

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, June 18, 2007 5:04 PM
To: Menchel, Matthew (USAFLS); Sloman, Jeff (USAFLS); Lourie, Andrew (USAFLS); Atkinson, Karen (USAFLS)
Subject: Epstein

I just received a call from the FBI telling me that Vanity Fair is sniffing around again. The reporter is a former detective. He told the FBI agent that his sources tell him "the State has been bought off," and asked if our investigation had been sent to "the circular file." Nesbitt responded, "All I can tell you is that we have an open investigation."

On another note, I am going to see the grand jury tomorrow and I anticipate a number of questions regarding the status of the indictment. I'm not sure what, if anything, I can tell them.

And I did not hear back regarding making changes to the indictment. Can I get some feedback on that?

Thank you.

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

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, June 21, 2007 3:24 PM
To: Menchel, Matthew (USAFLS)
Subject: RE: Meeting Next Week

Sounds good. I will stop by on Monday afternoon. Could you just let you assistant know that I may be stopping by to get a copy of whatever the defense sends over?

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

From: Menchel, Matthew (USAFLS)
Sent: Thursday, June 21, 2007 2:58 PM
To: Villafana, Ann Marie C. (USAFLS)
Cc: Lourie, Andrew (USAFLS)
Subject: RE: Meeting Next Week

Meeting on Monday is fine. I have meetings with Alex and Jeff till around 11 but after that I'm free. As for who is going to be at the meeting from our side, I thought you, me, Andy, and Jeff. I thought it best to leave Alex out of it at this venture. As for the Epstein camp, I'm not entirely sure because I don't think Lily was sure last time we spoke. Probably her, Lefcourt, Black and maybe Lewis.

Lily told me that they wanted to present something in writing before the meeting which was why she was pushing us for the statutes. I view the meeting more as us listening and them presenting their position so I would say that you don't need to prepare anything (you are quite knowledgeable on the law in any event) but if you disagree we can discuss on Monday. As for the documents that they have yet to produce, I'll mention it to Lily if you like or we can raise it with them at the Tuesday meeting.

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, June 21, 2007 1:37 PM
To: Menchel, Matthew (USAFLS)
Cc: Atkinson, Karen (USAFLS); McMillan, John (USAFLS); Lourie, Andrew (USAFLS); Sloman, Jeff (USAFLS)
Subject: Meeting Next Week
Importance: High

Hi Matt: I would like to prepare for next week's meeting, and I am wondering if you can tell me who will attend, both from our side and for Mr. Epstein. I am hoping that we can meet on Monday to discuss any issues and/or strategy before the meeting on Tuesday, so please let me know when you will be available on Monday.

"Sloman, Jeff (USAFLS)" <Jeff.Sloman@usdoj.gov>

11/27/2007 01:55 PM

To

"Jay Lefkowitz" <JLefkowitz@kirkland.com> cc
"Acosta, Alex (USAFLS)" <Alex.Acosta@usdoj.gov> Subject
Epstein

Jay,

Please accept my apologies for not getting back to you sooner but I was a little under the weather yesterday. I hope that you enjoyed your Thanksgiving.

Regarding the issue of due diligence concerning Judge ██████' selection, I'd like to make a few observations. First, Guy Lewis has known for some time that Judge ██████ was making reasonable efforts to secure Aaron Podhurst and Bob Josephsberg for this assignment. In fact, when I told you of Judge ██████ selection during our meeting last Wednesday, November 21st, you and Professor Dershowitz seemed very comfortable, and certainly not surprised, with the selection. Podhurst and Josephsberg are no strangers to nearly the entire Epstein defense team including Guy Lewis, Lili Ann Sanchez, Roy Black, and, apparently, Professor Dershowitz who said he knew Mr. Josephsberg from law school. Second, Podhurst and Josephsberg have long-standing stellar reputations for their legal acumen and ethics. It's hard for me to imagine how much more vetting needs to be done.

The United States has a statutory obligation (Justice for All Act of 2004) to notify the victims of the anticipated upcoming events and their rights associated with the agreement entered into by the United States and Mr. Epstein in a timely fashion. Tomorrow will make one full week since you were formally notified of the selection. I must insist that the vetting process come to an end. Therefore, unless you provide me with a good faith objection to Judge ██████ selection by COB tomorrow, November 28, 2007, I will authorize the notification of the victims. Should you give me the go-ahead on Podhurst and Josephsberg selection by COB tomorrow, I will simultaneously send you a draft of the letter. I intend to notify the victims by letter after COB Thursday, November 29th. Thanks,

Jeff

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back to work after the Thanksgiving Holiday, and yet your demands regarding timing suggest that I have been sitting on my hands for days.

You should know that the first time I learned about Judge [REDACTED] selection of Podhurst and Josephsberg, and indeed the first time I ever heard their names, was in our meeting with you on Wednesday of last week. Nevertheless, I have now been able to confer with my client, and we have determined that the selection of Podhurst and Josephsberg are acceptable to us, reserving, of course, our previously stated objections to the manner in which you have interpreted the section 2255 portions of the Agreement.

We do, however, strongly and emphatically object to your sending a letter to the alleged victims. Without a fair opportunity to review and the ability to make objections to this letter, it is completely unacceptable that you would send it without our consideration. Additionally, given that the US Attorney's office has made clear it cannot vouch for the claims of the victims, it would be incendiary and inappropriate for your Office to send such a letter. Indeed, because it is a certainty that any such letter would immediately be leaked to the press, your actions will only have the effect of injuring Mr. Epstein and promoting spurious civil litigation directed at him. We believe it is entirely unprecedented, and in any event, inappropriate for the Government to be the instigator of such lawsuits.

Finally, we disagree with your view that you are required to notify the alleged victims pursuant to the Justice for All Act of 2004. First, 18 USC section 2255, the relevant statute under the Non-Prosecution Agreement for the settlement of civil remedies, does not have any connection to the Justice for All Act. Section 2255 was enacted as part of a different statute. Second, the Justice for All Act refers to restitution, and section 2255 is not a restitution statute. It is a civil remedy. As you know, we had offered to provide a restitution fund for the alleged victims in this matter; however that option was rejected by your Office. Had that option been chosen, we would not object to your notifying the alleged victims at this point. At this juncture, however, we do not accept your contention that there is a requirement that the government notify the alleged victims of a potential civil remedy in this case.

Accordingly, for all the reasons we have stated above, we respectfully -- and firmly -- object to your sending any letter whatsoever to the alleged victims in this matter. Furthermore, if a letter is to be sent to these individuals, we believe we should have a right to review and make objections to that submission prior to it being sent to any alleged victims. We also request that if your Office believes that it must send a letter to go to the alleged victims, who still have not been identified to us, it should happen only after Mr. Epstein has entered his plea. This letter should then come from the attorney representative, and not from the Government, to avoid any bias.

As you know, Judge Starr has requested a meeting with Assistant Attorney General Fisher to address what we believe is the unprecedented nature of the section 2255 component of the Agreement. We are hopeful that this meeting will take place as early as next week. Accordingly, we respectfully request that we postpone our discussion of sending a letter to the alleged victims until after that meeting. We strongly believe that rushing to send any letter out this week is not the wisest manner in which to proceed. Given that Mr. Epstein will not even enter his plea for another few weeks, time is clearly not of the essence regarding any notification to the identified individuals.

Thanks very much,

Jay

Villafana, Ann Marie C. (USAFLS)

From: Lourie, Andrew
Sent: Wednesday, November 28, 2007 5:02 PM
To: Villafana, Ann Marie C. (USAFLS); Oosterbaan, Andrew
Cc: Garcia, Rolando (USAFLS)
Subject: Re: Epstein

Ok thx. Would you send me your last proposed nonpros with them with the 2255 language?

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

From: Villafana, Ann Marie C. (USAFLS) <Ann.Marie.C.Villafana@usdoj.gov>
To: Lourie, Andrew; Oosterbaan, Andrew
Cc: Garcia, Rolando (USAFLS) <RGarcia@usa.doj.gov>
Sent: Wed Nov 28 16:48:48 2007
Subject: FW: Epstein

Hi Andy and Drew -- This is the first that I have heard about another attempt to meet with someone in Washington. I thought I would give you a heads up.

Hope all is well, Andy.

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

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

From: Sloman, Jeff (USAFLS)
Sent: Wednesday, November 28, 2007 4:35 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Fw: Epstein

Marie,

Can u send Jay the proposed letter and redact the names? Thx, Jeff

Sent from my BlackBerry Wireless Handheld

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

From: Jay Lefkowitz <JLefkowitz@kirkland.com>
To: Sloman, Jeff (USAFLS)
Cc: Acosta, Alex (USAFLS)
Sent: Wed Nov 28 16:29:09 2007
Subject: Re: Epstein

Dear Jeff:

I received your email yesterday and was a little surprised at the tone of your letter, given the fact that we spoke last week and had what I thought was a productive meeting. I was especially surprised given that your letter arrived on only the second day

The United States has a statutory obligation (Justice for All Act of 2004) to notify the victims of the anticipated upcoming events and their rights associated with the agreement entered into by the United States and Mr. Epstein in a timely fashion. Tomorrow will make one full week since you were formally notified of the selection. I must insist that the vetting process come to an end. Therefore, unless you provide me with a good faith objection to Judge [REDACTED] selection by COB tomorrow, November 28, 2007, I will authorize the notification of the victims. Should you give me the go-ahead on Podhurst and Josephsberg selection by COB tomorrow, I will simultaneously send you a draft of the letter. I intend to notify the victims by letter after COB Thursday, November 29th. Thanks,

Jeff

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that there is a requirement that the government notify the alleged victims of a potential civil remedy in this case.

Accordingly, for all the reasons we have stated above, we respectfully -- and firmly -- object to your sending any letter whatsoever to the alleged victims in this matter. Furthermore, if a letter is to be sent to these individuals, we believe we should have a right to review and make objections to that submission prior to it being sent to any alleged victims. We also request that if your Office believes that it must send a letter to go to the alleged victims, who still have not been identified to us, it should happen only after Mr. Epstein has entered his plea. This letter should then come from the attorney representative, and not from the Government, to avoid any bias.

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Thanks very much,

Jay

"Sloman, Jeff (USAFLS)" <Jeff.Sloman@usdoj.gov>

11/27/2007 01:55 PM

To

"Jay Lefkowitz" <JLefkowitz@kirkland.com> cc
"Acosta, Alex (USAFLS)" <Alex.Acosta@usdoj.gov> Subject
Epstein

Jay,

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To: Villafana, Ann Marie C. (USAFLS)
Subject: Fw: Epstein

Marie,
Can u send Jay the proposed letter and redact the names? Thx, Jeff

Sent from my BlackBerry Wireless Handheld

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

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To: Sloman, Jeff (USAFLS)
Cc: Acosta, Alex (USAFLS)
Sent: Wed Nov 28 16:29:09 2007
Subject: Re: Epstein

Dear Jeff:

I received your email yesterday and was a little surprised at the tone of your letter, given the fact that we spoke last week and had what I thought was a productive meeting. I was especially surprised given that your letter arrived on only the second day back to work after the Thanksgiving Holiday, and yet your demands regarding timing suggest that I have been sitting on my hands for days.

You should know that the first time I learned about Judge [REDACTED] selection of Podhurst and Josephsberg, and indeed the first time I ever heard their names, was in our meeting with you on Wednesday of last week. Nevertheless, I have now been able to confer with my client, and we have determined that the selection of Podhurst and Josephsberg are acceptable to us, reserving, of course, our previously stated objections to the manner in which you have interpreted the section 2255 portions of the Agreement.

We do, however, strongly and emphatically object to your sending a letter to the alleged victims. Without a fair opportunity to review and the ability to make objections to this letter, it is completely unacceptable that you would send it without our consideration. Additionally, given that the US Attorney's office has made clear it cannot vouch for the claims of the victims, it would be incendiary and inappropriate for your Office to send such a letter. Indeed, because it is a certainty that any such letter would immediately be leaked to the press, your actions will only have the effect of injuring Mr. Epstein and promoting spurious civil litigation directed at him. We believe it is entirely unprecedented, and in any event, inappropriate for the Government to be the instigator of such lawsuits.

Finally, we disagree with your view that you are required to notify the alleged victims pursuant to the Justice for All Act of 2004. First, 18 USC section 2255, the relevant statute under the Non-Prosecution Agreement for the settlement of civil remedies, does not have any connection to the Justice for All Act. Section 2255 was enacted as part of a different statute. Second, the Justice for All Act refers to restitution, and section 2255 is not a restitution statute. It is a civil remedy. As you know, we had offered to provide a restitution fund for the alleged victims in this matter; however that option was rejected by your Office. Had that option been chosen, we would not object to your notifying the alleged victims at this point. At this juncture, however, we do not accept your contention



Ann Marie Villafana [REDACTED]

(no subject)

1 message

Jay Lefkowitz <JLefkowitz@kirkland.com>

Sun, Sep 16, 2007 at 12:25 PM

To: "Marie Villafana, Ann" [REDACTED]

Marie - I will call you as soon as the show ends.

Jay

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I had hoped that we were far closer to resolving this than it appears that we are. Can I suggest that tomorrow we either meet live or via teleconference, either with your client or having him within a quick phone call, to hash out these items? I was hoping to work only a half day tomorrow to save my voice for Tuesday's hearing and grand jury, if necessary, but maybe we can set a time to meet. If you want to meet "off campus" somewhere, that is fine. I will make sure that I have all the necessary decision makers present or "on call," as well.

If we can resolve some of these issues today, let's try to, and then save only the difficult issues for tomorrow.

Sorry for the long e-mail, and for ruining your date with your daughter.

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Re your paragraph 3: As to the reservation of Mr. Epstein's right to withdraw his state plea or to appeal his state plea or sentence, that is fine, but we need the caveat that, if he were to do so, the United States could proceed on our charges.

Re your paragraph 6: With respect to the waiver of the right to appeal the federal sentence, given the way we have drafted the information, it is possible that getting to the 18 month sentence will require an upward departure. The version of the agreement that you were working from is a federal non-prosecution agreement, the ones I have sent you recently are plea agreements that get filed with the court. Please see if the appeal waiver language in those versions is alright.

Re your paragraph 7: As I mentioned, we will not waive the presentence investigation. I know that this will delay Mr. Epstein's sentencing by 70 days, but that will allow him to get all of his affairs in order. As to bail, it will be set at the time of arraignment, and we can work out a joint recommendation regarding the amount and its limitations. I have no objection to making a joint recommendation that Mr. Epstein remain out on bond pending his sentencing, but I'm not sure that it belongs in a plea agreement, especially since I can't bind the court on that issue. However, I can assure you, and we can put it on the record during the plea colloquy, that I will join in your recommendation that he remain out on bond pending sentencing. The same goes for the prison camp issue. As I mentioned, I have opposed a designation only once in a very particular case. I can assure you, and we can put it on the record at the plea colloquy that I will not oppose your recommendation for Mr. Epstein's designation.

Re your paragraph 8: As I mentioned over the telephone, I cannot bind the girls to the Trust Agreement, and I don't think it is appropriate that a state court would administer a trust that seeks to pay for federal civil claims. We both want to avoid unscrupulous attorneys and/or litigants from coming forward, and I know that your client wants to keep these matters outside of public court filings, but I just don't have the power to do what you ask. Here is my recommendation. During the period between Mr. Epstein's plea and sentencing, I make a motion for appointment of the Guardian Ad Litem. ~~The three of us sit down and discuss things,~~ and I will facilitate as much as I can getting the girls' approval of this procedure because, as I mentioned, I think it is probably in their best interests. In terms of plea agreement language, let me suggest the following:

The United States agrees to make a motion seeking the appointment of a Guardian ad Litem to represent the identified victims. Following the appointment of such Guardian, the parties agree to work together in good faith to develop a Trust Agreement, subject to the Court's approval, that would provide for any damages owed to the identified victims pursuant to 18 U.S.C. Section 2255. Then include the last two sentences of your paragraph 8.

Re the two paragraphs following your paragraph 8: I will include our standard language regarding resolving all criminal liability and I will mention "co-conspirators," but I would prefer not to highlight for the judge all of the other crimes and all of the other persons that we could charge. Also, we do not have the power to bind Immigration and we make it a policy not to try to, however, I can tell you that, as far as I know, there is no plan to try to proceed on any immigration charges against either Ms. Ross or Ms. Marcinkova.

Also, on the grand jury subpoenas, I can prepare letters withdrawing them as of the signing of the plea agreement, but I would prefer to take out that language. In my eyes, once we have a plea agreement, the grand jury's investigation has ended and there can be no more use of the grand jury's subpoena power.



Ann Marie Villafana [REDACTED]

Re:

1 message

Jay Lefkowitz <JLefkowitz@kirkland.com>

Sun, Sep 16, 2007 at 4:08 PM

To: "Marie Villafana, Ann [REDACTED]"

Ok. Hard to respond this second. But I think we are getting there. Will call later. Thx

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

From: "Ann Marie Villafana [REDACTED]"**Sent:** 09/16/2007 03:54 PM AST**To:** Jay Lefkowitz**Subject:** Re:

Hi Jay -- This can wait until after the show, but my voice is going so I thought I would type it up. I talked to Andy and he still doesn't like the factual basis. In his opinion, the plea should only address the crimes that we were addressing, and we were not investigating Mr. Epstein abusing his girlfriend.

So, these are the only options that he recommended:

1. We go back to the original agreement where Mr. Epstein pleads only to state charges and serves his time in the state, except that we can agree to only 18 months imprisonment.

2. Mr. Epstein pleads guilty to the state charges and also pleads to either two obstruction counts or to one count of violating 47 USC 223(a)(1)(B), with a joint non-binding recommendation of 18 months, so that Mr. Epstein can serve his time federally.

3. (My suggestion only, not Andy's): I go back to the U.S. Attorney and ask him to agree to an ABA-plea to a 371 count (conspiracy to violate 2422(b)) with a binding 20-month recommendation so that Mr. Epstein can serve all of his time in a federal facility.

Or 4. Mr. Epstein pleads to one obstruction count, and serves part of his time federally and part state.

On your other proposed changes, some are fine and some are problematic.

Re your paragraph 2: As to timing, it is my understanding that Mr. Epstein needs to be sentenced in the state after he is sentenced in the federal case, but not that he needs to plead guilty and be sentenced after serving his federal time. Andy recommended that some of the timing issues be addressed only in the state agreement, so that it isn't obvious to the judge that we are trying to create federal jurisdiction for prison purposes. My understanding is that Mr. Epstein should sign a state plea agreement, plead guilty to the federal offenses, plead guilty to the state offenses, be sentenced on the federal offenses, and then be sentenced on the state offenses, and then start serving the federal sentence.

Gmail - Re:

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Ann Marie Villafana [REDACTED]

Re:

1 message

Jay Lefkowitz <JLefkowitz@kirkland.com>

Sun, Sep 16, 2007 at 5:50 PM

To: "Marie Villafana, Ann" [REDACTED]

Marie - left message for Nat re Leslie. Roy will call you in am tomorrow re rescheduling the hearing and dealing the Riley and the other GJ subpoenas. You have my commitment regarding the extension issue.

Thx

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

From: "Ann Marie Villafana" [REDACTED]**Sent:** 09/16/2007 03:54 PM AST**To:** Jay Lefkowitz**Subject:** Re:

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Agreement (without Term 1) (Redlined).doc" deleted by
Jay Lefkowitz/New York/Kirkland-Ellis]

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Ann Marie Villafana [REDACTED]

Re: Draft Agreement

1 message

Jay Lefkowitz <JLefkowitz@kirkland.com>

Sun, Sep 23, 2007 at 1:57 PM

To: Ami Sheth <ASheth@kirkland.com>, "Villafana, Ann Marie C. (USAFLS)"

<Ann.Marie.C.Villafana@usdoj.gov>, "Marie Villafana, Ann" [REDACTED]

Marie - if 2 pm doesn't work, can we arrange to go through the entire document at 5 pm?

Thanks. Jay

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

From: Ami Sheth

Sent: 09/23/2007 01:56 PM EDT

To: "Villafana, Ann Marie C. (USAFLS)"

[Ann.Marie.C.Villafana@usdoj.gov]; [REDACTED]

Cc: Jay Lefkowitz

Subject: Draft Agreement

Marie -

Jay is having some computer trouble and asked me to send this e-mail to you. Attached is a draft for discussion purposes at your convenience for some time this afternoon. It does not include Term 1 of the agreement, but it reflects all the issues we would like to discuss with you.

Please let Jay know when you are available to speak. Thank you.

Sincerely,
Ami

Ami H. Sheth* | Kirkland & Ellis LLP Citigroup Center |

153 East 53rd Street | New York, NY 10022 |

[REDACTED] Direct | [REDACTED] Fax |

asheth@kirkland.com |

*Admission Pending in New York

[attachment "20070923 Draft of Epstein Non-Prosecution

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

Dated: _____

JEFFREY EPSTEIN

Dated: _____

GERALD LEFCOURT, ESQ.
COUNSEL TO JEFFREY EPSTEIN

Dated: _____

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

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

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

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

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

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

7. Epstein shall enter his guilty plea to the federal Information no later than November 5, 2007. Epstein and the Government agree to submit an agreed statement of facts in lieu of the Pre-Sentence Investigation Report, which shall be waived, and Epstein and the Government agree that sentence shall be imposed on the date of plea, that Epstein be released on bail, that travel shall not be restricted during the period of bail and that Epstein be permitted to self-report to the facility designated by the United States Bureau of Prisons to commence his sentence 75 days after sentencing. Epstein and the Government further agree that the Government shall not object to Epstein's request that the Court recommend to the Bureau of Prisons that Epstein be designated to serve his sentence at a federal prison camp; and
8. Epstein agrees to fund a Trust set up in concert with the Government and under the supervision of the 15th Judicial Circuit in and for Palm Beach County. Epstein agrees that a Trustee will be appointed by the Circuit Court and that funds from the Trust will be available to be disbursed at the Trustee's discretion to an agreed list of persons who seek reimbursement and make a good faith showing to the Trustee that they suffered injury as a result of the conduct of Epstein. Epstein waives his right to contest liability or damages up to an amount agreed to by the parties for any settlements entered into by the Trustee. Epstein's waiver is not to be construed as an admission of civil or criminal liability in regards to any of those who seek compensation from the Trust.

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

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

Terms of the Agreement:

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

**In Re:
Investigation of
Jeffrey Epstein**

AGREEMENT

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

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

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

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

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

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

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

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

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



Ann Marie Villafana [REDACTED]

Fw:

1 message

Jay Lefkowitz <JLefkowitz@kirkland.com>

Sun, Sep 16, 2007 at 12:07 PM

To: "Marie Villafana, Ann" [REDACTED]

Marie - I would like you to take a look at these suggestions in the meantime. I tried to follow your format.

I have not yet cleared all of this with my client.

