
**To:** Villafana, Ann Marie C. (USAFLS)  
**Cc:** Gelber, [REDACTED]; Sloman, Jeff (USAFLS)  
**Subject:** RE: Follow up

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So far we've not had any questions we couldn't answer with the materials at hand, but we'll reach out to you promptly if we need to.

Thanks, Marie.

---

**From:** Villafana, Ann Marie C. (USAFLS) [mailto:Ann.Marie.C.Villafana@usdoj.gov]  
**Sent:** Wednesday, March 19, 2008 6:30 PM  
**To:** Oosterbaan, Andrew  
**Subject:** Follow up

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Thanks.

*A. Marie Villafaña*

Assistant U.S. Attorney

500 S. Australian Ave, Suite 400

West Palm Beach, FL 33401

Phone 561 209-1047

Fax 561 820-8777

**Tracking:**

1272

08-80736-CV-MARRA

P-014757

EFTA00189376

**Villafana, Ann Marie C. (USAFLS)**

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**From:** Villafana, Ann Marie C. (USAFLS)  
**Sent:** Friday, March 21, 2008 1:58 PM  
**To:** Gelber, [REDACTED]; Oosterbaan, Andrew  
**Cc:** Sloman, Jeff (USAFLS); Senior, Robert (USAFLS)  
**Subject:** RE: Follow up

I will need to look into that, but I do know that there is a 3-year statute of limitations on the state prostitution charges. That limitations period has already run for several of our victims (we have victims going back to 2001). The girls who are charged in the state indictment saw him in February and September 2005.

I will get the other info to you asap. Give me about 30 minutes.

*A. Marie Villafana*  
Assistant U.S. Attorney  
500 S. Australian Ave, Suite 400  
West Palm Beach, FL 33401  
Phone 561 209-1047  
Fax 561 820-8777

---

**From:** Gelber, [REDACTED]  
**Sent:** Friday, March 21, 2008 11:51 AM  
**To:** Villafana, Ann Marie C. (USAFLS); Oosterbaan, Andrew  
**Cc:** Sloman, Jeff (USAFLS); Senior, Robert (USAFLS)  
**Subject:** RE: Follow up

One more question – do you know when double jeopardy attaches under Florida law? More specifically, if the state charges were dropped now, could they be dropped without prejudice?

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**From:** Villafana, Ann Marie C. (USAFLS) [mailto:Ann.Marie.C.Villafana@usdoj.gov]  
**Sent:** Thursday, March 20, 2008 4:39 PM  
**To:** Gelber, [REDACTED]; Oosterbaan, Andrew  
**Cc:** Sloman, Jeff (USAFLS); Senior, Robert (USAFLS)  
**Subject:** RE: Follow up

Hi [REDACTED] – The state indictment is related to two girls. One of those girls is included in the federal indictment, the other is not. The state indictment charges solicitation of adult prostitution, it does not charge any child exploitation offense, despite the fact that, under Florida law, neither lack of knowledge of age nor affirmative misrepresentation of age by the victim is a defense.

The victim from the state case who is referenced in the federal indictment told Epstein her true age and he engaged in full sexual intercourse with her a few days shy of her 18<sup>th</sup> birthday. For that birthday, he gave her a series of gifts, including lingerie. The other 18 girls named in the current indictment are not part of the state indictment.

The state case currently has a trial date set for July. Before we got involved, the police were told that Epstein was going to plead to a misdemeanor and get no jail time. (That is one of the reasons why they asked the FBI to step in.) Since the federal investigation began, Epstein's counsel have continued the case repeatedly on the basis that they cannot resolve that case until the federal case is resolved. As part of the non-prosecution agreement that the Office put together with Epstein, the federal case was supposed to be resolved if Epstein

1274

agreed to three main terms: (1) he had to plead to a state offense for which sex offender registration was required, specifically, the procurement of minors to engage in prostitution; (2) he had to agree to an 18-month term of incarceration; and (3) he had to agree to pay restitution and damages to the victims. After the agreement was signed, he then tried to escape all three requirements.

He objected to pleading to the state charge, claiming that the facts did not apply, and asked to plead to a non-registrable offense instead. When we responded that there were four other registrable offenses where the facts certainly fit, those were rejected because (1) they required registration and (2) the state sentencing guidelines for those offenses were too high.

