

U.S. Department of Justice
United States Attorney
Southern District of Florida

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June 30, 2009

DELIVERY BY ELECTRONIC MAIL

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

Dear Jay:

Thank you for your letters of June 19th. It appears that you have misconstrued the Office's past efforts at alleviating Mr. Epstein's unfounded fears of disparate treatment as either: (1) an acknowledgement of the validity of those fears, or (2) an acquiescence to the efforts of Mr. Epstein to avoid the full terms of the Non-Prosecution Agreement. So, for example, you write that, in an email to Mr. Acosta, *you* "confirmed that 'there were significant irregularities with the deferred prosecution agreement,'" and that "Mr. Acosta agreed to many of our objections and adopted several of our modifications . . . [and] [t]his fact confirms both the good-faith nature of our objections and that neither Mr. Epstein nor his counsel could be considered to have violated the NPA by raising those objections in the first place." Neither your e-mails nor Mr. Acosta's consistent attempts to maintain a good working relationship with you act as modifications to the NPA or indications that the Office agreed or acquiesced to your positions.

While your letter provides great detail regarding all of the objections that you raised [Fl](#) throughout the nine-month delay between the signing of the NPA and Mr. Epstein's commencement of performance, you neglect to mention that all of your objections were soundly rejected at each and every level of review, from West Palm Beach, to Miami, to the Child Exploitation and Obscenity Section, and, finally, to the highest levels of review at the Department of Justice. As Senior Associate Deputy Attorney General [REDACTED] stated:

Even if we were to substitute our judgment for that of the U.S. Attorney, we believe that federal prosecution of this case is appropriate. Moreover, having reviewed your allegations of prosecutorial misconduct, and the facts underlying them, we see nothing in the conduct of the U.S. Attorney's Office that gives us any reason to alter our opinion.

With regard to your proposal to engage in additional discussions regarding the scope of the NPA, we respectfully decline. The Agreement speaks for itself, and we decline to modify its terms. Contrary to your assertion, both the government and the victims have suffered harm and prejudice due to the willful breaches of the NPA by Mr. Epstein. The Office will continue to evaluate its position and will proceed accordingly.

Sincerely,

[REDACTED]
Acting United States Attorney

By: [REDACTED]
Assistant United States Attorney

cc: [REDACTED] Chief, Northern Division

Jack Goldberger, Esq.
Roy Black, Esq.

[F1](#)In an effort to terminate the endless “battle of letters” that this case has become, I have elected not to detail each and every misstatement in your ten-page letter, but please do not mistake that for an agreement with those misstatements. One of those misstatements, however, begs for correction. You write: “Indeed, due to a concern we had raised, your Office specifically modified the procedure to select an attorney representative and delegated that task to Judge Davis. Again, the fact that your Office accommodated our concerns validated their legitimacy . . .” As you have been told repeatedly, the decision to delegate that task to a Special Master was made independently and before any of Mr. Epstein’s attorneys voiced a concern about that process. Mr. Lefkowitz, you were provided with a list of potential attorney representatives and with information in writing regarding the alleged “conflict of interest,” and you made the selection that you later claimed was problematic. Notwithstanding your agreement on the selection of the attorney-representative, our Office, independently, elected to ask an independent third party to make the final decision.