Thx

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

From: jplefkowitz

Sent: 09/16/2007 11:58 AM AST

To: Jay Lefkowitz

Email and AIM finally together. You've gotta check out free AOL Mail! - <http://mail.aol.com>

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.

epstein.doc
34K

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: _____
A. MARIE VILLAFANA
ASSISTANT U.S. ATTORNEY

Dated: _____

JEFFREY EPSTEIN

Dated: _____

GERALD LEFCOURT, ESQ.
COUNSEL TO JEFFREY EPSTEIN

Dated: _____

JACK GOLDBERGER, ESQ.
ATTORNEY FOR JEFFREY EPSTEIN

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.

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identified victim and Epstein. Notwithstanding this waiver, as to those individuals whose names appear on the list provided by the United States, Epstein's signature on this agreement is not to be construed as an admission of any criminal or civil liability other than that contained in 18 U.S.C. § 2255.

8. 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.
9. Epstein shall enter his guilty plea and be sentenced not later than October 19, 2007, and shall self-report to begin serving his sentence not later than December 10, 2007.
10. 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 account of the gain time he earned during his period of incarceration.

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

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-conspirator of Epstein, including but not limited to Sarah Kellen, Adriana Ross, Lesley Groff, or Nadia Marcinkova. 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, 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

2. Epstein and the State Attorney's Office shall make a joint, binding recommendation that the Court impose a thirty (30) month sentence to be divided as follows:
 - (a) Epstein shall begin by serving eighteen (18) 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) following the term of imprisonment, Epstein shall serve twelve (12) months of community control.
3. The terms contained in paragraph 2, *supra*, do not foreclose Epstein and the State Attorney's Office from agreeing to recommend any additional term(s) of probation and/or incarceration.
4. 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.
5. 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.
6. 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 will file a motion with the United States District Court for the Southern District of Florida for the appointment of a guardian ad litem for these persons. Epstein's counsel may contact the identified individuals through that guardian.
7. If any of the individuals referred to in paragraph (6), *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

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

THEREFORE, on the authority of R. Alexander Acosta, United States Attorney for the Southern District of Florida, prosecution 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 information he deems reliable, that Epstein has violated any of the conditions of this Agreement, then the United States Attorney may at any time initiate prosecution against Epstein for any offense. In this case, the United States Attorney will furnish Epstein with timely notice specifying the condition(s) of the Agreement that he has violated, and shall initiate its prosecution within sixty (60) days' of giving notice of the violation.

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 were the subject of 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 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;

**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 committed by Epstein against the United States from in or around 2001 through in or around October 2005, including:

- (1) knowingly and willfully conspiring with others known and unknown to commit an offense against the United States, that is, to use a facility or means of interstate or foreign commerce to knowingly persuade, induce, or entice minor females to engage in prostitution, in violation of Title 18, United States Code, Section 2422(b); all in violation of Title 18, United States Code, Section 371;
- (2) knowingly and willfully conspiring with others known and unknown to travel in interstate commerce for the purpose of engaging in illicit sexual conduct, as defined in 18 U.S.C. § 2423(f), with minor females, in violation of Title 18, United States Code, Section 2423(b); all in violation of Title 18, United States Code, Section 2423(e);
- (3) using a facility or means of interstate or foreign commerce to knowingly persuade, induce, or entice minor females to engage in prostitution; in violation of Title 18, United States Code, Sections 2422(b) and 2;

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: _____
A. MARIE VILLAFANA
ASSISTANT U.S. ATTORNEY

Dated: _____

JEFFREY EPSTEIN

Dated: _____

GERALD LEFCOURT, ESQ.
COUNSEL TO JEFFREY EPSTEIN

Dated: _____

JACK GOLDBERGER, ESQ.
ATTORNEY FOR JEFFREY EPSTEIN

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.

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8. 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.
9. Epstein shall enter his guilty plea and be sentenced not later than October 19, 2007, and shall self-report to begin serving his sentence not later than December 10, 2007.
10. 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 account of the gain time he earned during his period of incarceration.

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

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-conspirator of Epstein, including but not limited to Sarah Kellen, Adriana Ross, Lesley Groff, or Nadia Marcinkova. 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, 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.

be divided as follows:

- (a) Epstein shall begin by serving eighteen (18) 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) following the term of imprisonment, Epstein shall serve twelve (12) months of community control.
3. The terms contained in paragraph 2, *supra*, do not foreclose Epstein and the State Attorney's Office from agreeing to recommend any additional term(s) of probation and/or incarceration.
4. 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.
5. 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.
6. 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 will file a motion with the United States District Court for the Southern District of Florida for the appointment of a guardian ad litem for these persons. Epstein's counsel may contact the identified individuals through that guardian.
7. If any of the individuals referred to in paragraph (6), *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 victim and Epstein. Notwithstanding this waiver, as to those individuals whose names appear on the list provided by the United States, Epstein's signature on this agreement is not to be construed as an admission of any criminal or civil liability other than that contained in 18 U.S.C. § 2255.

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

THEREFORE, on the authority of R. Alexander Acosta, United States Attorney for the Southern District of Florida, prosecution 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 information he deems reliable, that Epstein has violated any of the conditions of this Agreement, then the United States Attorney may at any time initiate prosecution against Epstein for any offense. In this case, the United States Attorney will furnish Epstein with timely notice specifying the condition(s) of the Agreement that he has violated, and shall initiate its prosecution within sixty (60) days' of giving notice of the violation.

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 were the subject of 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 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 and the State Attorney's Office shall make a joint, binding recommendation that the Court impose a thirty (30) month sentence to

**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 committed by Epstein against the United States from in or around 2001 through in or around October 2005, including:

- (1) knowingly and willfully conspiring with others known and unknown to commit an offense against the United States, that is, to use a facility or means of interstate or foreign commerce to knowingly persuade, induce, or entice minor females to engage in prostitution, in violation of Title 18, United States Code, Section 2422(b); all in violation of Title 18, United States Code, Section 371;
- (2) knowingly and willfully conspiring with others known and unknown to travel in interstate commerce for the purpose of engaging in illicit sexual conduct, as defined in 18 U.S.C. § 2423(f), with minor females, in violation of Title 18, United States Code, Section 2423(b); all in violation of Title 18, United States Code, Section 2423(e);
- (3) using a facility or means of interstate or foreign commerce to knowingly persuade, induce, or entice minor females to engage in prostitution; in violation of Title 18, United States Code, Sections 2422(b) and 2;
- (4) traveling in interstate commerce for the purpose of engaging in illicit sexual conduct, as defined in 18 U.S.C. § 2423(f), with minor females; in violation

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: _____
A. MARIE VILLAFANA
ASSISTANT U.S. ATTORNEY

Dated: _____

JEFFREY EPSTEIN

Dated: _____

GERALD LEFCOURT, ESQ.
COUNSEL TO JEFFREY EPSTEIN

Dated: _____

JACK GOLDBERGER, ESQ.
ATTORNEY FOR JEFFREY EPSTEIN

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.

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construed as an admission of any criminal or civil liability other than that contained in 18 U.S.C. § 2255.

8. 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.
9. Epstein shall enter his guilty plea and be sentenced not later than October 19, 2007, and shall self-report to begin serving his sentence not later than December 10, 2007.
10. 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 account of the gain time he earned during his period of incarceration.

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

~~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-conspirator of Epstein, including but not limited to Sarah Kellen, Adriana Ross, Lesley Groff, or Nadia Marcinkova. 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, 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

recommendation that the Court impose a thirty (30) month sentence to be divided as follows:

- (a) Epstein shall begin by serving eighteen (18) 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) following the term of imprisonment, Epstein shall serve twelve (12) months of community control.
3. The terms contained in paragraph 2, *supra*, do not foreclose Epstein and the State Attorney's Office from agreeing to recommend any additional term(s) of probation and/or incarceration.
4. 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.
5. 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.
6. 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 will file a motion with the United States District Court for the Southern District of Florida for the appointment of a guardian ad litem for these persons. Epstein's counsel may contact the identified individuals through that guardian.
7. If any of the individuals referred to in paragraph (6), *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 victim and Epstein. Notwithstanding this waiver, as to those individuals whose names appear on the list provided by the United States, Epstein's signature on this agreement is not to be

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

THEREFORE, on the authority of R. Alexander Acosta, United States Attorney for the Southern District of Florida, prosecution 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 information he deems reliable, that Epstein has violated any of the conditions of this Agreement, then the United States Attorney may at any time initiate prosecution against Epstein for any offense. In this case, the United States Attorney will furnish Epstein with timely notice specifying the condition(s) of the Agreement that he has violated, and shall initiate its prosecution within sixty (60) days' of giving notice of the violation.

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 were the subject of 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 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 and the State Attorney's Office shall make a joint, binding

**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 committed by Epstein against the United States from in or around 2001 through in or around October 2005, including:

- (1) knowingly and willfully conspiring with others known and unknown to commit an offense against the United States, that is, to use a facility or means of interstate or foreign commerce to knowingly persuade, induce, or entice minor females to engage in prostitution, in violation of Title 18, United States Code, Section 2422(b); all in violation of Title 18, United States Code, Section 371;
- (2) knowingly and willfully conspiring with others known and unknown to travel in interstate commerce for the purpose of engaging in illicit sexual conduct, as defined in 18 U.S.C. § 2423(f), with minor females, in violation of Title 18, United States Code, Section 2423(b); all in violation of Title 18, United States Code, Section 2423(c);
- (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

153 East 53rd Street | New York, NY 10022 |
[REDACTED] Direct | [REDACTED] Fax |
asheth@kirkland.com |
*Admission Pending in New York

[attachment "20070923 Draft of Epstein Non-Prosecution Agreement (without Term 1) (Redlined).doc" deleted by Jay Lefkowitz/New York/Kirkland-Ellis]

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Ann Marie Villafana
[REDACTED]

3 attachments

-  070923 Epstein Non-Prosecution Agreement.doc
24K
-  070923 Epstein Non-Prosecution Agreement.pdf
18K
-  070923 Epstein Non-Prosecution Agreement.wpd
31K



Ann Marie Villafana <[REDACTED]>

Re: Draft Agreement

1 message

Ann Marie Villafana <[REDACTED]>

Sun, Sep 23, 2007 at 4:03 PM

To: Jay Lefkowitz <JLefkowitz@kirkland.com>

Cc: Ami Sheth <ASheth@kirkland.com>, "Villafana, Ann Marie C. (USAFLS)" <Ann.Marie.C.Villafana@usdoj.gov>

Here is the most recent version. I noticed that the font size kept changing throughout, so I put it all in Times New Roman 13pt. I am attaching in Word Perfect, Word, and PDF.

On 9/23/07, **Jay Lefkowitz** <JLefkowitz@kirkland.com> wrote:

Marie - if 2 pm doesn't work, can we arrange to go through the entire document at 5 pm?

Thanks. Jay

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

From: Ami Sheth

Sent: 09/23/2007 01:56 PM EDT

To: "Villafana, Ann Marie C. (USAFLS)"

[Ann.Marie.C.Villafana@usdoj.gov];

[REDACTED]
Cc: Jay Lefkowitz

Subject: Draft Agreement

Marie -

Jay is having some computer trouble and asked me to send this e-mail to you. Attached is a draft for discussion purposes at your convenience for some time this afternoon. It does not include Term 1 of the agreement, but it reflects all the issues we would like to discuss with you.

Please let Jay know when you are available to speak. Thank you.

Sincerely,
Ami

Ami H. Sheth* | Kirkland & Ellis LLP Citigroup Center |

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: _____
A. MARIE VILLAFANA
ASSISTANT U.S. ATTORNEY

Dated: _____

JEFFREY EPSTEIN

Dated: _____

GERALD LEFCOURT, ESQ.
COUNSEL TO JEFFREY EPSTEIN

Dated: _____

SANCHEZ, ESQ.

JACK GOLDBERGER LILLY ANN
ATTORNEY FOR JEFFREY EPSTEIN

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.

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Government agrees to provide Epstein notice before the disclosure of this 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 Sarah Kellen, Adriana Ross, Lesley Groff, or Nadia Marcinkova. 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, 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

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 victim and Epstein, so long as the identified victim elects to proceed exclusively under 18 U.S.C. § 2255, and agrees to waive any other claims 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 is not to be construed as an admission of any criminal or civil liability ~~other than that contained in 18 U.S.C. § 2255~~. Neither this Agreement, its terms, or any resulting settlements contemplated by this Agreement are to be admissible in any other litigation.

8. 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.
9. Epstein shall enter his guilty plea and be sentenced not later than October 26, 2007, and shall self-report to begin serving his sentence not later than January 4, 2008.
10. 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 account of the gain time he earned during his period of incarceration.

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

It is the intention of the parties to this Agreement that it not be disseminated or disclosed except pursuant to court order. In the event the Government must disclose this Agreement in response to a request pursuant to the Freedom of Information Act, the

2. Epstein and the State Attorney's Office shall make a joint, binding recommendation that the Court impose a thirty (30) month sentence to be divided as follows:
 - (a) Epstein shall be sentenced to a term of~~begin by serving~~ eighteen (18) 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) following the term of imprisonment, Epstein shall serve twelve (12) months of community control.
3. The language contained in Terms 1 and 2 of this Agreement 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. The terms contained in paragraph 2, supra, do not foreclose Epstein and the State Attorney's Office from agreeing to plead to any additional charge(s) or from recommending recommend any additional term(s) of probation and/or incarceration.
4. 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.
5. 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.
6. The United States shall provide Epstein's attorneys with a list of individuals whom it has identified as eligible to bring suit under 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 will file a motion under seal with the United States District Court for the Southern District of Florida for the appointment of a guardian ad litem for these persons. Epstein's counsel may contact the identified individuals through that guardian.
7. If any of the individuals referred to in paragraph (6), *supra*, elects to file suit pursuant to 18 U.S.C. § 2255, Epstein will not contest the

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

THEREFORE, on the authority of R. Alexander Acosta, United States Attorney for the Southern District of Florida, prosecution 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 Epstein has willfully violated any of the conditions of this Agreement, then the United States Attorney may at any time within thirty (30) months of the execution of this agreement provide Epstein with timely notice specifying the condition(s) of the Agreement that he has violated initiate prosecution against Epstein for any offense. In this case, the United States Attorney will furnish Epstein with timely notice specifying the condition(s) of the Agreement that he has violated, and shall initiate its prosecution within sixty (60) days' of giving notice of the violation.

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 were the subject of 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 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;

**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

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45K



Ann Marie Villafana [REDACTED]

FW:

1 message

Villafana, Ann Marie C. (USAFLS) <Ann.Marie.C.Villafana@usdoj.gov>

Sun, Sep 23, 2007 at 8:33 PM

[REDACTED]

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

From: Jay Lefkowitz [mailto:JLefkowitz@kirkland.com]
Sent: Sunday, September 23, 2007 8:31 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Fw:

I am not sure just being under 18 qualifies for the appointment of a guardian. What if we just had one representative for all of the women. Like a trustee.

Please think about that. Also, I have not gone over all of this yet with Jeffrey, but please look at these edits.

Thanks

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

From: jplefkowitz
Sent: 09/23/2007 08:27 PM AST
To: Jay Lefkowitz

Email and AIM finally together. You've gotta check out free AOL Mail! - <http://mail.aol.com>

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.

Gmail - Re:

Page 2 of 2

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.



Ann Marie Villafana <[REDACTED]>

Re:

1 message

Jay Lefkowitz <JLefkowitz@kirkland.com> Mon, Oct 1, 2007 at 7:13 AM
To: Marie Villafana <Ann.Marie.C.Villafana@usdoj.gov>, Ann Marie Villafana
<[REDACTED]>

Marie - I tried to reach you over the weekend but couldn't reach you either by email or cell. Can we set up a call for 10:45 am tomday?

Jay

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

From: Jay Lefkowitz
Sent: 09/30/2007 03:04 PM CDT
To: "Marie Villafana" <Ann.Marie.C.Villafana@usdoj.gov>; "Ann Marie Villafana" <[REDACTED]>
Subject: Re:

Marie - are you available to speak at all today?

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

From: Jay Lefkowitz
Sent: 09/30/2007 07:23 AM CDT
To: "Marie Villafana" <Ann.Marie.C.Villafana@usdoj.gov>; "Ann Marie Villafana" <[REDACTED]>

Marie - I left you a voicemail yesterday on your cell. What time later today can you speak?

Thx. Jay

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

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

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

Date: _____

By: _____

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

Date: _____

By: _____

JEFFREY EPSTEIN, DEFENDANT

Date: _____

By: _____

JAY LEFKOWITZ, ESQ.
ATTORNEY FOR DEFENDANT

by both the defendant and the government.

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

D **THE SENTENCE.** The defendant is aware that Title 18, United States Code, Section 3742 affords the defendant the right to appeal the sentence imposed in this case. Acknowledging this, in exchange for the undertakings made by the United States in this plea agreement, the defendant hereby waives all rights conferred by Section 3742 to appeal any sentence imposed, including any restitution order, or to appeal the manner in which the sentence was imposed, unless the sentence exceeds the maximum permitted by statute or is the result of an upward departure or upward variance from the guideline range that the Court establishes at sentencing. The defendant further **A** voluntarily and expressly waives, to the maximum extent permitted by federal law, the right to collaterally attack his sentence in any post-conviction proceeding, including a motion on any ground brought under 28 U.S.C. § 2254, 28 U.S.C. § 2255, 18 U.S.C. § 3572, or 18 U.S.C. § 3771. The defendant further understands that nothing in this agreement shall affect the government's right and/or duty to appeal as set forth in Title 18, United States Code, Section 3742(b). However, if the United States appeals the defendant's sentence pursuant to Section 3742(b), the defendant shall be released from the above waiver of appellate rights. By signing this agreement, **T** the defendant acknowledges that he has discussed the appeal waiver set forth in this agreement with his attorney.

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

of all proposed agreements with the Palm Beach County State Attorney's Office prior to entering into those agreements.

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

A

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

signed this agreement and has been sentenced. The United States further agrees to make a motion with the United States District Court for the Southern District of Florida for the appointment of a guardian ad litem for the identified victims and the defendant's counsel may contact the identified victims through that guardian.

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

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

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

10. The defendant agrees that he will provide to the U.S. Attorney's Office copies

six (6) months, to be followed by a term of supervised release of up to a maximum of one (1) year. In addition to terms of imprisonment and supervised release, the Court may impose a fine of up to \$100,000.

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

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

A
6. The parties agree to jointly recommend that the defendant receive a sentence of eighteen (18) months' imprisonment, to be followed by two (2) years of supervised release; and a fine of \$200,000.

F
7. The defendant agrees that, if any of the victims identified in the federal investigation file suit pursuant to 18 U.S.C. § 2255, the defendant will not contest the jurisdiction of the U.S. District Court for the Southern District of Florida over his person and/or the subject matter, and the defendant will not contest that the identified victims are persons who, while minors, were victims of violations of Title 18, United States Code, Sections(s) 2422 and/or 2423. The United States agrees to provide the defendant's attorneys with a list of the identified victims, which will not exceed forty, after the defendant has

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

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

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

D
UNITED STATES OF AMERICA

Case No. _____

vs.

JEFFREY EPSTEIN,
R
Defendant

PLEA AGREEMENT

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

1. The defendant agrees to plead guilty to the Information which charges the
defendant as follows: Count 1 charges that the **F** defendant knowingly and intentionally
violated the privacy protection accorded to child victims by 18 U.S.C. § 3509; in violation
of Title 18, United States Code, Sections 403 and 2; and Count 2 charges that the defendant,
while in an airplane over the high seas, did knowingly commit a **T** simple assault on a person
who was over the age of 16 years, that is, S.K.; in violation of Title 18, United States Code,
Section 113(a)(5).

2. The defendant is aware that the sentence will be imposed by the Court after
considering the Federal Sentencing Guidelines and Policy Statements (hereinafter

did knowingly commit a simple assault on a person who was over the age of 16 years, that is, S.K.;
in violation of Title 18, United States Code, Section 113(a)(5).

D

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

R

A. MARIE VILLAFANA
ASSISTANT UNITED STATES ATTORNEY

A

F

T

D

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA.

CASE NO. _____

18 U.S.C. § 403
18 U.S.C. § 113(a)(5)

UNITED STATES OF AMERICA

vs.

R

JEFFREY EPSTEIN,

Defendant.

A

INFORMATION

The United States Attorney charges that:

COUNT 1

In or around August 2006, in Palm Beach County, in the Southern District of Florida, and

elsewhere, the defendant,

JEFFREY EPSTEIN,

did knowingly and intentionally violate the privacy protection accorded by 18 U.S.C. § 3509 to a child victim, that is, Jane Doe #1; in violation of Title 18, United States Code, Sections 403 and 2.

COUNT 2

In or around _____ 2005, in the special territorial jurisdiction of the United States, that is, in an aircraft owned by a United States citizen while in flight over the high seas, and elsewhere, the defendant,

JEFFREY EPSTEIN,



Ann Marie Villafana [REDACTED]

JE negotiations

1 message

Ann Marie Villafana [REDACTED]

Sat, Sep 15, 2007 at 3:16 PM

To: lefkowitz@kirkland.com, jlefkowitz@kirkland.com

Hi Jay -- Sorry to trouble you over the weekend. Here are the revised documents with the 403 charge. I have gotten some negative reaction to the assault charge with Sarah Kellen as the victim, since she is considered one of the main perpetrators of the offenses that we planned to charge in the indictment. Can you talk to Mr. Epstein about a young woman named [REDACTED]? We have hearsay evidence that she traveled on Mr. Epstein's airplane when she was under 18, in around the 2000 or 2001 time frame. That falls outside the statute of limitations, but perhaps we could construct a 371 conspiracy around that?

Let me know what you think.

Thank you.

--

Ann Marie Villafana
[REDACTED]

2 attachments

 Information charging 403 and 113.pdf
9K

 OLY Plea Agreement v5 403 and 113 violations.pdf
18K



[Redacted]

Re: JE negotiations

1 message

Jay Lefkowitz <JLefkowitz@kirkland.com>

Sun, Sep 16, 2007 at 10:39 AM

To: Ann Marie Villafana [Redacted]

Yes. I plan to send you a long email with several suggestions, none of which I think will be controversial.

Thx

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

From: "Ann Marie Villafana" [Redacted]

Sent: 09/16/2007 10:35 AM AST

To: Jay Lefkowitz

Subject: Re: JE negotiations

Hi Jay -- I will wait to hear from you before I change the documents back to the 1512, but can you tell me when you call back whether you had any issues with the language of the plea agreement or the information that I sent earlier? Thanks.