He tried to arrange to get out on work release, which would allow him to "work" anywhere he liked during the day and sleep in a halfway house, rather than a jail, at night. When he learned that sex offenders weren't allowed to be a part of the work release program, he started complaining about the jail time. He now wants to get a "suspended sentence" and/or home confinement, instead.

He complained that he should be able to fully litigate the issues of liability and damages with regard to the third term of the agreement, despite his agreement directly to the contrary.

With respect to the current status of the state case, other than the new trial date, all that I know is that Epstein is now subpoenaing victims for depositions who are not included in the state indictment. (Under Florida law, defense counsel are allowed to depose witnesses, including victims, prior to trial.) He seems to be trying to use that process to get information about the federal investigation. I do not know whether Epstein's misdemeanor deal is back on the table because the defense demanded that we have no contact with the State Attorney's Office, so I haven't spoken with the ASA in over 6 months.

I wish I had more information to give you. If you would like me to reach out to either the local detective on the state case or the Assistant State Attorney, please let me know. Or, if you would like their contact info, I can forward that to you, too.

Thank you. I will be back in the office tomorrow and you can call me there with any other questions.

**A. Marie Villafaña**  
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**Sent:** Thursday, March 20, 2008 11:49 AM  
**To:** Oosterbaan, Andrew; Villafana, Ann Marie C. (USAFLS)  
**Cc:** Sloman, Jeff (USAFLS)  
**Subject:** RE: Follow up

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[REDACTED]

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**Sent:** Wednesday, March 19, 2008 7:17 PM  
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**Cc:** Gelber, [REDACTED]; Sloman, Jeff (USAFLS)  
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Thanks, Marie.

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**From:** Villafana, Ann Marie C. (USAFLS) [mailto:Ann.Marie.C.Villafana@usdoj.gov]  
**Sent:** Wednesday, March 19, 2008 6:30 PM  
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**Tracking:**

1276

08-80736-CV-MARRA

P-014760

EFTA00189379

## Villafana, Ann Marie C. (USAFLS)

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**From:** Gelber, [REDACTED]  
**Sent:** Thursday, March 20, 2008 7:45 PM  
**To:** Villafana, Ann Marie C. (USAFLS); Oosterbaan, Andrew  
**Cc:** Sloman, Jeff (USAFLS); Senior, Robert (USAFLS)  
**Subject:** RE: Follow up

Thanks Marie, that is very helpful.

---

**From:** Villafana, Ann Marie C. (USAFLS) [mailto:Ann.Marie.C.Villafana@usdoj.gov]  
**Sent:** Thursday, March 20, 2008 4:39 PM  
**To:** Gelber, [REDACTED]; Oosterbaan, Andrew  
**Cc:** Sloman, Jeff (USAFLS); Senior, Robert (USAFLS)  
**Subject:** RE: Follow up

Hi [REDACTED] – The state indictment is related to two girls. One of those girls is included in the federal indictment, the other is not. The state indictment charges solicitation of adult prostitution, it does not charge any child exploitation offense, despite the fact that, under Florida law, neither lack of knowledge of age nor affirmative misrepresentation of age by the victim is a defense.

The victim from the state case who is referenced in the federal indictment told Epstein her true age and he engaged in full sexual intercourse with her a few days shy of her 18<sup>th</sup> birthday. For that birthday, he gave her a series of gifts, including lingerie. The other 18 girls named in the current indictment are not part of the state indictment.

The state case currently has a trial date set for July. Before we got involved, the police were told that Epstein was going to plead to a misdemeanor and get no jail time. (That is one of the reasons why they asked the FBI to step in.) Since the federal investigation began, Epstein's counsel have continued the case repeatedly on the basis that they cannot resolve that case until the federal case is resolved. As part of the non-prosecution agreement that the Office put together with Epstein, the federal case was supposed to be resolved if Epstein agreed to three main terms: (1) he had to plead to a state offense for which sex offender registration was required, specifically, the procurement of minors to engage in prostitution; (2) he had to agree to an 18-month term of incarceration; and (3) he had to agree to pay restitution and damages to the victims. After the agreement was signed, he then tried to escape all three requirements.

He objected to pleading to the state charge, claiming that the facts did not apply, and asked to plead to a non-registrable offense instead. When we responded that there were four other registrable offenses where the facts certainly fit, those were rejected because (1) they required registration and (2) the state sentencing guidelines for those offenses were too high.

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He complained that he should be able to fully litigate the issues of liability and damages with regard to the third term of the agreement, despite his agreement directly to the contrary.