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[Redacted]

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

Dated: _____

JEFFREY EPSTEIN

Dated: _____

GERALD LEFCOURT, ESQ.
COUNSEL TO JEFFREY EPSTEIN

Dated: _____

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

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

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

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

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

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

7. Epstein shall enter his guilty plea to the federal Information no later than November 5, 2007. Epstein and the Government agree to submit an agreed statement of facts in lieu of the Pre-Sentence Investigation Report, which shall be waived, and Epstein and the Government agree that sentence shall be imposed on the date of plea, that Epstein be released on bail, that travel shall not be restricted during the period of bail and that Epstein be permitted to self-report to the facility designated by the United States Bureau of Prisons to commence his sentence 75 days after sentencing. Epstein and the Government further agree that the Government shall not object to Epstein's request that the Court recommend to the Bureau of Prisons that Epstein be designated to serve his sentence at a federal prison camp; and
8. Epstein agrees to fund a Trust set up in concert with the Government and under the supervision of the 15th Judicial Circuit in and for Palm Beach County. Epstein agrees that a Trustee will be appointed by the Circuit Court and that funds from the Trust will be available to be disbursed at the Trustee's discretion to an agreed list of persons who seek reimbursement and make a good faith showing to the Trustee that they suffered injury as a result of the conduct of Epstein. Epstein waives his right to contest liability or damages up to an amount agreed to by the parties for any settlements entered into by the Trustee. Epstein's waiver is not to be construed as an admission of civil or criminal liability in regards to any of those who seek compensation from the Trust.

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

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

Terms of the Agreement:

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

**In Re:
Investigation of
Jeffrey Epstein**

AGREEMENT

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

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

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

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

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

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

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

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

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

 epstein.doc
34K

Begin forwarded message:

From: Jay Lefkowitz <JLefkowitz@kirkland.com>
Date: September 15, 2007 8:18:43 PM EDT
To: "Ann Marie Villafana" [REDACTED]
Subject: Re: JE negotiations

Are you free to speak this evening?

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

From: "Ann Marie Villafana" [REDACTED]
Sent: 09/15/2007 03:16 PM AST
To: Jay Lefkowitz; Jay Lefkowitz
Subject: JE negotiations

Hi Jay -- Sorry to trouble you over the weekend. Here are the revised documents with the 403 charge. I have gotten some negative reaction to the assault charge with Sarah Kellen as the victim, since she is considered one of the main perpetrators of the offenses that we planned to charge in the indictment. Can you talk to Mr. Epstein about a young woman named [REDACTED]? We have hearsay evidence that she traveled on Mr. Epstein's airplane when she was under 18, in around the 2000 or 2001 time frame. That falls outside the statute of limitations, but perhaps we could construct a 371 conspiracy around that?

Let me know what you think.

Thank you.

Ann Marie Villafana
[REDACTED]

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Begin forwarded message:

From: Jay Lefkowitz <JLefkowitz@kirkland.com>
Date: September 16, 2007 9:05:58 AM EDT
To: "Ann Marie Villafana" [REDACTED]
Subject: Re: JE negotiations

How about 10 am. Does that work?

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

From: "Ann Marie Villafana" [REDACTED]
Sent: 09/16/2007 08:47 AM AST
To: Jay Lefkowitz
Subject: Re: JE negotiations

Hi Jay -- Sorry -- I didn't get your message until this morning. I will call you at 9:15. If that doesn't work, let me know a better time, otherwise I will just plan to speak to you at 9:15. Thanks.

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Marie - very sorry. Do you mind calling at 1015 instead?

Thx

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

From: "Ann Marie Villafana" [REDACTED]
Sent: 09/16/2007 08:47 AM AST
To: Jay Lefkowitz
Subject: Re: JE negotiations

Hi Jay -- Sorry -- I didn't get your message until this morning. I will call you at 9:15. If that doesn't work, let me know a better time, otherwise I will just plan to speak to you at 9:15. Thanks.

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Begin forwarded message:

From: Jay Lefkowitz <JLefkowitz@kirkland.com>
Date: September 16, 2007 9:46:51 AM EDT
To: "Ann Marie Villafana" [REDACTED]
Subject: Re: JE negotiations

[REDACTED] Thx

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

From: "Ann Marie Villafana" [REDACTED]
Sent: 09/16/2007 09:07 AM AST
To: Jay Lefkowitz
Subject: Re: JE negotiations

Sounds fine. Thanks. Can you e-mail me the number where you want me to call you?

[REDACTED]

Begin forwarded message:

From: Jay Lefkowitz <JLefkowitz@kirkland.com>
Date: September 16, 2007 10:39:21 AM EDT
To: "Ann Marie Villafana" [REDACTED]
Subject: Re: JE negotiations

Yes. I plan to send you a long email with several suggestions, none of which I think will be controversial.

Thx

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

From: "Ann Marie Villafana" [REDACTED]
Sent: 09/16/2007 10:35 AM AST
To: Jay Lefkowitz
Subject: Re: JE negotiations

Hi Jay -- I will wait to hear from you before I change the documents back to the 1512, but can you tell me when you call back whether you had any issues with the language of the plea agreement or the information that I sent earlier? Thanks.

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Begin forwarded message:

From: Jay Lefkowitz <JLefkowitz@kirkland.com>
Date: September 16, 2007 9:55:30 AM EDT
To: "Ann Marie Villafana" [REDACTED]
Subject: Re: JE negotiations

Begin forwarded message:

From: Jay Lefkowitz <JLefkowitz@kirkland.com>
Date: September 16, 2007 11:44:21 AM EDT
To: "Ann Marie Villafana" [REDACTED]
Subject: Re: JE negotiations

Yes. Will check it out this pm. Sending you various suggested edits shortly as well.

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

From: "Ann Marie Villafana" [ann.marie.villafana@gmail.com]
Sent: 09/16/2007 11:41 AM AST
To: Jay Lefkowitz
Subject: Re: JE negotiations

Hi Jay -- I looked up some 11th Circuit cases on simple assault and found some good language. I also learned that, every moment that one is aboard an enclosed civil airplane, they are in the "special aircraft jurisdiction of the United States," so the assault charge is really a violation of 49 USC 46506, which doesn't change the penalties.

I have drafted up a factual proffer that I would use at the change of plea based upon our brief conversation and the agents' interaction with Ms. Groff at her home. The agents and I would need to speak with Ms. Marcinkova and Ms. Groff briefly to confirm that these facts are true. Feel free to make suggestions.

On an "avoid the press" note, I believe that Mr. Epstein's airplane was in Miami on the day of the Ms. Groff telephone call. If he was in Miami-Dade County at the time, then I can file the charge in the District Court in Miami, which will hopefully cut the press coverage significantly. Do you want to check that out?

I will talk to you later. Thanks.

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Begin forwarded message:

From: Jay Lefkowitz <JLefkowitz@kirkland.com>
Date: September 16, 2007 12:07:34 PM EDT
To: "Marie Villafana, Ann" [REDACTED]
Subject: Fw:

Marie - I would like you to take a look at these suggestions in the meantime. I tried to follow your format.

I have not yet cleared all of this with my client.

Thx

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

From: jplefkowitz
Sent: 09/16/2007 11:58 AM AST
To: Jay Lefkowitz

Email and AIM finally together. You've gotta check out free AOL Mail! - <http://mail.aol.com>

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policy not to try to, however, I can tell you that, as far as I know, there is no plan to try to proceed on any immigration charges against either Ms. Ross or Ms. Marcinkova.

Also, on the grand jury subpoenas, I can prepare letters withdrawing them as of the signing of the plea agreement, but I would prefer to take out that language. In my eyes, once we have a plea agreement, the grand jury's investigation has ended and there can be no more use of the grand jury's subpoena power.

I had hoped that we were far closer to resolving this than it appears that we are. Can I suggest that tomorrow we either meet live or via teleconference, either with your client or having him within a quick phone call, to hash out these items? I was hoping to work only a half day tomorrow to save my voice for Tuesday's hearing and grand jury, if necessary, but maybe we can set a time to meet. If you want to meet "off campus" somewhere, that is fine. I will make sure that I have all the necessary decision makers present or "on call," as well.

If we can resolve some of these issues today, let's try to, and then save only the difficult issues for tomorrow.

Sorry for the long e-mail, and for ruining your date with your daughter.

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Begin forwarded message:

From: Jay Lefkowitz <JLefkowitz@kirkland.com>
 Date: September 16, 2007 12:25:43 PM EDT
 To: "Marie Villafana, Ann" [REDACTED]

Marie - I will call you as soon as the show ends.

Jay

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some of the timing issues be addressed only in the state agreement, so that it isn't obvious to the judge that we are trying to create federal jurisdiction for prison purposes. My understanding is that Mr. Epstein should sign a state plea agreement, plead guilty to the federal offenses, plead guilty to the state offenses, be sentenced on the federal offenses, and then be sentenced on the state offenses, and then start serving the federal sentence.

Re your paragraph 3: As to the reservation of Mr. Epstein's right to withdraw his state plea or to appeal his state plea or sentence, that is fine, but we need the caveat that, if he were to do so, the United States could proceed on our charges.

Re your paragraph 6: With respect to the waiver of the right to appeal the federal sentence, given the way we have drafted the information, it is possible that getting to the 18 month sentence will require an upward departure. The version of the agreement that you were working from is a federal non-prosecution agreement, the ones I have sent you recently are plea agreements that get filed with the court. Please see if the appeal waiver language in those versions is alright.

Re your paragraph 7: As I mentioned, we will not waive the presentence investigation. I know that this will delay Mr. Epstein's sentencing by 70 days, but that will allow him to get all of his affairs in order. As to bail, it will be set at the time of arraignment, and we can work out a joint recommendation regarding the amount and its limitations. I have no objection to making a joint recommendation that Mr. Epstein remain out on bond pending his sentencing, but I'm not sure that it belongs in a plea agreement, especially since I can't bind the court on that issue. However, I can assure you, and we can put it on the record during the plea colloquy, that I will join in your recommendation that he remain out on bond pending sentencing. The same goes for the prison camp issue. As I mentioned, I have opposed a designation only once in a very particular case. I can assure you, and we can put it on the record at the plea colloquy that I will not oppose your recommendation for Mr. Epstein's designation.

Re your paragraph 8: As I mentioned over the telephone, I cannot bind the girls to the Trust Agreement, and I don't think it is appropriate that a state court would administer a trust that seeks to pay for federal civil claims. We both want to avoid unscrupulous attorneys and/or litigants from coming forward, and I know that your client wants to keep these matters outside of public court filings, but I just don't have the power to do what you ask. Here is my recommendation. During the period between Mr. Epstein's plea and sentencing, I make a motion for appointment of the Guardian Ad Litem. The three of us sit down and discuss things, and I will facilitate as much as I can getting the girls' approval of this procedure because, as I mentioned, I think it is probably in their best interests. In terms of plea agreement language, let me suggest the following:

The United States agrees to make a motion seeking the appointment of a Guardian ad Litem to represent the identified victims. Following the appointment of such Guardian, the parties agree to work together in good faith to develop a Trust Agreement, subject to the Court's approval, that would provide for any damages owed to the identified victims pursuant to 18 U.S.C. Section 2255. Then include the last two sentences of your paragraph 8.

Re the two paragraphs following your paragraph 8: I will include our standard language regarding resolving all criminal liability and I will mention "co-conspirators," but I would prefer not to highlight for the judge all of the other crimes and all of the other persons that we could charge. Also, we do not have the power to bind Immigration and we make it a

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.

Begin forwarded message:

From: Jay Lefkowitz <JLefkowitz@kirkland.com>

Date: September 16, 2007 4:08:08 PM EDT

To: "Marie Villafana, Ann" [REDACTED]

Subject: Re:

Ok. Hard to respond this second. But I think we are getting there. Will call later. Thx

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

From: "Ann Marie Villafana" [REDACTED]

Sent: 09/16/2007 03:54 PM AST

To: Jay Lefkowitz,

Subject: Re:

Hi Jay -- This can wait until after the show, but my voice is going so I thought I would type it up. I talked to Andy and he still doesn't like the factual basis. In his opinion, the plea should only address the crimes that we were addressing, and we were not investigating Mr. Epstein abusing his girlfriend.

So, these are the only options that he recommended:

- 1. We go back to the original agreement where Mr. Epstein pleads only to state charges and serves his time in the state, except that we can agree to only 18 months imprisonment.
- 2. Mr. Epstein pleads guilty to the state charges and also pleads to either two obstruction counts or to one count of violating 47 USC 223(a)(1)(B), with a joint non-binding recommendation of 18 months, so that Mr. Epstein can serve his time federally.
- 3. (My suggestion only, not Andy's): I go back to the U.S. Attorney and ask him to agree to an ABA-plea to a 371 count (conspiracy to violate 2422(b)) with a binding 20-month recommendation so that Mr. Epstein can serve all of his time in a federal facility.
- Or 4. Mr. Epstein pleads to one obstruction count, and serves part of his time federally and part state.

On your other proposed changes, some are fine and some are problematic.

Re your paragraph 2: As to timing, it is my understanding that Mr. Epstein needs to be sentenced in the state after he is sentenced in the federal case, but not that he needs to plead guilty and be sentenced after serving his federal time. Andy recommended that



have opposed a designation only once in a very particular case. I can assure you, and we can put it on the record at the plea colloquy that I will not oppose your recommendation for Mr. Epstein's designation.

Re your paragraph 8: As I mentioned over the telephone, I cannot bind the girls to the Trust Agreement, and I don't think it is appropriate that a state court would administer a trust that seeks to pay for federal civil claims. We both want to avoid unscrupulous attorneys and/or litigants from coming forward, and I know that your client wants to keep these matters outside of public court filings, but I just don't have the power to do what you ask. Here is my recommendation. During the period between Mr. Epstein's plea and sentencing, I make a motion for appointment of the Guardian Ad Litem. The three of us sit down and discuss things, and I will facilitate as much as I can getting the girls' approval of this procedure because, as I mentioned, I think it is probably in their best interests. In terms of plea agreement language, let me suggest the following:

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Re the two paragraphs following your paragraph 8: I will include our standard language regarding resolving all criminal liability and I will mention "co-conspirators," but I would prefer not to highlight for the judge all of the other crimes and all of the other persons that we could charge. Also, we do not have the power to bind Immigration and we make it a policy not to try to, however, I can tell you that, as far as I know, there is no plan to try to proceed on any immigration charges against either Ms. Ross or Ms. Marcinkova.

Also, on the grand jury subpoenas, I can prepare letters withdrawing them as of the signing of the plea agreement, but I would prefer to take out that language. In my eyes, once we have a plea agreement, the grand jury's investigation has ended and there can be no more use of the grand jury's subpoena power.

I had hoped that we were far closer to resolving this than it appears that we are. Can I suggest that tomorrow we either meet live or via teleconference, either with your client or having him within a quick phone call, to hash out these items? I was hoping to work only a half day tomorrow to save my voice for Tuesday's hearing and grand jury, if necessary, but maybe we can set a time to meet. If you want to meet "off campus" somewhere, that is fine. I will make sure that I have all the necessary decision makers present or "on call," as well.

If we can resolve some of these issues today, let's try to, and then save only the difficult issues for tomorrow.

Sorry for the long e-mail, and for ruining your date with your daughter.

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Hi Jay -- This can wait until after the show, but my voice is going so I thought I would type it up. I talked to Andy and he still doesn't like the factual basis. In his opinion, the plea should only address the crimes that we were addressing, and we were not investigating Mr. Epstein abusing his girlfriend.

So, these are the only options that he recommended:

1. We go back to the original agreement where Mr. Epstein pleads only to state charges and serves his time in the state, except that we can agree to only 18 months imprisonment.
2. Mr. Epstein pleads guilty to the state charges and also pleads to either two obstruction counts or to one count of violating 47 USC 223(a)(1)(B), with a joint non-binding recommendation of 18 months, so that Mr. Epstein can serve his time federally.
3. (My suggestion only, not Andy's): I go back to the U.S. Attorney and ask him to agree to an ABA-plea to a 371 count (conspiracy to violate 2422(b)) with a binding 20-month recommendation so that Mr. Epstein can serve all of his time in a federal facility.

Or 4. Mr. Epstein pleads to one obstruction count, and serves part of his time federally and part state.

On your other proposed changes, some are fine and some are problematic.

Re your paragraph 2: As to timing, it is my understanding that Mr. Epstein needs to be sentenced in the state after he is sentenced in the federal case, but not that he needs to plead guilty and be sentenced after serving his federal time. Andy recommended that some of the timing issues be addressed only in the state agreement, so that it isn't obvious to the judge that we are trying to create federal jurisdiction for prison purposes. My understanding is that Mr. Epstein should sign a state plea agreement, plead guilty to the federal offenses, plead guilty to the state offenses, be sentenced on the federal offenses, and then be sentenced on the state offenses, and then start serving the federal sentence.

Re your paragraph 3: As to the reservation of Mr. Epstein's right to withdraw his state plea or to appeal his state plea or sentence, that is fine, but we need the caveat that, if he were to do so, the United States could proceed on our charges.

Re your paragraph 6: With respect to the waiver of the right to appeal the federal sentence, given the way we have drafted the information, it is possible that getting to the 18 month sentence will require an upward departure. The version of the agreement that you were working from is a federal non-prosecution agreement, the ones I have sent you recently are plea agreements that get filed with the court. Please see if the appeal waiver language in those versions is alright.

Re your paragraph 7: As I mentioned, we will not waive the presentence investigation. I know that this will delay Mr. Epstein's sentencing by 70 days, but that will allow him to get all of his affairs in order. As to bail, it will be set at the time of arraignment, and we can work out a joint recommendation regarding the amount and its limitations. I have no objection to making a joint recommendation that Mr. Epstein remain out on bond pending his sentencing, but I'm not sure that it belongs in a plea agreement, especially since I can't bind the court on that issue. However, I can assure you, and we can put it on the record during the plea colloquy, that I will join in your recommendation that he remain out on bond pending sentencing. The same goes for the prison camp issue. As I mentioned, I

Ami

Ami H. Sheth* | Kirkland & Ellis LLP Citigroup Center |

153 East 53rd Street | New York, NY 10022 |

[REDACTED] Direct | 212-446-6460 Fax |

asheth@kirkland.com |

*Admission Pending in New York

[attachment "20070923 Draft of Epstein Non-Prosecution Agreement (without Term 1) (Redlined).doc" deleted by Jay Lefkowitz/New York/Kirkland-Ellis]

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----- Begin forwarded message: -----

From: Jay Lefkowitz <JLefkowitz@kirkland.com>

Date: September 16, 2007 5:50:14 PM EDT

To: "Marie Villafana, Ann" [REDACTED]

Subject: Re:

Marie - left message for Nat re Leslie. Roy will call you in am tomorrow re rescheduling the hearing and dealing the Riley and the other GJ subpoenas. You have my commitment regarding the extension issue.

Thx

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

From: "Ann Marie Villafana" [REDACTED]

Sent: 09/16/2007 03:54 PM AST

To: Jay Lefkowitz

Subject: Re:

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

Dated: _____

JEFFREY EPSTEIN

Dated: _____

GERALD LEFCOURT, ESQ.
COUNSEL TO JEFFREY EPSTEIN

Dated: _____

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

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 for the offenses listed on pages 1 and 2 *infra*. 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 the offenses listed on pages 1 and 2 *infra*, it may be by way of an Information signed and filed by the United States Attorney, and hereby waives his right to be indicted by a grand jury.

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liability other than that contained in 18 U.S.C. § 2255. ~~[Marie, we would like to address the restitution issue with you over the phone.]~~

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7. Epstein shall enter his guilty plea and be sentenced not later than October 1927, 2007, and shall self-report to begin serving his sentence not later than December 10, 2007.
8. ~~With credit for gain time, Epstein shall serve at least 450 days in the county jail.~~ Epstein 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.

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

In consideration of Epstein's agreement to plead guilty and to provide compensation in the manner described above ~~to victims~~, 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 Sarah Kellen, Adriana Ross, Lesley Groff, or Nadia Marcinkova. 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, and no new subpoenas will be issued, unless and until the defendant violates any term of this agreement. Upon completion of the Agreement, the subpoenas reference above will be withdrawn with prejudice and not reissued. ~~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, including certain computer equipment, inviolate until all of the terms of this agreement have been satisfied.

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

3. Epstein shall waive all challenges to the Information filed by the State Attorney's Office and shall waive the right to appeal his conviction and sentence.
4. Epstein shall provide to the U.S. Attorney's Office copies of all proposed agreements with the State Attorney's Office prior to entering into those agreements.
5. After Epstein has signed this agreement and has been sentenced, The United States shall provide Epstein's attorneys with a list of individuals created on [INSERT DATE] whom it has identified as and who have a cause of action under Florida Statutes Section 796.09 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 District Attorney of Palm Beach will file a motion with the United States District Court for the Southern District of Florida State Court in Palm Beach County for the appointment of a guardian ad litem for these persons. Epstein's counsel may contact the identified individuals through that guardian.
6. If any of the individuals referred to in paragraph (5), supra, elect to file suit pursuant to Florida Statutes Section 796.09, in any such suit by any such individual(s) 18 U.S.C. § 2255, Epstein will not contest the jurisdiction of the United States District Court for the Southern District of Florida State Court over his person and/or the subject matter, and Epstein will agree (without admitting liability, whether under such statute or otherwise) to settle such suit by paying each such individual's reasonable attorneys fees and court costs, plus aggregate damages, including compensatory and punitive damages, to each such individual in an amount of \$50,000.00 excluding reasonable attorneys fees and court costs. waives his right to contest liability and also waives his right to contest damages up to an amount as agreed to between the identified victim and Epstein. Neither Epstein's signature on this agreement, nor any such waiver provided herein nor any settlement by Epstein of any such suit shall require, or is to be construed as, an admission, or as any evidence whatsoever, of civil or criminal liability, whether under federal law or state law, as to any person, including, but not limited to, any individual whose name appears on the list provided by the United States. Epstein's signature on this agreement is not to be construed as an admission of civil or criminal liability as to any person whose name does not appear on the list provided by the United States. As to those individuals whose names appear on the list provided by the United States, Epstein's signature on this agreement likewise is not to be construed as an admission of any civil

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- (5) knowingly, in and affecting interstate and foreign commerce, recruiting, enticing, and obtaining by any means a person, knowing that the person had not attained the age of 18 years and would be caused to engage in a commercial sex act as defined in 18 U.S.C. § 1591(c)(1); in violation of Title 18, United States Code, Sections 1591(a)(1) and 2; and

IT APPEARING that Epstein has accepted responsibility for his behavior by his signature on this Agreement; and

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

THEREFORE, on the authority of R. Alexander Acosta, United States Attorney for the Southern District of Florida, prosecution 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 Epstein has violated any of the conditions of this Agreement, then the United States Attorney may ~~at any time~~ initiate prosecution against Epstein for any offense listed above for the duration of this Agreement. In this case, the United States Attorney will furnish Epstein with notice specifying the condition(s) of the Agreement that he has violated.

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 were being investigated by the federal Grand Jury will be instituted in this District, and the charges against Epstein if any, will be dismissed.

Terms of the Agreement:

2. Epstein and the State Attorney's Office shall make a joint, binding recommendation that the Court impose a thirty (30) month sentence to be divided as follows:
 - (a) Epstein shall begin by serving ~~at least eighteen~~ (18) 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) following the term of imprisonment, Epstein shall serve twelve (12) months of community control.

Field Code Changed

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 with ~~three~~ one counts of solicitation of prostitution, in violation of Florida Statutes Section 796.07;

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

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

- (1) knowingly and willfully conspiring with others known and unknown to commit an offense against the United States, that is, to use a facility or means of interstate or foreign commerce to knowingly persuade, induce, or entice minor females to engage in prostitution, in violation of Title 18, United States Code, Section ~~2422(b); all in violation of Title 18, United States Code, Section 371;~~
- (2) knowingly and willfully conspiring with others known and unknown to travel in interstate commerce for the purpose of engaging in illicit sexual conduct, as defined in 18 U.S.C. § 2423(f), with minor females, in violation of Title 18, United States Code, Section 2423(b); all in violation of Title 18, United States Code, Section 2423(c);
- (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

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 20070923 Draft of Epstein Non-Prosecution Agreement (without Term 1) (Redlined).doc
44K



Ann Marie Villafana <[REDACTED]>

Fwd: Draft Agreement

1 message

Ann Marie Villafana <[REDACTED]>

Thu, Dec 27, 2007 at 10:09 PM

To: "Ann Marie C. (USAFLS) Villafana" <ann.marie.c.villafana@usdoj.gov>

[REDACTED]

Begin forwarded message:

From: Ami Sheth <ASheth@kirkland.com>
 Date: September 23, 2007 1:56:03 PM EDT
 To: "", "Villafana, Ann Marie C." [Ann.Marie.C.Villafana@kirkland.com, "@usdoj.gov] (USAFLS),
 [REDACTED]@kirkland.com
 Cc: Jay Lefkowitz <JLefkowitz@kirkland.com>
 Subject: Draft Agreement

Marie -

Jay is having some computer trouble and asked me to send this e-mail to you.
 Attached is a draft for discussion purposes at your convenience for some time this afternoon. It does not include Term 1 of the agreement, but it reflects all the issues we would like to discuss with you.

Please let Jay know when you are available to speak. Thank you.

Sincerely,
Ami

Ami H. Sheth* | Kirkland & Ellis LLP Citigroup Center |
 153 East 53rd Street | New York, NY 10022 |
 [REDACTED] Direct | 212-446-6460 Fax |
 asheth@kirkland.com |
 *Admission Pending in New York

 The information contained in this communication is
 confidential, may be attorney-client privileged, may

[REDACTED]

although he did not intend to strike her. Based upon Mr. Epstein's words, Ms. Marcinkova reasonably was in fear that Mr. Epstein was about to touch her offensively.

UNITED STATES vs. JEFFREY EPSTEIN
PLEA PROFFER

On August __, 2007, FBI Special Agents E. Nesbitt Kuyrkendall and Jason Richards traveled to the home of Lesley Groff to serve her with a federal grand jury subpoena in connection with an investigation pending in the Southern District of Florida. Ms. Groff works as the personal assistant of the defendant. Ms. Groff began speaking with the agents and then excused herself to go upstairs to check on her sleeping child. While upstairs, Ms. Groff telephoned the defendant, Jeffrey Epstein, and informed him that the FBI agents were at her home. Mr. Epstein was then aboard a civilian aircraft in the Southern District of Florida, and was about to return to Teterboro, New Jersey. Mr. Epstein instructed Ms. Groff not to speak with the agents and reprimanded her for allowing them into her home. Mr. Epstein then re-directed his airplane, traveling to the U.S. Virgin Islands instead of the New York City area, thereby keeping the Special Agents from serving target letters on Nadia Marcinkova and Sarah Kellen.

During that flight, while in the special aircraft jurisdiction of the United States, the defendant telephoned Ms. Groff and applied pressure to keep her from complying with the grand jury subpoena that the agents had served upon her. In particular, Mr. Epstein warned Ms. Groff against turning over documents and electronic evidence responsive to the subpoena and pressured her to delay her appearance before the federal grand jury in the Southern District of Florida.

Also during that flight, while in the special aircraft jurisdiction of the United States, the defendant became angry regarding the federal investigation and became verbally abusive and threatening towards his female companion, Nadia Marcinkova,



Ann Marie Villafana [REDACTED]

Re: JE negotiations

1 message

Ann Marie Villafana [REDACTED]

Sun, Sep 16, 2007 at 11:41 AM

To: Jay Lefkowitz <JLefkowitz@kirkland.com>

Hi Jay -- I looked up some 11th Circuit cases on simple assault and found some good language. I also learned that, every moment that one is aboard an enclosed civil airplane, they are in the "special aircraft jurisdiction of the United States," so the assault charge is really a violation of 49 USC 46506, which doesn't change the penalties.

I have drafted up a factual proffer that I would use at the change of plea based upon our brief conversation and the agents' interaction with Ms. Groff at her home. The agents and I would need to speak with Ms. Marcinkova and Ms. Groff briefly to confirm that these facts are true. Feel free to make suggestions.

On an "avoid the press" note, I believe that Mr. Epstein's airplane was in Miami on the day of the Ms. Groff telephone call. If he was in Miami-Dade County at the time, then I can file the charge in the District Court in Miami, which will hopefully cut the press coverage significantly. Do you want to check that out?

I will talk to you later, Thanks.

 Epstein Plea Proffer.doc
21K



Ann Marie Villafana [REDACTED]

Re: JE negotiations

1 message

Jay Lefkowitz <JLefkowitz@kirkland.com>

Sun, Sep 16, 2007 at 11:44 AM

To: Ann Marie Villafana [REDACTED]

Yes. Will check it out this pm. Sending you various suggested edits shortly as well.

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

From: "Ann Marie Villafana" [REDACTED]

Sent: 09/16/2007 11:41 AM AST

To: Jay Lefkowitz

Subject: Re: JE negotiations

Hi Jay -- I looked up some 11th Circuit cases on simple assault and found some good language. I also learned that, every moment that one is aboard an enclosed civil airplane, they are in the "special aircraft jurisdiction of the United States," so the assault charge is really a violation of 49 USC 46506, which doesn't change the penalties.

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I will talk to you later. Thanks.

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Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Sunday, June 29, 2008 5:20 PM
To: Sloman, Jeff (USAFLS); Atkinson, Karen (USAFLS)
Subject: JE

Just got word from FAA that JE's plane is flying from NY to West Palm with a stop in Georgia (probably to pick up Goldberger from his vacation). So maybe tomorrow really will happen.

The agents and I are meeting early tomorrow to finalize victim list in the hopes that he will sign the notification in the courtroom. Does that sound alright with you?

Please let me know.

Villafana, Ann Marie C. (USAFLS)

From: Sloman, Jeff (USAFLS)
Sent: Sunday, June 29, 2008 5:22 PM
To: Villafana, Ann Marie C. (USAFLS); Atkinson, Karen (USAFLS)
Cc: Acosta, Alex (USAFLS)
Subject: Re: JE

Yes - go get him! Good luck.

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

From: Villafana, Ann Marie C. (USAFLS)
To: Sloman, Jeff (USAFLS); Atkinson, Karen (USAFLS)
Sent: Sun Jun 29 17:19:41 2008
Subject: JE

Just got word from FAA that JE's plane is flying from NY to West Palm with a stop in Georgia (probably to pick up Goldberger from his vacation). So maybe tomorrow really will happen.

The agents and I are meeting early tomorrow to finalize victim list in the hopes that he will sign the notification in the courtroom. Does that sound alright with you?

Please let me know.

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, June 30, 2008 10:11 AM
To: Sloman, Jeff (USAFLS); Atkinson, Karen (USAFLS); Senior, Robert (USAFLS); Ball, Shawn (USAFLS); Acosta, Alex (USAFLS)
Subject: Je

It is done, we think

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, June 30, 2008 11:32 AM
To: Campos, Cyndee (USAFLS)
Subject: RE: Can I get a copy of the signed letter between Alex and Lilly?

Sorry it is 561-820-8777

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

From: Campos, Cyndee (USAFLS)
Sent: Monday, June 30, 2008 11:32 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Can I get a copy of the signed letter between Alex and Lilly?

Sorry saw it

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, June 30, 2008 11:30 AM
To: Campos, Cyndee (USAFLS); Sloman, Jeff (USAFLS)
Subject: Can I get a copy of the signed letter between Alex and Lilly?
Importance: High

Hi Cyndee or Jeff – Do we have a signed copy of the letter between Alex and Lilly where he modifies the agreement? I only have an e-mail containing the language.

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:

747

EFTA00194065

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, June 30, 2008 12:57 PM
To: 'Jack Goldberger'
Cc: Atkinson, Karen (USAFLS)
Subject: Revised page one of Notification

Dear Jack: Attached please find the first page of the Notification, revised to reflect the changed plea agreement term.

Thank you.



Victim
Notification and Nc

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:

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, June 30, 2008 4:09 PM
To: Braden, Myesha (CRT)
Subject: RE: Saw the Epstein news

So-so. After all the hell they put me through, I don't feel like celebrating 18 months. He should be spending 18 years in jail – with his lawyers in the cell next to him. But I did get to see him leaving the courtroom in handcuffs. And he will have to pay out a minimum of \$4,650,000 in damages.

So, how are you?

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: Braden, Myesha (CRT)
Sent: Monday, June 30, 2008 2:41 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Saw the Epstein news

Marie,

How are you doing?

Myesha

Myesha K. Braden
U.S. Department of Justice
Civil Rights Division - Criminal Section
(202) 305-1483

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Sunday, June 29, 2008 11:22 AM
To: Kuyrkendall, E N. (FBI)
Subject: Meeting today

Hi Nesbitt – I am going to work on my presentation outline here at home. When I have it put together I will give you a call and we can go over it by phone, if that is okay with you.

P.S. Goldberger accepted the proposed change to the plea agreement, so it looks like the plea is probably going forward tomorrow unless Mr. Epstein changes his mind.

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

Assistant U.S. Attorney

500 S. Australian Ave, Suite 400

West Palm Beach, FL 33401

Phone 561 209-1047

Fax 561 820-8777

Subject: Re: Notice of Non-Compliance

Dear Jack:

I have conferred with a state court practitioner who stated that there is nothing that prohibits you from agreeing to a consecutive six-month sentence of incarceration followed by one year of community control as specified in the non-prosecution agreement.

If you elect to proceed with the plea agreement as currently drafted, we ask that you insert the word "imprisoned" following the words "six months" in the second sentencing paragraph.

Please confirm that this change is acceptable. Thank you.

Marie

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

From: Jack Goldberger <jgoldberger@agwpa.com>
To: Villafana, Ann Marie C. (USAFLS)
Cc: Jack Goldberger <jgoldberger@agwpa.com>
Sent: Sat Jun 28 08:49:55 2008
Subject: RE: Notice of Non-Compliance

Dear Ms Villafana,

please allow this e-mail to confirm our telephone conference of 6:30 pm on June 27 wherein we discussed the Epstein plea agreement and we agreed that the Epstein state plea agreement was in compliance with the September 2007 non-prosecution agreement entered into between Mr. Epstein and the USAO for the Southern District of Florida.

Jack Goldberger

From: Villafana, Ann Marie C. (USAFLS) [mailto:Ann.Marie.C.Villafana@usdoj.gov]
Sent: Fri 6/27/2008 5:45 PM
To: Jack Goldberger; Roy BLACK
Cc: Atkinson, Karen (USAFLS)
Subject: Notice of Non-Compliance

Dear Messrs. Goldberger and Black:

Please see the attached Notification Letter.

<<080627 Goldberger Black notification ltr.pdf>>

A. Marie Villafaña

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Sunday, June 29, 2008 12:15 PM
To: Kuyrkendall, E N. (FBI)
Subject: RE: Notice of Non-Compliance CONFIDENTIAL

Hi Nesbitt -- I sent you an e-mail earlier today letting you know that Goldberger agreed to my change, so it looks like Monday is going to happen. I have spoken with the Chief and he also spoke to the Sheriff about serving the time out at the jail. The Chief also is going to call some victims to inform them that he received a call from the State Attorney's Office about a plea hearing on Monday.

I am very surprised that there has been no press coverage.

Yes, can we meet on Monday morning. I want to have the victim list ready to go before we head to the hearing in case we can get him to sign it right then and there.

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

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

From: Kuyrkendall, E N. (FBI)
Sent: Sunday, June 29, 2008 11:54 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Notice of Non-Compliance

Marie,

Just wanted to let you know Jason and I are working on the remaining 5 girls and getting everything ready for GJ. Did you ever hear back from Jack Goldberger? I spoke with Joe yesterday and he agreed with Dave, that the PBC Detention Center is the jail. He also mentioned any sentenced under a year is served at the jail. If over that, Epstein will be serving at the Dept of Correction which is the Stockade. Joe also mentioned that the Sheriff determines how the sentence is carried out. We have already met with the Colonel at the jail some months ago. If all goes well tomorrow, we should ALL meet with the Colonel again just to reiterate our position. We have not heard from AMOC but will let you know when we do. Give us a shout later today and let us know if you would like to meet us tomorrow morning prior to going to the courthouse.

Nesbitt

From: Villafana, Ann Marie C. (USAFLS) [Ann.Marie.C.Villafana@usdoj.gov]
Sent: Saturday, June 28, 2008 11:20 AM
To: jgoldberger@agwpa.com
Cc: Atkinson, Karen (USAFLS); RBlack@RoyBlack.com

Villafana, Ann Marie C. (USAFLS)

From: Senior, Robert (USAFLS) <RSenior@usa.doj.gov>
Sent: Monday, December 15, 2008 10:55 AM
To: Villafana, Ann Marie C. (USAFLS); Sloman, Jeff (USAFLS); Atkinson, Karen (USAFLS)
Cc: Kuyrkendall, E N. (MM) (FBI); Richards, Jason R. (MM) (FBI)
Subject: RE: Epstein

Thanks Marie.

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, December 15, 2008 10:46 AM
To: Sloman, Jeff (USAFLS); Senior, Robert (USAFLS); Atkinson, Karen (USAFLS)
Cc: Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)
Subject: Epstein

I saw the PB Police Chief this morning and he told me about these articles in Saturday's Palm Beach Daily News. One is an article and the other is an editorial.

One of them makes clear that our office was not informed of the release until well after the fact.

I told the Chief that we had written a letter to the Sheriff's Office and he said he would use a public records request to get a copy.

<< File: 081213 PB Daily News Editorial.pdf >> << File: 081213 PB Daily News Article.pdf >>

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

application for work release. I understand that Judge McSorley's standing order states that she "takes no position with respect to the eligibility of any inmate sentenced in this Division unless specifically stated at time of sentencing." Because of her absence, Judge McSorley did not conduct the sentencing and, therefore, did not have the opportunity to weigh any objections to work release at that hearing. It is unclear whether Judge Pucillo was aware of Judge McSorley's standing order when she imposed sentence. In utilizing your discretion, you may or may not choose to consult with the appropriate judge on this matter.

Request for Notification

As I had previously asked of Colonel Gauger, I would appreciate if you would keep me informed of any changes to Mr. Epstein's release status so that I may fulfill my obligations to keep the victims identified through the federal investigation informed of Mr. Epstein's status. I have informed all of the known victims of Mr. Epstein of the change in his incarceration status and that you are the contact person if they have any questions. Some may ask that their locations be amongst the "Exclusionary Zones" programmed into Mr. Epstein's GPS unit. If you need their addresses, please let me know.

Please feel free to contact me with any questions or concerns.

Sincerely,

R. Alexander Acosta
United States Attorney

By:

A. Marie Villafañá
Assistant United States Attorney

cc: Colonel Michael Gauger
Karen Atkinson, Chief, Northern Division I

Custody Unit immediately if the Participant: (1) Fails to appear for work at the scheduled time; and (2) Leaves the place of employment prior to the scheduled time.” Both in this form and in Mr. Indyke’s letter in support of Mr. Epstein’s application, Mr. Indyke neglects to inform the Sheriff’s Office of two significant facts. First, Mr. Indyke lives and works in the New York metropolitan area. He likely will not be present at Mr. Epstein’s workplace, so he may not know if Mr. Epstein “fails to appear for work” or “leaves the place of employment.” In that event, Mr. Indyke also will not be able to supervise Mr. Epstein’s actual work to determine whether he is truly doing the work of The Florida Science Foundation.² Second, Mr. Indyke does not “employ” Mr. Epstein. Instead, Mr. Epstein “employs” Mr. Indyke. Mr. Epstein is the President and founder of The Florida Science Foundation and Mr. Indyke is its Vice President. More importantly, Mr. Epstein is also the founder and President of the Financial Trust Company, his for-profit corporation. Mr. Indyke is Mr. Epstein’s subordinate at that entity as well.

One of Mr. Epstein’s attorneys has suggested that Mr. Epstein is using his time on work release to manage investments resulting in investment income of millions of dollars. If that is true, then Mr. Epstein is acting outside of the scope of his employment with The Florida Science Foundation. Instead, that would be in keeping with Mr. Epstein’s work for his for-profit corporation, which would inure to the benefit of Mr. Indyke. Because that work would result in a financial benefit to him, and because he is Mr. Epstein’s subordinate at that corporation, Mr. Indyke may be reluctant to inform the Sheriff’s Office of this violation of the terms of Mr. Epstein’s Work Release contract.

The “references” listed by Mr. Epstein all appear to have the same conflict of interest. Mr. Epstein did not list any past or present co-workers, supervisors, or clients. Instead, he has listed four attorneys who are currently retained—and paid—by Mr. Epstein. Their attorney-client privilege obligations might further restrain them from notifying the Sheriff’s Office if Mr. Epstein was not abiding by the work release rules.

As I previously mentioned to Colonel Gauger, the decision regarding work release is completely within the discretion of the Sheriff’s Office. The purpose of this letter is simply to provide you with information concerning Mr. Epstein’s offenses and his work situation. Judge Pucillo, who conducted the change of plea and sentencing, heard the factual proffer and imposed Mr. Epstein’s sentence. She has not been consulted regarding Mr. Epstein’s

²On the application for registration of the Florida Science Foundation with Florida’s Department of State, Mr. Indyke lists his true address in Livingston, New Jersey.

through 2/28/07).¹ These sworn filings show that Mr. Epstein worked for the Foundation for only one hour per week and earned no compensation. (See page 6 of each return.) All of these returns were signed under penalty of perjury by either Mr. Epstein or Darren Indyke, who is listed in Mr. Epstein's work release file as Mr. Epstein's "supervisor." Mr. Epstein's representations concerning his prior work duties and salary may violate the salary and employment verification requirements of C.O.P. #926.01() (C)(7) and (8).

In response to your requirement of "a detailed work schedule," Mr. Indyke has provided the following two sentences:

[Mr. Epstein's] duties will require him to work six days a week, Monday through Saturday, at the Foundation's office located at 250 S. Australian Avenue, Suite 1404, West Palm Beach, Florida from the hours of 8:00 A.M. to 8:00 P.M.

As President of the Foundation, Mr. Epstein will be responsible for the general oversight and management of the Foundation, and particularly, to seek out, evaluate and determine worthy charitable causes to which the Foundation may make contributions.

Mr. Indyke did not disclose that Mr. Epstein only worked one hour per week prior to his incarceration and has provided no explanation of why Mr. Epstein could perform these duties in one hour per week before he was incarcerated but now needs to spend 72 hours each week to do the same job. Again, this appears to be inconsistent with C.O.P. #926.01() (C)(7).

Mr. Indyke has signed the "Alternative Custody Unit Program Agreement" as Mr. Epstein's "employer." In that Agreement, Mr. Indyke promises to "notify the Alternative

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FY2004: <http://www.guidestar.org/FinDocuments/2005/133/996/2005-133996471-02056acf-F.pdf>

FY2003: <http://www.guidestar.org/FinDocuments/2004/133/996/2004-133996471-1-F.pdf>

FY 2002: <http://www.guidestar.org/FinDocuments/2003/133/996/2003-133996471-1-F.pdf>

FY2001: <http://www.guidestar.org/FinDocuments/2002/133/996/2002-133996471-1-F.pdf>

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Inaccuracies and Omission in Work Release Application and Related Documents

Throughout the records related to Mr. Epstein's work release placement, he is alternatively referred to as working for "The Florida Science Foundation" or "self-employed," and Mr. Epstein lists his salary as \$250,000. Mr. Epstein describes himself as "returning to work" and "eligible for re-employment" at The Florida Science Foundation. Please be advised that the only W-2 that Mr. Epstein provided is from Financial Trust Company, Inc., which shows that Mr. Epstein was employed in the U.S. Virgin Islands at a salary of \$180,785.62, not \$250,000.

Mr. Epstein provided to you no documentation regarding his pre-incarceration employment with "The Florida Science Foundation" or its corporate alter-ego, "The C.O.U.Q. Foundation, Inc." As you will see, the Foundation, its offices, and Mr. Epstein's purported job schedule were all created on the eve of Mr. Epstein's incarceration in order to provide him with a basis for seeking work release.

The Florida Science Foundation was not registered with the State of Florida and had no office space or telephone number until after Mr. Epstein was already incarcerated. The application filed with the State of Florida and signed under penalty of perjury by Richard Kahn lists Mr. Kahn's and the Foundation's telephone number as "561-659-8300." That is the telephone number of Atterbury, Goldberger and Weiss—one of the law firms representing Mr. Epstein. Richard Kahn is a partner at the law firm of Sullivan and Cromwell in New York and has no association with the Atterbury firm.

Checking public records available on the internet, I located the IRS returns of "The C.O.U.Q. Foundation, Inc." for fiscal years 1999 through 2006 (which covers the period



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*

December 11, 2008

VIA HAND DELIVERY

Captain David Sleeth
Palm Beach Sheriff's Office
Corrections Division
3228 Gun Club Road
West Palm Beach, FL 33406

Re: **Work Release Application of Jeffrey Epstein**

Dear Captain Sleeth:

The U.S. Attorney's Office recently learned that Inmate Jeffrey Epstein applied for and was approved for participation in the Palm Beach Sheriff's Office's ("PBSO") work release program. Through a request for public records, I have received a copy of Mr. Epstein's work release file. After doing some internet research of public records and making a few telephone calls, I discovered some inaccuracies and omissions in Mr. Epstein's file that I wanted to bring to your attention. During a recent meeting, Roy Black, one of Mr. Epstein's attorneys, invited us to share our concerns with PBSO.

Eligibility for Participation

I understand that Mr. Epstein would be ineligible for participation in the work release program if he committed three violations of F.S.S. 796 within the past five years. Mr. Epstein has been charged with and convicted of a felony violation of F.S.S. 796.07. In order to be convicted of a felony violation of that statute, one must commit "a third or subsequent violation." In other words, Mr. Epstein has committed at least three violations of Section 796.07, and in his "Alternative Custody Program Placement Synopsis," Mr. Epstein's charges are described as "Recommit: Prostitution."

In addition to those three violations, Mr. Epstein also has been convicted of violating F.S.S. 796.03, procuring a person under the age of 18 for prostitution. Throughout his

EFTA00194089

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Request for Notification

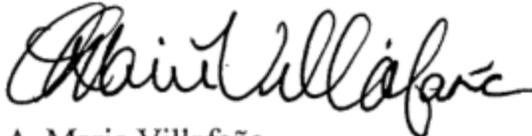
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United States Attorney

By:



A. Marie Villafañá
Assistant United States Attorney

cc: Colonel Michael Gauger
Karen Atkinson, Chief, Northern Division I

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December 11, 2008

VIA HAND DELIVERY

Captain David Sleeth
Palm Beach Sheriff's Office
Corrections Division
3228 Gun Club Road
West Palm Beach, FL 33406

Re: Work Release Application of Jeffrey Epstein

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EFTA00194099

Hi guys – EJ and I are having a little “Holiday Happy Hour” at our place tomorrow night. A few people from the office, a few agents, a few stragglers, etc. Any chance you are in the mood for a drive? I promise very festive drinks and yummy food. And we have room for people to crash if you don’t want to drive. Our place is NOT along the chauffeur-driven route of Mr. Epstein, so there is no chance for confrontation.