With respect to the current status of the state case, other than the new trial date, all that I know is that Epstein is now subpoenaing victims for depositions who are not included in the state indictment. (Under Florida law, defense counsel are allowed to depose witnesses, including victims, prior to trial.) He seems to be trying to use that process to get information about the federal investigation. I do not know whether Epstein's misdemeanor deal is back on the table because the defense demanded that we have no contact with the State Attorney's Office, so I haven't spoken with the ASA in over 6 months.

I wish I had more information to give you. If you would like me to reach out to either the local detective on the state case or the Assistant State Attorney, please let me know. Or, if you would like their contact info, I can forward that to you, too.

Thank you. I will be back in the office tomorrow and you can call me there with any other questions.

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**To:** Oosterbaan, Andrew; Villafana, Ann Marie C. (USAFLS)  
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Marie,

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Thanks, Marie.

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Assistant U.S. Attorney  
561 209-1047  
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**Villafana, Ann Marie C. (USAFLS)**

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**Sent:** Thursday, March 20, 2008 4:39 PM  
**To:** Gelber, [REDACTED]; Oosterbaan, Andrew  
**Cc:** Sloman, Jeff (USAFLS); Senior, Robert (USAFLS)  
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1284

08-80736-CV-MARRA

P-014767

EFTA00189386

Thank you. I will be back in the office tomorrow and you can call me there with any other questions.

**A. Marie Villafana**

Assistant U.S. Attorney

561 209-1047

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---

**From:** Gelber, [REDACTED]  
**Sent:** Thursday, March 20, 2008 11:49 AM  
**To:** Oosterbaan, Andrew; Villafana, Ann Marie C. (USAFLS)  
**Cc:** Sloman, Jeff (USAFLS)  
**Subject:** RE: Follow up

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**Sent:** Wednesday, March 19, 2008 6:30 PM  
**To:** Oosterbaan, Andrew  
**Subject:** Follow up

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Fax 561 820-8777

**Tracking:**

1286

08-80736-CV-MARRA

P-014769

EFTA00189388

**Villafana, Ann Marie C. (USAFLS)**

---

**From:** Villafana, Ann Marie C. (USAFLS)  
**Sent:** Thursday, March 20, 2008 4:18 PM  
**To:** Oosterbaan, Andrew  
**Subject:** RE: Follow up

Thank you, Drew.

*A. Marie Villafaña*  
Assistant U.S. Attorney  
561 209-1047  
Fax 561 820-8777

**From:** Oosterbaan, Andrew  
**Sent:** Wednesday, March 19, 2008 7:17 PM  
**To:** Villafana, Ann Marie C. (USAFLS)  
**Cc:** Gelber, [REDACTED]; Sloman, Jeff (USAFLS)  
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**Villafana, Ann Marie C. (USAFLS)**

---

**From:** Villafana, Ann Marie C. (USAFLS)  
**Sent:** Thursday, March 20, 2008 4:18 PM  
**To:** Kuyrkendall, E N.; Richards, Jason R.; Senior, Robert (USAFLS); Kirkpatrick, Lynn (USAFLS)  
**Subject:** FW: Follow up

FYI – Bob, you probably already received this from Jeff, but just in case. And Jason and Nesbitt, here is the latest.

If you want to discuss further, I will be back in tomorrow.

*A. Marie Villafaña*  
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**From:** Villafana, Ann Marie C. (USAFLS) [mailto:Ann.Marie.C.Villafana@usdoj.gov]  
**Sent:** Wednesday, March 19, 2008 6:30 PM  
**To:** Oosterbaan, Andrew  
**Subject:** Follow up

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*A. Marie Villafaña*  
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West Palm Beach, FL 33401

Phone 561 209-1047

Fax 561 820-8777

**Tracking:**

1291

08-80736-CV-MARRA

P-014773

EFTA00189392

**Villafana, Ann Marie C. (USAFLS)**

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**From:** Gelber, [REDACTED]  
**Sent:** Thursday, March 20, 2008 11:49 AM  
**To:** Oosterbaan, Andrew; Villafana, Ann Marie C. (USAFLS)  
**Cc:** Sloman, Jeff (USAFLS)  
**Subject:** RE: Follow up

Marie,

Two quick questions: Could you clarify whether any of the victims that are included in the state indictment would also be included in any federal indictment? If you know, what is the status of the state case?

Thanks,

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