On a serious note, should I send a copy of my letter to Mr. Black?

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

Villafana, Ann Marie C. (USAFLS)

From: Senior, Robert (USAFLS) <RSenior@usa.doj.gov>
Sent: Thursday, December 11, 2008 6:57 PM
To: Villafana, Ann Marie C. (USAFLS); Sloman, Jeff (USAFLS)
Subject: Re: An excuse to come to WPB?

Likewise cant join although levity would be welcome. Thanks for thinking of us.

From: Villafana, Ann Marie C. (USAFLS)
To: Sloman, Jeff (USAFLS)
Cc: Senior, Robert (USAFLS)
Sent: Thu Dec 11 18:30:36 2008
Subject: RE: An excuse to come to WPB?

Sorry you can't join us. Letter is going out to Roy.

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

From: Sloman, Jeff (USAFLS)
Sent: Thursday, December 11, 2008 5:30 PM
To: Villafana, Ann Marie C. (USAFLS)
Cc: Senior, Robert (USAFLS)
Subject: RE: An excuse to come to WPB?

Marie,

I'd love to join you guys but even if Epstein drives me, I cannot make it. Regarding the letter, Bob and I think you should send him a copy. Take care,

Jeff

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, December 11, 2008 3:59 PM
To: Kirkpatrick, Lynn (USAFLS); Senior, Robert (USAFLS); Sloman, Jeff (USAFLS)
Subject: An excuse to come to WPB?

Villafana, Ann Marie C. (USAFLS)

From: Sloman, Jeff (USAFLS) <JSloman@usa.doj.gov>
Sent: Thursday, December 11, 2008 5:30 PM
To: Villafana, Ann Marie C. (USAFLS)
Cc: Senior, Robert (USAFLS)
Subject: RE: An excuse to come to WPB?

Marie,

I'd love to join you guys but even if Epstein drives me, I cannot make it. Regarding the letter, Bob and I think you should send him a copy. Take care,

Jeff

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, December 11, 2008 3:59 PM
To: Kirkpatrick, Lynn (USAFLS); Senior, Robert (USAFLS); Sloman, Jeff (USAFLS)
Subject: An excuse to come to WPB?

Hi guys – EJ and I are having a little “Holiday Happy Hour” at our place tomorrow night. A few people from the office, a few agents, a few stragglers, etc. Any chance you are in the mood for a drive? I promise very festive drinks and yummy food. And we have room for people to crash if you don't want to drive. Our place is NOT along the chauffeur-driven route of Mr. Epstein, so there is no chance for confrontation.

On a serious note, should I send a copy of my letter to Mr. Black?

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

Villafana, Ann Marie C. (USAFLS)

From: Sloman, Jeff (USAFLS) <JSloman@usa.doj.gov>
Sent: Wednesday, December 10, 2008 9:32 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Letter re Epstein work release

Bob is not in yet. We'll discuss as soon as he gets here.

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

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, December 10, 2008 9:19 AM
To: Senior, Robert (USAFLS); Sloman, Jeff (USAFLS)
Cc: Atkinson, Karen (USAFLS); Ball, Shawn (USAFLS)
Subject: Letter re Epstein work release

Hi guys. Any comments on the Epstein work release letter? Nesbitt is all ready to hand deliver it. Thanks.

Villafana, Ann Marie C. (USAFLS)

From: Senior, Robert (USAFLS) <RSenior@usa.doj.gov>
Sent: Wednesday, December 10, 2008 8:11 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Epstein

What ois your schedule tomorrow, lets talk am if possible.

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

From: Villafana, Ann Marie C. (USAFLS)
To: Senior, Robert (USAFLS); Sloman, Jeff (USAFLS); Atkinson, Karen (USAFLS)
Sent: Wed Dec 10 19:05:30 2008
Subject: Fw: Epstein

I was hoping to preempt this.

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

From: Kuyrkendall, E N. (FBI)
To: Villafana, Ann Marie C. (USAFLS)
Sent: Wed Dec 10 18:41:55 2008
Subject: Epstein

Article coming out tomorrow about Epstein's work release. It will be in a small Palm Beach paper. U can c article tonight online. Call me if u have a problem finding it and I will get more info. Both Herman and Goldberger are quoted.

Villafana, Ann Marie C. (USAFLS)

From: Roy BLACK <RBLACK@royblack.com>
Sent: Friday, December 5, 2008 6:22 PM
To: JLefkowitz@kirkland.com; Villafana, Ann Marie C. (USAFLS)
Cc: Atkinson, Karen (USAFLS)
Subject: Re: Epstein

Thanks for the notice Marie.

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

From: "Villafana, Ann Marie C. (USAFLS)" <Ann.Marie.C.Villafana@usdoj.gov>

To: <JLefkowitz@kirkland.com>

To: Roy BLACK <RBLACK@royblack.com>

Cc: Karen (USAFLS) Atkinson <Karen.Atkinson@usdoj.gov>

Sent: 12/5/2008 6:17:23 PM

Subject: Epstein

Dear Roy and Jay:

This afternoon Brad Edwards filed the Non-Prosecution Agreement with the Court in the Jane Does █ USA case. He filed it under seal and then asked the Court to unseal it.

I will fax his papers to you on Monday.

Villafana, Ann Marie C. (USAFLS)

From: Roy BLACK <RBLACK@royblack.com>
Sent: Thursday, December 4, 2008 1:34 PM
To: Villafana, Ann Marie C. (USAFLS)
Cc: Sloman, Jeff (USAFLS)
Subject: Re: Motion
Attachments: Motion to Correct Sentence.wpd

Marie here is our motion to correct the sentence. As you can see Judge Pucillo is a retired judge who only handled McSorley's docket that day. Since the plea had to be done on that day due to our agreement Judge Pucillo handled it. Epstein's case has always been in division W which is McSorley and McSorley's order says all division W cases for work release are in the discretion of the sheriff. Also Jack says McSorley entered the new sentencing order without notice to anyone and in fact he didn't know it until this matter came up.

>>> "Villafana, Ann Marie C. (USAFLS)" <Ann.Marie.C.Villafana@usdoj.gov> 12/4/2008 12:51 PM >>>
Hi Roy - can you email the motion to Karen and I before it is filed? Thank you.

Villafana, Ann Marie C. (USAFLS)

From: Jay Lefkowitz <JLefkowitz@kirkland.com>
Sent: Wednesday, December 3, 2008 4:48 PM
To: Villafana, Ann Marie C. (USAFLS)
Cc: lefkowitz@kirkland.com
Subject: Re: Jeffrey Epstein

Marie - Sorry for not responding earlier. I am not planning on coming down for the meeting.

Jay

"Villafana, Ann Marie C. (USAFLS)"
<Ann.Marie.C.Villafana@usdoj.gov>

To <lefkowitz@kirkland.com>
cc

Subject Jeffrey Epstein

12/01/2008 12:34 PM

Hi Jay – Are you going to be at the meeting on Thursday with Roy?

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

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Hi Jay – Are you going to be at the meeting on Thursday with Roy?

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

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Villafana, Ann Marie C. (USAFLS)

From: Jay Lefkowitz <JLefkowitz@kirkland.com>
Sent: Wednesday, December 3, 2008 4:50 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Jeffrey Epstein

sure -- can call you in 10 min. office?

"Villafana, Ann Marie C. (USAFLS)"
<Ann.Marie.C.Villafana@usdoj.gov>

To "Jay Lefkowitz" <JLefkowitz@kirkland.com>
cc

12/03/2008 04:49 PM

Subject RE: Jeffrey Epstein

Do you have a minute to talk?

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: Jay Lefkowitz [mailto:JLefkowitz@kirkland.com]
Sent: Wednesday, December 03, 2008 4:48 PM
To: Villafana, Ann Marie C. (USAFLS)
Cc: lefkowitz@kirkland.com
Subject: Re: Jeffrey Epstein

Marie - Sorry for not responding earlier. I am not planning on coming down for the meeting.

Jay
"Villafana, Ann Marie C. (USAFLS)" <Ann.Marie.C.Villafana@usdoj.gov>

12/01/2008 12:34 PM

To <lefkowitz@kirkland.com>
cc
Subject Jeffrey Epstein

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Villafana, Ann Marie C. (USAFLS)

From: Jay Lefkowitz <JLefkowitz@kirkland.com>
Sent: Monday, November 17, 2008 9:17 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re:

I will be seeing jeffrey during my trip, and I can certainly update you on him and the various civil cases I am dealing with. But primarily, I thought we could have a social visit. For once.

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

From: "Villafana, Ann Marie C. (USAFLS)" [Ann.Marie.C.Villafana@usdoj.gov]
Sent: 11/17/2008 08:55 AM EST
To: Jay Lefkowitz
Subject: RE:

Hi Jay -- Sorry. I have been meaning to get back to you. I will be around both days. Do we need to discuss anything related to Mr. Epstein or is this purely a social visit?

I am going to send out an e-mail to you and Roy today on two issues related to Mr. Epstein.

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

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

From: Jay Lefkowitz [mailto:JLefkowitz@kirkland.com]
Sent: Sunday, November 16, 2008 10:30 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject:

Marie - will you be around monday or tues before thanksgiving day?

Jay

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Villafana, Ann Marie C. (USAFLS)

From: Senior, Robert (USAFLS) <RSenior@usa.doj.gov>
Sent: Tuesday, November 4, 2008 7:29 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Conversation with Florida Bar Ethics Counsel re Epstein matter

Thx. Marie.

From: Villafana, Ann Marie C. (USAFLS)
To: Lee, Dexter (USAFLS); Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Senior, Robert (USAFLS); Atkinson, Karen (USAFLS); KATHERINE W. EZELL
Cc: Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)
Sent: Mon Nov 03 18:52:54 2008
Subject: Conversation with Florida Bar Ethics Counsel re Epstein matter

Hi all – I spoke with someone from the Florida Bar this afternoon. She told me that they would be issuing a written opinion by the end of the week that was essentially a “non-opinion.” In other words, the letter will say that she cannot advise us regarding our victim notification obligations under federal law. She did, however, tell me that the solicitation rules don’t apply to our Office in a situation like this because we are not soliciting employment from the victims. I asked about whether the Office had reached a decision regarding Mr. Josefsberg’s related inquiry, but she would not provide me with any information, citing the Bar’s confidentiality rules.

I am going to wait to hear from Mr. Josefsberg or Ms. Ezell regarding the response they receive from the Bar before I send out the final batch of letters so that I can revise them if necessary.

On another note, Dexter, have you heard anything from Mr. Edwards regarding the resolution of the Doe United States case?

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

From: Braden, Myesha (CRT)
Sent: Monday, October 27, 2008 2:05 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Things to do in West Palm?

Thank you!

From: Villafana, Ann Marie C. (USAFLS) [mailto:Ann.Marie.C.Villafana@usdoj.gov]
Sent: Monday, October 27, 2008 2:04 PM
To: Braden, Myesha (CRT)
Cc: Portia Brown; Brown, Portia R
Subject: RE: Things to do in West Palm?

Hi Portia – Let me know your schedule and where you are staying and what judge you are appearing in front of.

There is a Starbucks on Clematis Street (if you exit the Courthouse and turn to the left side of the building (which is Clematis Street), turn left (east) on Clematis, and walk about 3 blocks, you will get to the Clematis area where there are lots of restaurants and shops. The Starbucks is about 5 blocks from the Courthouse.

There also is a Starbucks and a Barnes and Noble in the CityPlace center. To get to that, go east on Clematis to Rosemary, which is two blocks from the courthouse. Turn right (south) on Rosemary and go about 2 blocks to get to the City Place area. There are also a lot of restaurants and shops there (better variety than Clematis, but Clematis is “quaint.”) If you like gelato, there is a great place on the ground floor of CityPlace.

Give me a ring if you just need some company.

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: Braden, Myesha (CRT)
Sent: Monday, October 27, 2008 1:24 PM
To: Villafana, Ann Marie C. (USAFLS)
Cc: Portia Brown; Brown, Portia R (ATR)
Subject: Things to do in West Palm?

Marie,

My friend Portia is in DOJ's Anti-trust Division and has been in trial in West Palm Beach for the past few weeks. She has about two more weeks to go, but hotel life is about to drive her crazy. I don't think that she has time for typical touristy things, but a good coffee shop, or other type of hang-out may keep her from climbing the walls. Do you have any suggestions for her? She's copied on this e-mail.

Both of you take care,

Myesha

West Palm Beach, FL 33401
Phone 561 209-1047
Fax 561 820-8777

From: Braden, Myesha (CRT)
Sent: Monday, October 27, 2008 2:43 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Things to do in West Palm?

Oh! Everyone at OPDAT is fabulous. If you want any pre-interview tips, let me know.

From: Villafana, Ann Marie C. (USAFLS) [mailto:Ann.Marie.C.Villafana@usdoj.gov]
Sent: Monday, October 27, 2008 2:38 PM
To: Braden, Myesha (CRT)
Subject: RE: Things to do in West Palm?

Okay. I will be in touch. I am waiting to hear from OPDAT whether they want us to come for an interview.

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

From: Braden, Myesha (CRT)
Sent: Monday, October 27, 2008 2:32 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Things to do in West Palm?

Absolutely!

Office: (202) 305-1483
Cell: (703) 625-2284
Home: (301) 925-3278

From: Villafana, Ann Marie C. (USAFLS) [mailto:Ann.Marie.C.Villafana@usdoj.gov]
Sent: Monday, October 27, 2008 2:30 PM
To: Braden, Myesha (CRT)
Subject: RE: Things to do in West Palm?

But of course! EJ and I are hopefully headed to DC in a couple of weeks and I hope we can see you then.

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

If you know anything about budgeting, it might be good to mention because the RLA handles a fairly large budget (my budget for a quarter was \$225K, so I assume that the RLA's was at least 4 times that for the year.) Also, you'll have to manage a small staff, Legal assistant (Cut Yunita), a secretary (they just fired the last one for stealing), and a driver (Sutrisno . . . I love, love Sutrisno.)

I think that it would be a real advantage to have to RLA from the same district in Jakarta and Dili. I was in Indonesia in both April and May of 2006, at the very beginning and very end of the last Timor Leste "uprising". The Embassy in Jakarta was very much focused on that situation. When I went back that fall as ILA, I believe that the RLA had issues regarding Timor Leste as part of his profile. (You probably know that Timor Leste used to be part of Indonesia. Indonesia's takeover and control of was quite oppressive. They just killed up everybody. Indonesian police and military still have to be vetted to guarantee that they did not participate in the brutality in Timore Lest before they are allowed to participate in any U.S. government sponsored training or program. A similar situation exists in Papua, which wants to follow Timor Leste's leads and gain independence from Indonesia. Although all official Indonesian laws repudiate it, I think that oppression of ethnic minorities is widely common in Indonesian politics. The Timorese and Papuans are similar ethnically to the Australian aboriginies. Moreover, the Timorese are Catholic, like in the Phillipines.) Having RLAs who know and can work with each other will be a real positive for the two embassies.

Rob and I had to file quarterly reports when I was in Indonesia. I think that I still have access to a few. If so, I will send you some of the language from his portfolio, jsut to give you an idea of what you are likely to be doing.

From: Villafana, Ann Marie C. (USAFLS) [mailto:Ann.Marie.C.Villafana@usdoj.gov]
Sent: Monday, October 27, 2008 3:00 PM
To: Braden, Myesha (CRT)
Subject: RE: Things to do in West Palm?

I am trying to go to Indonesia and EJ is trying to go to East Timor (which borders Indonesia).

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

From: Braden, Myesha (CRT)
Sent: Monday, October 27, 2008 2:58 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Things to do in West Palm?

No. She must be new. Did she replace Sheila Phillips in Asia? Where are you trying to go?

From: Villafana, Ann Marie C. (USAFLS) [mailto:Ann.Marie.C.Villafana@usdoj.gov]
Sent: Monday, October 27, 2008 2:49 PM
To: Braden, Myesha (CRT)
Subject: RE: Things to do in West Palm?

I certainly will. Do you know Barbara Berman? We need to convince her (and her boss) that they can send two AUSAs from the same District.

A. Marie Villafaña
Assistant U.S. Attorney
500 S. Australian Ave, Suite 400

Villafana, Ann Marie C. (USAFLS)

From: Braden, Myesha (CRT) <Myesha.Braden@usdoj.gov>
Sent: Monday, October 27, 2008 4:01 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Things to do in West Palm?

No problem. Anything that I can do to help. As I think about it, those reports are probably classified, but if I have them, I'll send you enough info to get the general idea.

From: Villafana, Ann Marie C. (USAFLS) [mailto:Ann.Marie.C.Villafana@usdoj.gov]
Sent: Monday, October 27, 2008 3:53 PM
To: Braden, Myesha (CRT)
Subject: RE: Things to do in West Palm?

Have I told you that I love you lately?

They are adding a second person in Indonesia – Rob is going to focus exclusively on public corruption.

I have been doing research on Indonesia and Timor Leste, so I did know about the Indonesian invasion. This will be the first official Timor Leste person, so it helps that EJ has done a lot of OPDAT stuff in the past. And he is fluent in Spanish and understands some Portuguese, which helps. (They are looking for someone fluent in Portuguese or someone fluent in Spanish who can learn Portuguese.)

I would love any help that you can offer. The whole Epstein thing has really turned me off of this place, so I need something new to sink my teeth into.

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

From: Braden, Myesha (CRT)
Sent: Monday, October 27, 2008 3:41 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Things to do in West Palm?

Oh! Are you vying to replace Rob Strang as the RLA? I didn't think that he would ever leave Indonesia. His family really thrived there and life was good for them. (Indonesia takes some getting used to, but I still miss being there, so the good obviously outweighed the bad. It's an intoxicating place. Once it gets in your blood, it will always feel a little bit like home.)

Chris Lehman is the Senior Regional Director for that part of the world. (I checked, and it looks like Barbara Berman is a new addition . . . senior trial attorney for counterterrorism. That is a big part of the portfolio for Indonesia, as well as money laundering. There has been an ILA for human trafficking one and off for the past three years, so that may or may not be a part of the portfolio.) I imagine that you would interview with him, Bill Lantz, Carl Alexander, Faye Ehrenstam and maybe Beth Trubell. They come across as very serious types, but they are good people. Carl started out as the first RLA for Haiti and also worked at CEOS many years ago. They will want to know about your interest in Indonesia, your ability to be diplomatic and to implement programs. I think that Faye was also an RLA somewhere, but I can't remember where. No matter what you say, Carl is likely to act as if he thinks your not qualified, but ignore it. He's a really nice guy.

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From: "Villafana, Ann Marie C. (USAFLS)" [Ann.Marie.C.Villafana@usdoj.gov]
Sent: 10/16/2008 04:23 PM AST
To: Jay Lefkowitz; "Roy BLACK" <RBLACK@royblack.com>
Cc: "Lee, Dexter (USAFLS)" <Dexter.Lee@usdoj.gov>; "Atkinson, Karen (USAFLS)" <Karen.Atkinson@usdoj.gov>
Subject: Reply Brief in Jane Does [REDACTED]. United States

Dear Roy and Jay:

I am attaching the reply brief filed by Brad Edwards with two pieces of correspondence that he attached to his pleading as exhibits. I had not seen Mr. Edwards' October 15th letter before he filed it in connection with his Reply, so I do not know whether Mr. Lee has even received it yet. Mr. Edwards argues that Mr. Epstein has no interest in keeping the agreement confidential because he has not responded to Mr. Edwards' motion to unseal. As you know, in our Response, the United States argued that this issue should be litigated in one of the suits filed by Mr. Edwards against Mr. Epstein. Mr. Edwards apparently believes it is to his benefit to argue these issues, instead, in his lawsuit against the United States.

<<DE30_081016_Reply re Motn Unseal.pdf>> <<DE30-2_081016_Ex 1.pdf>> <<DE30-3_081016_Ex 2.pdf>>

A. Marie Villafaña

Assistant U.S. Attorney

500 S. Australian Ave, Suite 400

West Palm Beach, FL 33401

Phone 561 209-1047

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And probably something much stronger than coffee.

I was in New York last weekend and saw "In the Heights." Have you seen it? It was absolutely fantastic. It may be slightly too racy for your daughter, but it was amazing.

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

From: Jay Lefkowitz [mailto:JLefkowitz@kirkland.com]
Sent: Thursday, October 16, 2008 5:11 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Reply Brief in Jane Does █. United States

Ok. But we'll need a whole meal.

From: "Villafana, Ann Marie C. (USAFLS)" [Ann.Marie.C.Villafana@usdoj.gov]
Sent: 10/16/2008 05:08 PM AST
To: Jay Lefkowitz
Subject: RE: Reply Brief in Jane Does █. United States

When (if) this is ever all over, I will buy you a cup of coffee and we can swap stories.

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

From: Jay Lefkowitz [mailto:JLefkowitz@kirkland.com]
Sent: Thursday, October 16, 2008 5:01 PM
To: Villafana, Ann Marie C. (USAFLS); Roy Black
Cc: Lee, Dexter (USAFLS); Atkinson, Karen (USAFLS)
Subject: Re: Reply Brief in Jane Does █. United States

Thanks Marie - welcome to the club. I often wish plaintiffs would sue someone else instead of my client. :)

Villafana, Ann Marie C. (USAFLS)

From: Jay Lefkowitz <JLefkowitz@kirkland.com>
Sent: Friday, October 17, 2008 8:45 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Reply Brief in Jane Does v. United States

Lupone's performance in Gypsy was incredible. She literally stopped the show with her final number (it's rose's turn). It's hard to imagine ethel merman doing the role any better.

From: "Villafana, Ann Marie C. (USAFLS)" [Ann.Marie.C.Villafana@usdoj.gov]
Sent: 10/16/2008 05:25 PM AST
To: Jay Lefkowitz
Subject: RE: Reply Brief in Jane Does v. United States

She has an amazing voice -- I saw her in Sweeney Todd. There are so many great shows playing right now. I hope that the economy doesn't destroy Broadway.

Have a good time.

If you are going to file anything in the Doe v. United States case, just give me a heads up.

Thanks.

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: Jay Lefkowitz [mailto:JLefkowitz@kirkland.com]
Sent: Thursday, October 16, 2008 5:17 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Reply Brief in Jane Does v. United States

Have heard it's fantastic. We're actually taking all the kids tonight to see Gypsy with Patti Lupone.

From: "Villafana, Ann Marie C. (USAFLS)" [Ann.Marie.C.Villafana@usdoj.gov]
Sent: 10/16/2008 05:13 PM AST
To: Jay Lefkowitz
Subject: RE: Reply Brief in Jane Does v. United States

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500 S. Australian Ave, Suite 400
West Palm Beach, FL 33401
Phone 561 209-1047
Fax 561 820-8777

From: Jay Lefkowitz [mailto:JLefkowitz@kirkland.com]
Sent: Thursday, October 16, 2008 5:01 PM
To: Villafana, Ann Marie C. (USAFLS); Roy Black
Cc: Lee, Dexter (USAFLS); Atkinson, Karen (USAFLS)
Subject: Re: Reply Brief in Jane Does [REDACTED]. United States

Thanks Marie - welcome to the club. I often wish plaintiffs would sue someone else instead of my client. :)

From: "Villafana, Ann Marie C. (USAFLS)" [Ann.Marie.C.Villafana@usdoj.gov]
Sent: 10/16/2008 04:23 PM AST
To: Jay Lefkowitz; "Roy BLACK" <RBLACK@royblack.com>
Cc: "Lee, Dexter (USAFLS)" <Dexter.Lee@usdoj.gov>; "Atkinson, Karen (USAFLS)" <Karen.Atkinson@usdoj.gov>
Subject: Reply Brief in Jane Does [REDACTED]. United States

Dear Roy and Jay:

I am attaching the reply brief filed by Brad Edwards with two pieces of correspondence that he attached to his pleading as exhibits. I had not seen Mr. Edwards' October 15th letter before he filed it in connection with his Reply, so I do not know whether Mr. Lee has even received it yet. Mr. Edwards argues that Mr. Epstein has no interest in keeping the agreement confidential because he has not responded to Mr. Edwards' motion to unseal. As you know, in our Response, the United States argued that this issue should be litigated in one of the suits filed by Mr. Edwards against Mr. Epstein. Mr. Edwards apparently believes it is to his benefit to argue these issues, instead, in his lawsuit against the United States.

<<DE30_081016_Reply re Motn Unseal.pdf>> <<DE30-2_081016_Ex 1.pdf>> <<DE30-3_081016_Ex 2.pdf>>

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

Villafana, Ann Marie C. (USAFLS)

From: Jay Lefkowitz <JLefkowitz@kirkland.com>
Sent: Thursday, October 16, 2008 5:17 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Reply Brief in Jane Does █. United States

Have heard it's fantastic. We're actually taking all the kids tonight to see Gypsy with Patti Lupone.

From: "Villafana, Ann Marie C. (USAFLS)" [Ann.Marie.C.Villafana@usdoj.gov]
Sent: 10/16/2008 05:13 PM AST
To: Jay Lefkowitz
Subject: RE: Reply Brief in Jane Does █. United States

And probably something much stronger than coffee.

I was in New York last weekend and saw "In the Heights." Have you seen it? It was absolutely fantastic. It may be slightly too racy for your daughter, but it was amazing.

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

From: Jay Lefkowitz [mailto:JLefkowitz@kirkland.com]
Sent: Thursday, October 16, 2008 5:11 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Reply Brief in Jane Does █. United States

Ok. But we'll need a whole meal.

From: "Villafana, Ann Marie C. (USAFLS)" [Ann.Marie.C.Villafana@usdoj.gov]
Sent: 10/16/2008 05:08 PM AST
To: Jay Lefkowitz
Subject: RE: Reply Brief in Jane Does █. United States

When (if) this is ever all over, I will buy you a cup of coffee and we can swap stories.

A. Marie Villafaña
Assistant U.S. Attorney

I am attaching the reply brief filed by Brad Edwards with two pieces of correspondence that he attached to his pleading as exhibits. I had not seen Mr. Edwards' October 15th letter before he filed it in connection with his Reply, so I do not know whether Mr. Lee has even received it yet. Mr. Edwards argues that Mr. Epstein has no interest in keeping the agreement confidential because he has not responded to Mr. Edwards' motion to unseal. As you know, in our Response, the United States argued that this issue should be litigated in one of the suits filed by Mr. Edwards against Mr. Epstein. Mr. Edwards apparently believes it is to his benefit to argue these issues, instead, in his lawsuit against the United States.

<<DE30_081016_Reply re Motn Unseal.pdf>> <<DE30-2_081016_Ex 1.pdf>> <<DE30-3_081016_Ex 2.pdf>>

A. Marie Villafaña

Assistant U.S. Attorney

500 S. Australian Ave, Suite 400

West Palm Beach, FL 33401

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Villafana, Ann Marie C. (USAFLS)

From: Jay Lefkowitz <JLefkowitz@kirkland.com>
Sent: Thursday, October 16, 2008 5:11 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Reply Brief in Jane Does █ United States

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Sent: 10/16/2008 05:08 PM AST
To: Jay Lefkowitz
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A. Marie Villafana
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500 S. Australian Ave, Suite 400
West Palm Beach, FL 33401
Phone 561 209-1047
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From: Jay Lefkowitz [mailto:JLefkowitz@kirkland.com]
Sent: Thursday, October 16, 2008 5:01 PM
To: Villafana, Ann Marie C. (USAFLS); Roy Black
Cc: Lee, Dexter (USAFLS); Atkinson, Karen (USAFLS)
Subject: Re: Reply Brief in Jane Does █ United States

Thanks Marie - welcome to the club. I often wish plaintiffs would sue someone else instead of my client. :)

From: "Villafana, Ann Marie C. (USAFLS)" [Ann.Marie.C.Villafana@usdoj.gov]
Sent: 10/16/2008 04:23 PM AST
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Cc: "Lee, Dexter (USAFLS)" <Dexter.Lee@usdoj.gov>; "Atkinson, Karen (USAFLS)" <Karen.Atkinson@usdoj.gov>
Subject: Reply Brief in Jane Does █ United States

Dear Roy and Jay:

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Villafana, Ann Marie C. (USAFLS)

From: Jay Lefkowitz <JLefkowitz@kirkland.com>
Sent: Thursday, October 16, 2008 5:01 PM
To: Villafana, Ann Marie C. (USAFLS); Roy Black
Cc: Lee, Dexter (USAFLS); Atkinson, Karen (USAFLS)
Subject: Re: Reply Brief in Jane Does █ United States

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Sent: 10/16/2008 04:23 PM AST
To: Jay Lefkowitz; "Roy BLACK" <RBLACK@royblack.com>
Cc: "Lee, Dexter (USAFLS)" <Dexter.Lee@usdoj.gov>; "Atkinson, Karen (USAFLS)" <Karen.Atkinson@usdoj.gov>
Subject: Reply Brief in Jane Does █ United States

Dear Roy and Jay:

I am attaching the reply brief filed by Brad Edwards with two pieces of correspondence that he attached to his pleading as exhibits. I had not seen Mr. Edwards' October 15th letter before he filed it in connection with his Reply, so I do not know whether Mr. Lee has even received it yet. Mr. Edwards argues that Mr. Epstein has no interest in keeping the agreement confidential because he has not responded to Mr. Edwards' motion to unseal. As you know, in our Response, the United States argued that this issue should be litigated in one of the suits filed by Mr. Edwards against Mr. Epstein. Mr. Edwards apparently believes it is to his benefit to argue these issues, instead, in his lawsuit against the United States.

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A. Marie Villafaña

Assistant U.S. Attorney

500 S. Australian Ave, Suite 400

West Palm Beach, FL 33401

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Villafana, Ann Marie C. (USAFLS)

From: Jay Lefkowitz <JLefkowitz@kirkland.com>
Sent: Wednesday, October 8, 2008 2:40 PM
To: Villafana, Ann Marie C. (USAFLS); Roy Black
Cc: Atkinson, Karen (USAFLS); Lee, Dexter (USAFLS)
Subject: Re: Jane Does v. United States

Thank you for sending this.

Jay

From: "Villafana, Ann Marie C. (USAFLS)" [Ann.Marie.C.Villafana@usdoj.gov]
Sent: 10/08/2008 02:37 PM AST
To: <RBlack@RoyBlack.com>; Jay Lefkowitz
Cc: "Atkinson, Karen (USAFLS)" <Karen.Atkinson@usdoj.gov>; "Lee, Dexter (USAFLS)" <Dexter.Lee@usdoj.gov>
Subject: Jane Does v. United States

Dear Roy and Jay:

I am attaching the United States' Response to the Petitioners' Motion to Unseal the Non-Prosecution Agreement, which was filed in the victims' rights suit filed against the United States by Attorney Brad Edwards on behalf of two of the victims. In his motion to unseal, Attorney Edwards stated that he would provide notice of his motion to counsel for Mr. Epstein. I do not know if he actually did so.

In our response, we oppose the Petitioners' motion, and point out that Mr. Edwards has filed a civil suit against Mr. Epstein and that litigation regarding the Non-Prosecution Agreement is more appropriate in that forum where the real party in interest (Mr. Epstein) is a party to the suit.

<<DE29_081008_Resp to Motn Unseal.pdf>>

A. Marie Villafaña

Assistant U.S. Attorney

561 209-1047

Fax 561 820-8777

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Villafana, Ann Marie C. (USAFLS)

From: Senior, Robert (USAFLS) <RSenior@usa.doj.gov>
Sent: Wednesday, October 8, 2008 3:00 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Jane Does █ United States

Thx. I agree that a copy should be sent.

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, October 08, 2008 2:17 PM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Senior, Robert (USAFLS); Atkinson, Karen (USAFLS)
Cc: Lee, Dexter (USAFLS); Garcia, Rolando (USAFLS)
Subject: Jane Does █ United States

Hi all – Here is the pleading that Dexter and I filed today in response to the Jane Does’ Motion to Unseal the Non-Prosecution Agreement. Although the Petitioners’ Motion asserts that they would provide notice of the motion to Epstein’s attorneys, I think it would be prudent for us to send a copy to Roy and Jay. Please let me know if you agree.

Thank you.

Once Judge Marra decides this motion, I think we should move to dismiss the petition, otherwise Brad Edwards will try to use the case as a never-ending “wishing well” to keep making more and more outrageous requests of Judge Marra.

<< File: DE29_081008_Resp to Motn Unseal.pdf >>

A. Marie Villafaña

Assistant U.S. Attorney

561 209-1047

Fax 561 820-8777

Villafana, Ann Marie C. (USAFLS)

From: Sloman, Jeff (USAFLS) <JSloman@usa.doj.gov>
Sent: Wednesday, October 8, 2008 2:30 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Jane Does [REDACTED]. United States

Fine with me.

From: Villafana, Ann Marie C. (USAFLS)
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Senior, Robert (USAFLS); Atkinson, Karen (USAFLS)
Cc: Lee, Dexter (USAFLS); Garcia, Rolando (USAFLS)
Sent: Wed Oct 08 14:16:50 2008
Subject: Jane Does [REDACTED]. United States

Hi all – Here is the pleading that Dexter and I filed today in response to the Jane Does’ Motion to Unseal the Non-Prosecution Agreement. Although the Petitioners’ Motion asserts that they would provide notice of the motion to Epstein’s attorneys, I think it would be prudent for us to send a copy to Roy and Jay. Please let me know if you agree.

Thank you.

Once Judge Marra decides this motion, I think we should move to dismiss the petition, otherwise Brad Edwards will try to use the case as a never-ending “wishing well” to keep making more and more outrageous requests of Judge Marra.

<<DE29_081008_Resp to Motn Unseal.pdf>>

A. Marie Villafaña

Assistant U.S. Attorney

561 209-1047

Fax 561 820-8777

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, December 03, 2007 4:32 PM
To: Acosta, Alex (USAFLS)
Cc: Sloman, Jeff (USAFLS)
Subject: Follow up on the trust issue

Hi Alex – I wasn't sure if you knew that I actually did quite a bit of research on the issue of "the Trust." With Drew's help, I tracked down and spoke with the AUSA in Alaska who put together that agreement. His case did not involve damages, it was purely restitution. He also had a small number of identified victims (I think 12), and they all consented to the procedure. In Alaska, they also were able to persuade a small local bank to serve as the trustee, and they had a somewhat elaborate procedure for deciding who would get what money. There also was a Court order approving the procedure. Also, one of Starr's objections is that the his client was informed of who the victims were before he signed the agreement, but the same thing happened in Alaska. In a notice to the Court, the AUSA wrote: This filing is made ex parte because Boehm, in his plea agreement, waived any rights he had pertaining to the selection of beneficiaries and the disbursement of funds to such beneficiaries.

My objections to the Trust concept were: (1) I could not bind the girls to an agreement that would involve waiving their rights to file private lawsuits; (2) since there would be no federal plea, there was no mechanism to involve the Court in administering the Trust and there would be no federal order of restitution; (3) I knew that all of the girls would not consent to such a procedure; (4) there was no way to estimate the damages of all of the girls to decide what the corpus amount should be; and (5) given how difficult the negotiations had been, I knew that creating and agreeing to an elaborate trust structure would be impossible. I did offer to include language about our Office and the attorney for the girls sitting down with the defense to try in good faith to develop a trust, but that was rejected.

I have copies of all of the documents that they used in Alaska, if you are interested.

Thanks.

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

First subpoena
Colonial Bank

Last subpoena
Wolf Camera
9/___/07

Tracking:

2485

EFTA00194164

Recipient

Acosta, Alex (USAFLS)

Sloman, Jeff (USAFLS)

Read

Read: 12/3/2007 4:32 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, September 13, 2007 8:10 PM
To: Oosterbaan, Andrew
Subject: RE: Epstein

Hi Drew – I tracked down the AUSA in Alaska and he is sending the trust agreement out to me. I will let you know how things go in the morning.

Thanks.

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: Oosterbaan, Andrew
Sent: Thursday, September 13, 2007 7:54 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Epstein

Thanks for the information, Marie. I'll get the details on the Boehm arrangements from the prosecutors and get back to you tomorrow. I believe the girls agreed to the arrangement, but I'll confirm that. I should have the indictment reviewed by then as well.

From: Villafana, Ann Marie C. (USAFLS) [mailto:Ann.Marie.C.Villafana@usdoj.gov]
Sent: Thursday, September 13, 2007 7:37 PM
To: Oosterbaan, Andrew
Subject: Epstein

Hi Drew – Sorry to bother you, but the plea negotiations are getting fast and furious. Epstein's lawyers are fixated on this idea of a "victim's fund" rather than having the girls file separate 2255 actions. I know that the reason they want to do it is not out of the goodness of their hearts but to keep this stuff out of the public Court files, but in some ways it will help the girls, too. Do you know anything about how the fund in Alaska was worked out? Did all the victims consent or did the Court just do it?

Thank you for your help. I also turned in the indictment package to my immediate supervisor today, so I expect some edits back from her before it goes higher up the chain. If you had any thoughts, please let me know.

A. Marie Villafana

Assistant U.S. Attorney

500 S. Australian Ave, Suite 400

West Palm Beach, FL 33401

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, September 10, 2007 5:24 PM
To: Sloman, Jeff (USAFLS); Lourie, Andrew (USAFLS)
Subject: FBI

Jeff and Andy – The agents are asking whether Alex had a chance to talk to the SAIC. Do you know?

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

Good job. A few thoughts:

I would eliminate the first sentence of para 2. Is there another way to deal with the issue in para 3 without this in the plea agreement? Do we need para 10? Isn't para 11 sufficient without 10? Is it our place to include para 13 in this agreement? I think it belongs in the state agreement and it looks out of place here.

I think you should include Roy or another member of the FL Bar on the plea agreement so we are not slowed down at the last minute by Pro Hac stuff.

From: Villafana, Ann Marie C. (USAFLS) [mailto:Ann.Marie.C.Villafana@usdoj.gov]
Sent: Wednesday, September 19, 2007 2:36 PM
To: Lourie, Andrew
Subject: RE: epstein

FYI – The Palm Beach Post reported the whole deal in today's paper and claimed to have a "federal source" and a "spy" in Epstein's camp.

A. Marie Villafana
Assistant U.S. Attorney
561 209-1047

From: Lourie, Andrew [mailto:Andrew.Lourie2@usdoj.gov]
Sent: Wednesday, September 19, 2007 2:33 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: epstein

Can you send me copy of the last thing you sent them? Thanks.

From: Villafana, Ann Marie C. (USAFLS) [mailto:Ann.Marie.C.Villafana@usdoj.gov]
Sent: Wednesday, September 19, 2007 2:31 PM
To: Lourie, Andrew; Garcia, Rolando (USAFLS)
Subject: RE: epstein

We are still waiting for a "redline" of the agreement that they seemed happy with yesterday. Barry and Lanna and Epstein's attorneys are coming to our office on Monday to finalize everything with the plan of getting him at least arraigned on Monday afternoon. They tried to drag it into Tuesday and I said no.

A. Marie Villafana
Assistant U.S. Attorney
561 209-1047

From: Lourie, Andrew [mailto:Andrew.Lourie2@usdoj.gov]
Sent: Wednesday, September 19, 2007 2:25 PM
To: Villafana, Ann Marie C. (USAFLS); Garcia, Rolando (USAFLS)
Subject: epstein

What is the latest?

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, September 19, 2007 4:33 PM
To: Lourie, Andrew; Garcia, Rolando (USAFLS)
Cc: Atkinson, Karen (USAFLS)
Subject: RE: Draft Plea Agreement

Importance: High

Andy and Rolando -- This is my proposed response (below). I know that you keep saying he is going to plead, and he will plead if we cave on everything, but I really do not think that Mr. Epstein is going to engage in serious negotiations until he sees the Indictment and shows up in mag court (preferably in flip-flops). In reviewing the indictment package, if you would like to maintain flexibility for the future, we could indict Mr. Epstein just on Count 1 (the conspiracy charge), and, if he won't plead to 5 years at that time, supersede with the remaining counts and just go to trial. But we gave them an initial deadline of early August with the 24-month sentence. We are now seven weeks later and we are just spinning our wheels.

Jay -- The same problems that I e-mailed you about on Sunday and discussed yesterday with you and Rolando and that you discussed with Andy are still in here. Paragraphs 4, 7, 8, 9, and 11 have specifically been discussed and rejected. Paragraphs 17 through 19 have been addressed in paragraph 2 and will not be repeated. You have removed our paragraphs 4 (regarding the application of the Sentencing Guidelines) and 18 (appeal waiver) both of which are specifically required by the Office's Appellate Division. You have replaced Mr. Epstein's plea to a registrable offense, to one that does not require registration, and you have again delayed the plea until after Mr. Epstein completes his federal prison sentence. ~~Rolando and I specifically told you that was unacceptable, and Barry Krischer also has informed us that he will not keep his case open for that period. You also have inserted that this is a Rule 11(c)(1)(C) plea, which binds the judge, which you know we have specifically rejected.~~

There are other, smaller, changes that the Office probably cannot agree to, but the bigger issues are these. If you or your client insists on these, there can be no plea agreement.

A. Marie Villafaña
Assistant U.S. Attorney
561 209-1047

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

From: Jay Lefkowitz [mailto:JLefkowitz@kirkland.com]
Sent: Wednesday, September 19, 2007 3:44 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Fw: Draft Plea Agreement

Confidential
For settlement purposes only

Marie - I wanted to get this to you before I took off for nyc. I am landing at 7 and would like to speak shortly thereafter.

I am still considering which of the options you suggested Sunday. In this email, I am sending you a redline of your federal resolution. I am also working on a deferred prosecution agreement because it may well be that we cannot reach agreement here. I don't think there are that many issues left open, although clearly we still need to have further discussions. I also like your suggestion from Sunday that we consider a C plea. I know that Alex would have to sign off on it and that he has not done so as of now.

Regarding my schedule, I am available tonight to speak, all afternoon tomorrow (I am in fed court in nyc on another criminal matter tomorrow am), and then all day Friday.

I will plan on seeing you Monday. I am confident that one of the approaches we have discussed will work out.

Jay

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

From: Jay Lefkowitz
Sent: 09/19/2007 03:35 PM EDT
To: Jay Lefkowitz
Subject: Draft Plea Agreement

(See attached file: 9.19.07 Draft Plea Agreement
(Clean).doc)
(See attached file: 9.19.07 Draft Plea Agreement
(Redlined).doc)

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Tracking:

3042

EFTA00194172

Andy, attached is a letter seeking meetings, as discussed with you, but with others if it is not resolved. Thanks for your attention. Could you email back so that I know you have received this letter?

Gerald B. Lefcourt
Gerald B. Lefcourt, P.C.
148 E. 78th Street
New York, New York 10021
Tel. [REDACTED]
Fax [REDACTED]
gbl@lefcourtlaw.com

Villafana, Ann Marie C. (USAFLS)

From: Lourie, Andrew (USAFLS)
Sent: Thursday, May 24, 2007 9:25 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: FW: Jeffrey Epstein

Please put in your file. thx

From: Gerald Lefcourt [mailto:GBL@lefcourtlaw.com]
Sent: Wednesday, May 23, 2007 5:00 PM
To: Lourie, Andrew (USAFLS)
Subject: RE: Jeffrey Epstein

Thanks for the email. I will get back to you as to timing of the meeting.

Gerald B. Lefcourt
Gerald B. Lefcourt, P.C.
148 E. 78th Street
New York, New York 10021
Tel. [REDACTED]
Fax [REDACTED]
gbl@lefcourtlaw.com

From: Lourie, Andrew (USAFLS) [mailto:Andrew.Lourie@usdoj.gov]
Sent: Tuesday, May 22, 2007 6:32 PM
To: Gerald Lefcourt
Subject: RE: Jeffrey Epstein

I have your letter. I think we are on the same page, but to be sure I do want to clarify that we spoke the other week and I did say that if you want to meet with me again, I am ready to do so. The wording of your letter, however, suggests implicitly that I agreed to contact you before a decision is made to seek an indictment of Mr. Epstein. If that was your understanding, then please allow me to clarify. Our investigation is ongoing and if we decide to seek an indictment, we don't intend to call Mr. Epstein's representatives to let him know that. Of course, in the interim, if you would like to make a presentation to us, we are willing to listen.

Along those lines, given the fact that we have already met once, with schedules being what they are, it makes sense for our criminal chief, Matt Menchel, to be included when you make another presentation, rather than working up the chain incrementally. I realize you were being respectful in not attempting to leapfrog over me, which I appreciate. I will pass on your request to meet with the U.S. Attorney as well, but can't commit for him one way or another. When you have some dates in mind, let me know and I will try to set up a meeting in Miami.

From: Gerald Lefcourt [mailto:GBL@lefcourtlaw.com]
Sent: Tuesday, May 22, 2007 2:05 PM
To: Lourie, Andrew (USAFLS)
Cc: Villafana, Ann Marie C. (USAFLS); Lilly Ann Sanchez
Subject: Jeffrey Epstein

Villafana, Ann Marie C. (USAFLS)

From: Menchel, Matthew (USAFLS)
Sent: Monday, May 14, 2007 10:52 AM
To: Villafana, Ann Marie C. (USAFLS); Lourie, Andrew (USAFLS)
Subject: Re: Operation Leap Year

Marie,

You will not have approval to go forward tomorrow with an indictment or to proceed by complaint. Alex has your memo and lefcourt's letter but he is out of the district at the US Attorney's conference for the next several days.

I'm having trouble understanding - given how long this case has been pending - what the rush is. This is obviously a very significant case and alex wants to take his time making sure he is comfortable before proceeding.

Sent from my BlackBerry Wireless Handheld

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

From: Villafana, Ann Marie C. (USAFLS) <AVillafana@usa.doj.gov>
To: Lourie, Andrew (USAFLS) <ALourie@usa.doj.gov>; Menchel, Matthew (USAFLS) <MMenchel@usa.doj.gov>
Sent: Mon May 14 10:38:15 2007
Subject: Operation Leap Year

Good morning: I just received a call that Epstein's plane is flying from the Virgin Islands to Newark now, so it looks like Epstein is going to show up for his court appearance tomorrow. Can you let me know if the indictment is going tomorrow or, if not, whether we are authorized to proceed by Complaint?

Thank you.

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

Villafana, Ann Marie C. (USAFLS)

From: Lourie, Andrew (USAFLS)
Sent: Tuesday, May 22, 2007 3:11 PM
To: Menchel, Matthew (USAFLS); Sloman, Jeff (USAFLS)
Cc: Villafana, Ann Marie C. (USAFLS)
Subject: FW: Jeffrey Epstein
Attachments: 2007-05-22 letter to AUSA Lourie.pdf

Gentlemen,

Marie and I have already met with Lefcourt, which is really the meeting I promised him. I spoke to him last week and he said he had more information they wanted to present. I told him he could make an appointment to come in again if he wanted to and that we would meet with him again, but I did not promise that we would wait to give him a meeting "before" we charged.

So, I think he is really ready for the next level rather than a second meeting with me. Mike Tein also mentioned to me at some point that they wanted to make a presentation on the law and I suggested to him that he contact Matt without telling him exactly what stage of review we were at. I don't know if Tein and Lefcourt have crossed wires or not.

In any event, I am forwarding this letter to you. I am going to suggest to Lefcourt the same thing that I suggested to Tein. I assume you would grant his attorneys a chance to make whatever presentation they desire. It would probably be helpful to us in any event to hear their legal arguments in case we have missed something. Whether Alex would be present or grant them another meeting after that is his call.

Andy

From: Gerald Lefcourt [mailto:GBL@lefcourtlaw.com]
Sent: Tuesday, May 22, 2007 2:05 PM
To: Lourie, Andrew (USAFLS)
Cc: Villafana, Ann Marie C. (USAFLS); Lilly Ann Sanchez
Subject: Jeffrey Epstein

Andy, attached is a letter seeking meetings, as discussed with you, but with others if it is not resolved. Thanks for your attention. Could you email back so that I know you have received this letter?

Gerald B. Lefcourt
Gerald B. Lefcourt, P.C.
148 E. 78th Street
New York, New York 10021
Tel. [REDACTED] 0400
Fax [REDACTED]
gbl@lefcourtlaw.com

To: Villafana, Ann Marie C. (USAFLS)[/O=USA/OU=FLS/CN=RECIPIENTS/CN=AVILLAFANA];
Subject: Re: [REDACTED] [REDACTED]
Sent: Fri 2/2/2007 2:36:10 PM
From: BigJimLaw@aol.com

I just wrote you a letter confirming that Ms. [REDACTED] will be at the grand jury room with me. Please keep me informed as to the time. I must warn you, my letter is critical of your office, although not at all critical of you. If you change your mind about forcing Ms [REDACTED] to appear, please e-mail or call at once so she does not have to make arrangements for child care to be in court. Thanks, Jim Eisenberg

Karen Box 4

To: BigJimLaw@aol.com[BigJimLaw@aol.com];
Subject: RE: [REDACTED]
Sent: Tue 10/24/2006 5:51:08 PM
From: Villafana, Ann Marie C. (USAFLS)

Hi Jim -- Thank you for the e-mail, and I will even forgive the football reference. I was just set for trial, so the earliest I will be able to reschedule the testimony will be after Thanksgiving. I will give you a call to discuss the immunity issue but I am concerned about other things we have talked about -- if Ms. [REDACTED] is given immunity, will she be forthcoming and answer the questions? Or am I going to jump through hoops to get her immunity and then have to worry about filing motions to compel, motions for orders to show cause why she shouldn't be held in contempt, etc., etc.?

As always, thank you for your assistance.

Regards,
Marie

A. Marie Villafaña
Assistant U.S. Attorney
561 209-1047
Fax 561 820-8777
ann.marie.c.villafana@usdoj.gov

From: BigJimLaw@aol.com [mailto:BigJimLaw@aol.com]
Sent: Tuesday, October 24, 2006 12:00 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: [REDACTED]

Sorry I did not get back to you sooner. I have been out of town for several weeks. As to Miss [REDACTED], she still does not wish to testify in this case and has a Fifth Amendment basis for her position. She wishes not to accept the "proffer letter" cover of immunity, which again is her right. I think it is a waste of time to have her appear Friday to just take the Fifth. I suggest that you huddle with your people. (It is football season). If you want to push the issue you will have to get formal immunity. I will accept service now and in the future for you so you don't have to chase [REDACTED] down. Jim Eisenberg

EFTA00194179

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, September 06, 2007 9:29 AM
To: Sloman, Jeff (USAFLS)
Subject: RE: Meeting on Friday

Hi Jeff – The ASAIC will be there for the meeting. I think she also will be at the OLEOs.

A. Marie Villafaña
Assistant U.S. Attorney
561 209-1047

From: Sloman, Jeff (USAFLS)
Sent: Tuesday, September 04, 2007 11:44 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Meeting on Friday

Let's get together at 1:30. FBI is welcome but let's try to limit it to one representative. Is that o.k.?

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, September 04, 2007 11:29 AM
To: Sloman, Jeff (USAFLS)
Subject: Meeting on Friday

Hi Jeff – I just left you a voicemail, so you can disregard that. We had a very good meeting with Drew on Friday. No one was sure whether you want an FBI presence at the meeting on Friday and Drew thought I should ask you. Could you let me know? And does the meeting with Epstein's team start at 2:00? Is there a plan for a pre-meeting meeting with our folks?

Thanks.

A. Marie Villafaña
Assistant U.S. Attorney
561 209-1047

561 209-1047

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

From: Lilly Ann Sanchez [mailto:LAS@FOWLER-WHITE.COM]
Sent: Friday, June 29, 2007 4:05 PM
To: Villafana, Ann Marie C. (USAFLS)
Cc: Gerald Lefcourt
Subject: Jeffrey Epstein

Marie-

As i stated in my earlier voicemail today, we were calling to request a two-week extension on the return date of the following outstanding subpoenas:

1. NES
2. NY Strategy
3. Investigator Riley
4. Certification for St. Thomas entity

We will be providing an additional submission to the Office by July 11 and hope to be able to reach a state-based resolution shortly thereafter.

as your voicemail to me indicated, you would not oppose a one to two-week extension. accordingly, we would like to extend the return date two weeks-- to July 24.

regards

Lilly Ann Sanchez, Esq. .
FOWLER WHITE BURNETT P.A.
Espirito Santo Plaza, 14th Floor
1395 Brickell Avenue
Miami, Florida 33131-3302
Telephone: (305) 789-9200
Direct Dial: (305) 789-9279
Facsimile: (305) 728-7579
lsanchez@fowler-white.com

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, January 02, 2008 11:09 AM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Subject: Follow up re Epstein

Hi Alex and Jeff – Hope you had a happy and safe New Year's Day. I did check, and if Epstein pleads to conspiracy to violate 2422(b), pursuant to 18 USC 371, he will still be classified as a Tier 2 sex offender (the same as if he were convicted of the substantive offense).

Assuming that Jay calls and says that Epstein wants to plead to a federal offense, I would like to recommend a plea to a two-count information. Count 1 would be the 371 offense and Count 2 would be conspiracy to travel in interstate commerce to engage in illicit sexual conduct, in violation of 18 USC 2423(b), all in violation of 2423(e). Both of those crimes have no mandatory minimum. The statutory max for the 371 is 60 months and the statutory max for 2423(e) is 30 years. I would like to include 2423(e) in case any of the victims try to sue under 2255 and Epstein claims that they are ineligible because 371 isn't one of the enumerated sections listed in 2255.

There is very little 11th Circuit case law related to ABA pleas, but the cases from other circuits suggest that there should be no problem.

I would recommend that we not mention or suggest the idea of a conditional plea. If they want to make a counteroffer, they can do so. If so, I recommend that they be forced to specify the exact issue they wish to preserve on appeal. They also will ask us to: agree that Epstein can go to a "camp," agree to waive the PSI, and agree that Epstein be placed on bond and remain on bond pending appeal. I suggest that we not agree to any of those, but leave them to the judge's discretion.

I'm not sure when Bob will be back and able to finish his review, but can we set January 18th as the deadline for signing a plea agreement and January 25th as the deadline for the change of plea? If we file the Information by January 18th, we should be able to get an initial/arraignment and change of plea set up for the 25th.

We also should discuss how we meet our discovery obligations but also keep Epstein from using this as a means to see all of our discovery and then decide that he wants to go to trial anyway.

I will send a proposed plea agreement to you later today.

Thanks.

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

Tracking:

2055

08-80736-CV-MARRA

P-014508

EFTA00194182

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, January 02, 2008 12:04 PM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Subject: Proposed Epstein Plea Agreement

Here it is. Please let me know if you would like any changes made and if you hear anything from Epstein's camp or from the State Attorney's Office.

Thanks.



Epstein federal
plea agreement...

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

Tracking:

2053

08-80736-CV-MARRA

P-014507

EFTA00194183

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

Villafana, Ann Marie C. (USAFLS)

From: Sloman, Jeff (USAFLS)
Sent: Saturday, June 28, 2008 12:56 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Chief reiter

Good

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

From: Villafana, Ann Marie C. (USAFLS)
To: Sloman, Jeff (USAFLS)
Sent: Sat Jun 28 11:21:34 2008
Subject: Chief reiter

Jeff. I spoke with the chief this morning. He is going to notify victims about the plea.

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Saturday, June 28, 2008 11:22 AM
To: Sloman, Jeff (USAFLS)
Subject: Chief reiter

Jeff. I spoke with the chief this morning. He is going to notify victims about the plea.

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, June 25, 2008 10:44 AM
To: Sloman, Jeff (USAFLS); Senior, Robert (USAFLS); Atkinson, Karen (USAFLS)
Subject: Change of Plea Procedure

Hi all – I just spoke with [REDACTED]. She said that it varies from judge to judge, and Judge McSorley can vary from day to day, but since Epstein is pleading guilty (as opposed to no contest), there should be a written plea agreement and a full plea colloquy that goes through all of the terms of the plea agreement and a factual proffer that the defendant has to agree to. She said that, after the rest of the colloquy is finished, the judge asks the prosecutor to state the factual basis, and the prosecutor then reads the factual proffer into the record. After it is read, the judge asks the defendant if he did the things recited in the proffer and/or if he agrees that the State could prove those facts.

She said that the length and detail of the factual proffer varies from prosecutor to prosecutor and thought that Lanna was less detailed than most.

I will try to send you a proposed factual proffer later this afternoon.

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

Tracking:

Villafana, Ann Marie C. (USAFLS)

From: Sloman, Jeff (USAFLS)
Sent: Wednesday, June 25, 2008 2:53 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Questions

1. Can we file the proposed indictment under seal with the State Court judge? The agreement states that the parties anticipate that this agreement will not be made part of any public record.
2. Was your suggestion to prepare a notice to victims incorporating the language of the 12/19 letter?

Recipient

Senior, Robert (USAFLS)

Sloman, Jeff (USAFLS)

Atkinson, Karen (USAFLS)

Read

Read: 6/25/2008 4:02 PM

Read: 6/25/2008 4:04 PM

Read: 6/25/2008 4:07 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, June 25, 2008 3:08 PM
To: Sloman, Jeff (USAFLS)
Subject: RE: Questions

Hi Jeff – Sorry. I have an indictment going tomorrow so I haven't had a chance to work on the notice yet, but, yes, I planned to use the 12/19 language. I am going to start working on that right now.

As to filing the indictment under seal with the state court, I really think this is walking too close to a 6(e) violation, and since the state judges up here don't like us too much, Judge McSorley would probably order it unsealed which would cause huge problems, both in terms of Rule 6(e) and because the public reaction will be – if the US had the evidence to prosecute all of these counts, which is he skating with 18 months?

I haven't heard anything from Roy or anyone else. Let me think about ways other than contacting the State Attorney's Office to accomplish our goals.

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

From: Sloman, Jeff (USAFLS)
Sent: Wednesday, June 25, 2008 2:53 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Questions

1. Can we file the proposed indictment under seal with the State Court judge? The agreement states that the parties anticipate that this agreement will not be made part of any public record.
2. Was your suggestion to prepare a notice to victims incorporating the language of the 12/19 letter?

Tracking:

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Friday, June 20, 2008 3:45 PM
To: Sloman, Jeff (USAFLS); Senior, Robert (USAFLS)
Cc: Atkinson, Karen (USAFLS)
Subject: JE

I am just reading through all of the new submissions. I don't know which makes me angrier, all of the blatant lies, or Matt Menchel telling them (Lilly, no doubt), that I am "unsupervisable." Jeff, I'm sorry I got you into this.

On another, ironic, note. Today, Epstein's lawyers are filing motions to stay the four federal lawsuits against Epstein, under 18 USC 3509(k), which states: "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."

I guess it saves me the trouble of filing the motion after we indict.

And, for the record, I still haven't met Bert O., and he is neither EJ's "law partner" nor his "law school roommate."

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

you do decide to send us something, it would be most useful to get it by the middle of next week. Thanks.

John Roth
Associate Deputy Attorney General
(202) 307-2090

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Recipient

Atkinson, Karen (USAFLS)
Yera, E.J. (USAFLS)

Read

Read: 6/23/2008 10:59 AM

Villafana, Ann Marie C. (USAFLS)

From: Sloman, Jeff (USAFLS)
Sent: Friday, June 20, 2008 9:11 AM
To: Roth, John (ODAG) (SMO); Senior, Robert (USAFLS)
Cc: Soffer, Gil M. (ODAG) (SMO)
Subject: Re: Epstein

Thanks John.

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

From: Roth, John (ODAG) (SMO)
To: Sloman, Jeff (USAFLS); Senior, Robert (USAFLS)
Cc: Soffer, Gil M. (ODAG) (SMO)
Sent: Fri Jun 20 09:01:18 2008
Subject: FW: Epstein

FYI. Gil and I have finished our review. Even if we were to substitute our judgment for yours, we believe that this case is one that is appropriately in federal court. We also see nothing in the conduct of the USAO that gives us any reason to doubt that the case is being handled professionally. We briefed the DAG on it yesterday and he agrees.

The attached late submission throws a slight wrinkle into this, but I think we can still satisfy your timetable. I have asked Starr and Lefkowitz for an electronic version of whatever he is going to send, to be sent this morning. I am going to schedule a telephone conference for this afternoon or this evening to let them know, but I thought you should know so you can start planning. Please don't reach out to defense counsel until we let them know.

From: Kenneth Starr [mailto:kstarr@kirkland.com]
Sent: Thursday, June 19, 2008 9:11 PM
To: Roth, John (ODAG)
Cc: Jay Lefkowitz; Ken.Starr@Pepperdine.edu
Subject: Re: Epstein

Dear Mr. Roth,

As you have requested, we are sending our supplemental submissions and binder of materials to the Department for delivery tomorrow. Attached here is our introductory letter.

I will be traveling abroad next week and kindly ask that you contact my colleague in this matter, Jay Lefkowitz, by email or by telephone at 202-446-4970.

Kind regards.

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, January 03, 2008 1:51 PM
To: Acosta, Alex (USAFLS)
Subject: RE: Memo to File

Sounds great. Thank you.

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

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

From: Acosta, Alex (USAFLS)
Sent: Thursday, January 03, 2008 1:50 PM
To: Villafana, Ann Marie C. (USAFLS); Sloman, Jeff (USAFLS)
Subject: Re: Memo to File

Its at 3 30. No need to travel here. We can loop you in by phone.

Sent from my BlackBerry Wireless Handheld

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

From: Villafana, Ann Marie C. (USAFLS)
To: Acosta, Alex (USAFLS)
Sent: Thu Jan 03 13:42:49 2008
Subject: RE: Memo to File

What time should I be there? And is there anything that I should bring with me?
Did Jay give you a sense of where they are headed?

Thanks.

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

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

From: Acosta, Alex (USAFLS)
Sent: Thursday, January 03, 2008 1:35 PM

1996

08-80736-CV-MARRA

P-014509

EFTA00194206

To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Memo to File

Yes. We spoke today only to reschedule to monday because jeff was out.

Sent from my BlackBerry Wireless Handheld

----- Original Message -----
From: Villafana, Ann Marie C. (USAFLS)
To: Acosta, Alex (USAFLS)
Sent: Thu Jan 03 12:41:33 2008
Subject: RE: Memo to File

Hi Alex -- Does this mean that we will be having another call on Monday?

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

-----Original Message-----
From: Acosta, Alex (USAFLS)
Sent: Thursday, January 03, 2008 12:39 PM
To: Sloman, Jeff (USAFLS); Villafana, Ann Marie C. (USAFLS)
Subject: Fw: Memo to File

Had a 3 min call today to schedule our monday call. Want to memorialize the following statement from jay.

Sent from my BlackBerry Wireless Handheld

----- Original Message -----
From: Acosta, Alex (USAFLS)
To: Acosta, Alex (USAFLS)
Sent: Thu Jan 03 12:01:04 2008
Subject: Memo to File

1/3/08

"I may have made a mistake 6 months ago. Lana told us solicitation not registrable. It turns out that the actual offense charged it."

Lefkowitz

Tracking:

1997

08-80736-CV-MARRA

P-014510

EFTA00194207

Villafana, Ann Marie C. (USAFLS)

From: Acosta, Alex (USAFLS)
Sent: Thursday, January 03, 2008 1:50 PM
To: Villafana, Ann Marie C. (USAFLS); Sloman, Jeff (USAFLS)
Subject: Re: Memo to File

Its at 3 30. No need to travel here. We can loop you in by phone.

Sent from my BlackBerry Wireless Handheld

----- Original Message -----
From: Villafana, Ann Marie C. (USAFLS)
To: Acosta, Alex (USAFLS)
Sent: Thu Jan 03 13:42:49 2008
Subject: RE: Memo to File

What time should I be there? And is there anything that I should bring with me?
Did Jay give you a sense of where they are headed?

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

-----Original Message-----
From: Acosta, Alex (USAFLS)
Sent: Thursday, January 03, 2008 1:35 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Memo to File

Yes. We spoke today only to reschedule to monday because jeff was out.

Sent from my BlackBerry Wireless Handheld

----- Original Message -----
From: Villafana, Ann Marie C. (USAFLS)
To: Acosta, Alex (USAFLS)
Sent: Thu Jan 03 12:41:33 2008
Subject: RE: Memo to File

Hi Alex -- Does this mean that we will be having another call on Monday?

1999

08-80736-CV-MARRA

P-014511

EFTA00194208

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

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

From: Acosta, Alex (USAFLS)
Sent: Thursday, January 03, 2008 12:39 PM
To: Sloman, Jeff (USAFLS); Villafana, Ann Marie C. (USAFLS)
Subject: Fw: Memo to File

Had a 3 min call today to schedule our monday call. Want to memorialize the following statement from jay.

Sent from my BlackBerry Wireless Handheld

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

From: Acosta, Alex (USAFLS)
To: Acosta, Alex (USAFLS)
Sent: Thu Jan 03 12:01:04 2008
Subject: Memo to File

1/3/08

"I may have made a mistake 6 months ago. Lana told us solicitation not registrable. It turns out that the actual offense charged it."

Lefkowitz

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, January 03, 2008 1:43 PM
To: Acosta, Alex (USAFLS)
Subject: RE: Memo to File

What time should I be there? And is there anything that I should bring with me?
Did Jay give you a sense of where they are headed?

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

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

From: Acosta, Alex (USAFLS)
Sent: Thursday, January 03, 2008 1:35 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Memo to File

Yes. We spoke today only to reschedule to monday because jeff was out.

Sent from my BlackBerry Wireless Handheld

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

From: Villafana, Ann Marie C. (USAFLS)
To: Acosta, Alex (USAFLS)
Sent: Thu Jan 03 12:41:33 2008
Subject: RE: Memo to File

Hi Alex -- Does this mean that we will be having another call on Monday?

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

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

From: Acosta, Alex (USAFLS)
Sent: Thursday, January 03, 2008 12:39 PM
To: Sloman, Jeff (USAFLS); Villafana, Ann Marie C. (USAFLS)

2003

08-80736-CV-MARRA

P-014513

EFTA00194210

Subject: Fw: Memo to File

Had a 3 min call today to schedule our monday call. Want to memorialize the following statement from jay.

Sent from my BlackBerry Wireless Handheld

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

From: Acosta, Alex (USAFLS)

To: Acosta, Alex (USAFLS)

Sent: Thu Jan 03 12:01:04 2008

Subject: Memo to File

1/3/08

"I may have made a mistake 6 months ago. Lana told us solicitation not registrable. It turns out that the actual offense charged it."

Lefkowitz

Tracking:

2004

08-80736-CV-MARRA

P-014514

EFTA00194211

Villafana, Ann Marie C. (USAFLS)

From: Acosta, Alex (USAFLS)
Sent: Thursday, January 03, 2008 1:35 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Memo to File

Yes. We spoke today only to reschedule to monday because jeff was out.

Sent from my BlackBerry Wireless Handheld

----- Original Message -----
From: Villafana, Ann Marie C. (USAFLS)
To: Acosta, Alex (USAFLS)
Sent: Thu Jan 03 12:41:33 2008
Subject: RE: Memo to File

Hi Alex -- Does this mean that we will be having another call on Monday?

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

-----Original Message-----
From: Acosta, Alex (USAFLS)
Sent: Thursday, January 03, 2008 12:39 PM
To: Sloman, Jeff (USAFLS); Villafana, Ann Marie C. (USAFLS)
Subject: Fw: Memo to File

Had a 3 min call today to schedule our monday call. Want to memorialize the following statement from jay.

Sent from my BlackBerry Wireless Handheld

----- Original Message -----
From: Acosta, Alex (USAFLS)
To: Acosta, Alex (USAFLS)
Sent: Thu Jan 03 12:01:04 2008
Subject: Memo to File

1/3/08

"I may have made a mistake 6 months ago. Lana told us solicitation not registrable. It turns out that the actual offense charged it."

Lefkowitz

2010

08-80736-CV-MARRA

P-014516

EFTA00194213

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, January 03, 2008 12:42 PM
To: Acosta, Alex (USAFLS)
Subject: RE: Memo to File

Hi Alex -- Does this mean that we will be having another call on Monday?

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

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

From: Acosta, Alex (USAFLS)
Sent: Thursday, January 03, 2008 12:39 PM
To: Sloman, Jeff (USAFLS); Villafana, Ann Marie C. (USAFLS)
Subject: Fw: Memo to File

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Sent from my BlackBerry Wireless Handheld

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To: Acosta, Alex (USAFLS)
Sent: Thu Jan 03 12:01:04 2008
Subject: Memo to File

1/3/08

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Lefkowitz

Tracking:

2013

08-80736-CV-MARRA

P-014517

EFTA00194214

Villafana, Ann Marie C. (USAFLS)

From: Acosta, Alex (USAFLS)
Sent: Thursday, January 03, 2008 12:40 PM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Villafana, Ann Marie C. (USAFLS)
Subject: RE: Memo to File -- correction

-- final word is "is", not "it"

1/3/08

"I may have made a mistake 6 months ago. Lana told us solicitation not registrable. It turns out that the actual offense charged is."

Lefkowitz

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

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Sent: Thursday, January 03, 2008 12:39 PM
To: Sloman, Jeff (USAFLS); Villafana, Ann Marie C. (USAFLS)
Subject: Fw: Memo to File

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Subject: Memo to File

1/3/08

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Lefkowitz

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To: Acosta, Alex (USAFLS)
Sent: Thu Jan 03 12:01:04 2008
Subject: Memo to File

1/3/08

"I may have made a mistake 6 months ago. Lana told us solicitation not registrable. It turns out that the actual offense charged it."

Lefkowitz

Villafana, Ann Marie C. (USAFLS)

From: Jack Goldberger [jgoldberger@agwpa.com]
Sent: Saturday, June 28, 2008 3:38 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Notice of Non-Compliance

Marie
not a problem.

From: Villafana, Ann Marie C. (USAFLS) [mailto:Ann.Marie.C.Villafana@usdoj.gov]
Sent: Sat 6/28/2008 11:31 AM
To: Jack Goldberger
Cc: Atkinson, Karen (USAFLS); RBlack@RoyBlack.com
Subject: Re: Notice of Non-Compliance

Dear Jack:

I have conferred with a state court practitioner who stated that there is nothing that prohibits you from agreeing to a consecutive six-month sentence of incarceration followed by one year of community control as specified in the non-prosecution agreement.

If you elect to proceed with the plea agreement as currently drafted, we ask that you insert the word "imprisoned" following the words "six months" in the second sentencing paragraph.

Please confirm that this change is acceptable. Thank you.

Marie

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

From: Jack Goldberger <jgoldberger@agwpa.com>
To: Villafana, Ann Marie C. (USAFLS)
Cc: Jack Goldberger <jgoldberger@agwpa.com>
Sent: Sat Jun 28 08:49:55 2008
Subject: RE: Notice of Non-Compliance

Dear Ms Villafana,

please allow this e-mail to confirm our telephone conference of 6:30 pm on June 27 wherein we discussed the Epstein plea agreement and we agreed that the Epstein state plea agreement was in compliance with the September 2007 non-prosecution agreement entered into between Mr. Epstein and the USAO for the Southern District of Florida.
Jack Goldberger

From: Villafana, Ann Marie C. (USAFLS) [mailto:Ann.Marie.C.Villafana@usdoj.gov]
Sent: Fri 6/27/2008 5:45 PM
To: Jack Goldberger; Roy BLACK
Cc: Atkinson, Karen (USAFLS)
Subject: Notice of Non-Compliance

Dear Messrs. Goldberger and Black:

Please see the attached Notification Letter.

<<080627 Goldberger Black notification ltr.pdf>>

Dear Ms Villafana,

please allow this e-mail to confirm our telephone conference of 6:30 pm on June 27 wherein we discussed the Epstein plea agreement and we agreed that the Epstein state plea agreement was in compliance with the September 2007 non-prosecution agreement entered into between Mr. Epstein and the USAO for the Southern District of Florida.

Jack Goldberger

From: Villafana, Ann Marie C. (USAFLS) [mailto:Ann.Marie.C.Villafana@usdoj.gov]
Sent: Fri 6/27/2008 5:45 PM
To: Jack Goldberger; Roy BLACK
Cc: Atkinson, Karen (USAFLS)
Subject: Notice of Non-Compliance

Dear Messrs. Goldberger and Black:

Please see the attached Notification Letter.

<<080627 Goldberger Black notification ltr.pdf>>

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

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 09, 2008 1:04 PM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Atkinson, Karen (USAFLS)
Cc: Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)
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?

A. Marie Villafana
Assistant U.S. Attorney
561 209-1047

Tracking:

Recipient

Acosta, Alex (USAFLS)
Sloman, Jeff (USAFLS)
Atkinson, Karen (USAFLS)
Kuyrkendall, E N. (FBI)
Richards, Jason R. (FBI)

Read

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

Villafana, Ann Marie C. (USAFLS)

From: Ann Marie Villafana [ann.marie.villafana@gmail.com]
Sent: Thursday, December 27, 2007 10:07 PM
To: Villafana, Ann Marie C. (USAFLS)

Begin forwarded message:

My cell does not seem to work in main. Direct is 202 514 9412. I should have a second email acct running today also.

Sent from my BlackBerry Wireless Handheld

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

From: Ann Marie Villafana <ann.marie.villafana@gmail.com>
To: Lourie, Andrew (USAFLS) <ALourie@usa.doj.gov>; Lourie, Andrew (USAFLS) <ALourie@usa.doj.gov>; jeffrey.sloman@usdoj.gov <jeffrey.sloman@usdoj.gov>
Sent: Sun Sep 16 17:51:17 2007
Subject: Epstein update

Hi all -- After several hours, we are back to where we started. Mr. Epstein is now considering either pleading exclusively to state charges as per our original agreement, or pleading to one federal obstruction charge to be followed by one state 6-month charge. As for our hearing and grand jury appearances on Tuesday, Roy Black and I will call Judge Marra in the morning to postpone the hearing, and I have agreed to release the witnesses from appearing on Tuesday, with an agreement that, if I subpoena them to appear after the initial indictment is returned, I will receive no complaints about misuse of the grand jury. And I told Jay that September 25th is my indictment date, come hell or high water. Andy, can you call me tomorrow morning and just let me know where and how I can reach you? I am hoping that we can have a final agreement signed by Tuesday afternoon. Thank you.

--
Ann Marie Villafana
ann.marie.villafana@gmail.com
Begin forwarded message:

I spoke to him last night. Told him to try for consp on 6 month assault on plane but with a real victim. He is gonna send text later tonight. Give me a number I can reach you at

Sent from my BlackBerry Wireless Handheld

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

From: Ann Marie Villafana <ann.marie.villafana@gmail.com>

To: Lourie, Andrew (USAFLS) <ALourie@usa.doj.gov>; Lourie, Andrew (USAFLS) <ALourie@usa.doj.gov>

Sent: Sat Sep 15 15:08:07 2007

Subject: Epstein

Hi Andy -- Sorry to bother you, but Jay wants to try to get this wrapped up over the weekend, and I received an e-mail from Jeff that you are going to handle finalizing the negotiations. I received your e-mail about the assault on the airplane charge. That is the only 6-month offense that we could find. I have already tried to float a plea to two counts of a 12-month offense with a nonbinding recommendation of 20 months, and that has failed. Jay's response is to suggest a plea to one count of a 12-month offense, which I rejected. Our only other option is an ABA plea to a 371 conspiracy charge. I like that best but the U.S. Attorney likes that least. Can you give me some direction? Thanks.

--

Ann Marie Villafana

 illafana@gmail.com

Begin forwarded message:

This is an Automatic Response. As of September 17, 2007 I am beginning a detail to the Department of Justice, Criminal Division, in Washington, D.C. Rolando Garcia is now in charge of the West Palm Beach Office of the U.S. Attorney's Office. I will be checking this email account periodically. If this is urgent, please call Rolando Garcia at 561 209-1010 or 561 820-8711. My number in Washington is 202 514-9412



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: (561) 820-8777*

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

EFTA00194223

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: 
A. Marie Villafañe
Assistant United States Attorney

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

Villafana, Ann Marie C. (USAFLS)

From: Sloman, Jeff (USAFLS) <JSloman@usa.doj.gov>
Sent: Wednesday, September 17, 2008 11:22 AM
To: Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS); Senior, Robert (USAFLS); Lee, Dexter (USAFLS); Atkinson, Karen (USAFLS)
Cc: Garcia, Rolando (USAFLS)
Subject: RE: State █. Jeffrey Epstein

I have reviewed the Agreement. We have no obligation to seek its continued sealing. Per my conversation with Marie, she is going to notify Jack Goldberger that he has yet to file the remainder of the Agreement and that the unsealing issue is between him/Epstein and the SAO's office.

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, September 17, 2008 10:50 AM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Senior, Robert (USAFLS); Lee, Dexter (USAFLS); Atkinson, Karen (USAFLS)
Cc: Garcia, Rolando (USAFLS)
Subject: FW: State █. Jeffrey Epstein

Will it never end? Barry Krischer sent the e-mail below to Rolando this morning. How would you like to handle this issue?

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: Garcia, Rolando (USAFLS)
Sent: Wednesday, September 17, 2008 10:48 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: FW: State █. Jeffrey Epstein

From: Barry Krischer [mailto:Bkrische@sa15.state.fl.us]
Sent: Wednesday, September 17, 2008 10:46 AM
To: Garcia, Rolando (USAFLS)
Subject: FW: State █. Jeffrey Epstein

Please advise how you would like us to proceed. The agreement referred to is the Federal Non-Prosecution agreement sealed in the file by the judge at the time of the Epstein plea.

From: Lanna Belohlavek
Sent: Tuesday, September 16, 2008 4:21 PM
To: Barry Krischer
Subject: FW: State █. Jeffrey Epstein

How to proceed? Lanna

From: Bryce Albu [mailto:bryce@reederandreeder.com]
Sent: Tuesday, September 16, 2008 3:52 PM
To: Lanna Belohlavek
Cc: Martin Reeder
Subject: State v Jeffrey Epstein

Ms. Belohlavek,

We represent The Palm Beach Daily News. The newspaper recently discovered that a non-prosecution agreement (and an addendum thereto) was filed under seal pursuant to an agreed order entered in the above-referenced case. Because the records are sealed, we cannot assess the propriety of the decision to seal them or even whether the newspaper is interested in the information contained therein. I was hoping you would discuss with me the nature of the agreement and the basis for sealing it so that we can advise our client on whether it should pursue an order unsealing the agreement. Please call me at your earliest convenience.

Very truly yours,

C. Bryce Albu
Reeder & Reeder P.A.
250 S. Central Blvd., Suite 200
Jupiter, FL 33458
Direct Dial: (561) 575-9721
Facsimile: (561) 575-9765
bryce@reederandreeder.com

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Cc: Garcia, Rolando (USAFLS)
Subject: RE: State █ Jeffrey Epstein

Given the non-disclosure agreement, aren't we left with telling the SAO that we have agreed to not disclose so it wouldn't be proper for us to now agree that unsealing is appropriate. Ultimately, it's the SAO's call because they will get the Florida Public Records Act request and they were not a signatory to the agreement. We should also notify defense counsel so that they can take whatever actions they believe are appropriate. Wait till others have had a chance to weigh in on this issue.

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, September 17, 2008 10:50 AM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Senior, Robert (USAFLS); Lee, Dexter (USAFLS); Atkinson, Karen (USAFLS)
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Very truly yours,

C. Bryce Albu
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250 S. Central Blvd., Suite 200
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Direct Dial: (561) 575-9721
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Cc: Garcia, Rolando (USAFLS)
Subject: RE: State █ Jeffrey Epstein

Nothing like emails that cross in the wind.

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Subject: RE: State █ Jeffrey Epstein

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West Palm Beach, FL 33401
Phone 561 209-1047
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To: Lanna Belohlavek
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Subject: State v Jeffrey Epstein

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Very truly yours,

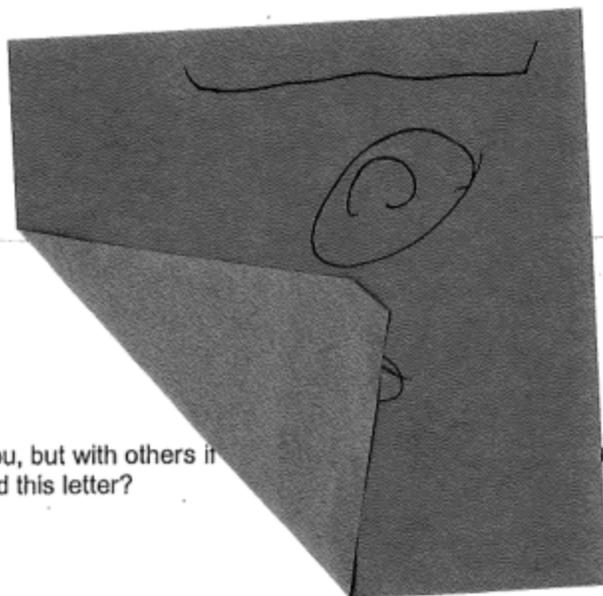
C. Bryce Albu
Reeder & Reeder P.A.
250 S. Central Blvd., Suite 200
Jupiter, FL 33458
Direct Dial: (561) 575-9721
Facsimile: (561) 575-9765
bryce@reederandreeder.com

fyi

From: Lourie, Andrew (USAFLS)
Sent: Tuesday, May 22, 2007 6:32 PM
To: 'Gerald Lefcourt'
Subject: RE: Jeffrey Epstein

I have your letter. I think we are on the same page, but to be sure I do want to clarify that we spoke the other week and I did say that if you want to meet with me again, I am ready to do so. The wording of your letter, however, suggests implicitly that I agreed to contact you before a decision is made to seek an indictment of Mr. Epstein. If that was your understanding, then please allow me to clarify. Our investigation is ongoing and if we decide to seek an indictment, we don't intend to call Mr. Epstein's representatives to let him know that. Of course, in the interim, if you would like to make a presentation to us, we are willing to listen.

Along those lines, given the fact that we have already met once, with schedules being what they are, it makes sense for our criminal chief, Matt Menchel, to be included when you make another presentation, rather than working up the chain incrementally. I realize you were being respectful in not attempting to leapfrog over me, which I appreciate. I will pass on your request to meet with the U.S. Attorney as well, but can't commit for him one way or another. When you have some dates in mind, let me know and I will try to set up a meeting in Miami.



From: Gerald Lefcourt [mailto:GBL@lefcourtlaw.com]
Sent: Tuesday, May 22, 2007 2:05 PM
To: Lourie, Andrew (USAFLS)
Cc: Villafana, Ann Marie C. (USAFLS); Lilly Ann Sanchez
Subject: Jeffrey Epstein

Andy, attached is a letter seeking meetings, as discussed with you, but with others if attention. Could you email back so that I know you have received this letter?

Gerald B. Lefcourt
Gerald B. Lefcourt, P.C.
148 E. 78th Street
New York, New York 10021
Tel. [REDACTED]
Fax [REDACTED]
gbl@lefcourtlaw.com

Tracking:

Draft ltr from Spornan to
LeFKowitz re termination



U.S. Department of Justice

United States Attorney
Southern District of Florida

First Assistant U.S. Attorney

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

DELIVERY BY FACSIMILE

April , 2008

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

Re: Jeffrey Epstein

Dear Mr. Lefkowitz,

On September 24, 2007, your client, Jeffrey Epstein, in consultation with Gerald Lefcourt, Esq. and Lilly Ann Sanchez, Esq., as well as numerous other nationally-renowned lawyers, including but not limited to Harvard Law Professor Alan Dershowitz, former Independent Counsel and Solicitor General of the United States Kenneth Starr, just to name a few, entered into a Non-Prosecution Agreement ("the Agreement") with the United States Attorney's Office for the Southern District of Florida ("SDFL"). Although you and other members of the defense team have since claimed that the Agreement was the product of adhesion, the following facts demonstrate that Epstein knowingly and voluntarily entered into the Agreement in order to avoid a federal indictment regarding his sexual conduct involving minor victims. Despite the fact that by signing the Agreement, Epstein gave up the right to object to its provisions, the SDFL bent over backwards to exhaustively consider and re-consider your objections. Since these objections have finally been exhausted and Epstein has failed to comply with several conditions of the Agreement as set forth below, the SDFL hereby notifies you that unless you comply with all of the terms and conditions of the Agreement, including plea, sentence, and incarceration, as modified by the United States Attorney's December 19, 2007 letter to Ms. Sanchez by _____, the SDFL will elect to terminate the Agreement.

Background

The Agreement was the product of months of negotiations. Specifically, you requested and received numerous meetings, at the highest levels of the SDFL and DOJ's Child Exploitation and Obscenity Section (CEOS) concerning claims that (a) the investigation merely produced evidence of relatively innocuous sexual conduct with some minors who, unbeknownst to Epstein, misrepresented their ages; (b) the authorities investigating Epstein engaged in misconduct; (c) the contemplated federal statutes have no applicability to this matter; and (d) the federal authorities disregarded the fundamental policy against federal intervention with state criminal proceedings. After careful review, the SDFL ultimately rejected those claims. Subsequent to its decision, however, but before proceeding any further, the SDFL provided you with 30 days to appeal the decision to the

Assistant Attorney General of the United States, Alice Fisher. As you recall, you chose to forego an appeal to AAG Fisher, and instead pursued a negotiated resolution which, ultimately, resulted in the execution of the Agreement.

The Negotiation Phase

During negotiations, you tried to avoid a resolution that called for incarceration and registration as a sexual offender – both of which would be triggered by a successful federal prosecution. The SDFL believed and continues to believe that should this matter proceed to trial, your client would be convicted of the federal statutes identified in the Agreement. In order to achieve a global resolution, the SDFL indicated a willingness to compromise the length of incarceration; however, it remained adamant that Epstein register as a sex offender and that all victims identified during the investigation remain eligible for compensation. In order to achieve this result, the parties considered two alternatives, a plea to federal charges that limited Epstein's sentencing exposure, or, as suggested by you, a plea to state charges encompassing Epstein's conduct. Ultimately, the parties agreed to, *inter alia*, a plea to the state charges outlined in the Agreement, registration and a method of compensation.

The Agreement

The crux of the Agreement defers federal prosecution of Epstein for his sexual conduct involving those minor victims identified as of September 24, 2007, in exchange for a guilty plea to a state offense that requires registration as a sex offender; a sufficient term of imprisonment; and a method of compensation for the victims such that they would be placed in the same position as if Epstein had been convicted of one of the enumerated offenses set forth in Title 18, United States Code, Section 2255. Specifically, the Agreement mandates, *inter alia*, (1) a guilty plea in Palm Beach County Circuit Court to solicitation of prostitution (Fl. Stat. Section 796.07) and procurement of minors to engage in prostitution (Fl. Stat. Section 796.03) (an offense that requires him to register as a sex offender); (2) a 30-month sentence including 18 months' incarceration in county jail; (3) a methodology to compensate the victims identified by the United States; (4) entry of the guilty plea and sentence no later than October 26, 2007; and (5) the start of the above-mentioned sentence no later than January 4, 2008.

Furthermore, and significantly, Epstein agreed that he had the burden of ensuring compliance of the Agreement with the Palm Beach County State Attorney's Office and the Judge of the 15th Judicial Circuit and "*that the failure to do so will be a breach of the agreement*" (emphasis added).

Post-Execution of the Agreement

Within weeks of the execution of the Agreement, you sought to delay the entry of Epstein's guilty plea and sentence. After the SDFL agreed to accommodate your request, counsel for Epstein began taking issue with the methodology of compensation, notification to the victims, and the issues

that had been previously considered and rejected during negotiations, *i.e.*, that the conduct does not require registration and the contemplated state and federal statutes have no applicability to the instant matter.

A. Delay.

The Agreement required that "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." Agreement, pages 4-5, paragraph 11 (emphasis added). After the Agreement was executed, the SDFL accommodated your request to extend the October 26th plea deadline to November 20th based upon, what seemed to be, reasonable scheduling conflict issues.¹ By early November, you represented that the presiding state court judge would not "stagger the plea and sentencing as contemplated in the Agreement." Although the Agreement clearly did not contemplate a staggered "plea and sentencing," the SDFL again agreed to accommodate Epstein's request to appear in state court for plea and sentencing on January 4, 2008.²

B. Method of Compensation and Notification.

During this same time period, you and others, including the former Solicitor General of the United States Kenneth Starr, took issue with the *implementation* of the methodology of compensation (hereinafter "the 2255 provision")³ and the SDFL's intention to notify the victims under 18 U.S.C. Section 3771 (you objected to victims being notified of time and place of Epstein's

¹ "Accordingly, I have now confirmed with Mr. Epstein's Florida counsel that the state's attorney's office and the court will be available to have him enter his plea on November 20. So we will plan to proceed on one that date." October 18, 2007 email from Jay Lefkowitz to USA R. Alexander Acosta.

On the same day, Mr. Lefkowitz confirmed with First Assistant Jeffrey H. Sloman that this postponement "will not affect when Epstein begins serving his sentence."

² Correspondence from Jay Lefkowitz to FAUSA Sloman dated November 8, 2007 ("the judge has invited the parties to appear for the plea and sentencing on January 4th, we do not anticipate any delay beyond that date.")

³ Prior to any issues arising concerning the implementation of the 2255 provision, the SDFL unilaterally agreed to assign its responsibility to select the attorney representative for the alleged victims to an independent third-party. This was done to avoid even the appearance of favoritism in the selection of the attorney representative. As a result, on October 29, 2007, the parties executed an Addendum wherein it was mutually agreed that former United States District Court Judge Edward B. [REDACTED] would serve as the independent third-party. Judge [REDACTED] selected the venerable law firm of Podhurst and Josefsberg to represent the approximately 34 alleged identified victims.

state court sentencing hearing). In response, the SDFL offered, in my opinion, numerous and various reasonable modifications and accommodations which ultimately resulted in United States Attorney R. Alexander Acosta's December 19, 2007 letter to Lilly Ann Sanchez. In that letter, the United States Attorney tried to eliminate *all* concerns which, quite frankly, the SDFL was not obligated to address, let alone consider. He proposed the following language regarding the 2255 provision:

"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."

Regarding the issue of notice to the victims, USA Acosta proposed to notify them of the federal resolution as required by law; however, "[w]e will defer to the discretion of the State Attorney regarding whether he wishes to provide victims with notice of the state proceedings, although we will provide him with the information necessary to do so if he wishes." As you know, you rejected these proposals as well. *See* December 26, 2007 correspondence from Jay Lefkowitz to USA Acosta.

C. "Mr. Epstein Does Not Believe He Is Guilty Of The Federal Charges Enumerated Under Section 2255."

At our December 14, 2007 meeting at the U.S. Attorney's Office in Miami, counsel for Epstein announced, *inter alia*, that it was a "profound injustice" to require Epstein to register as a sex offender and reiterated that no federal crime, especially 18 U.S.C. Section 2422(b), had been committed since the statute is only violated if a telephone or means of interstate commerce is used to do the persuading or inducing. This particular attack on this statute had been previously raised and thoroughly considered and rejected by the SDFL and CEOS prior to the execution of the Agreement. You also argued that the facts were inapplicable to the contemplated state statutes and that Epstein should not have been allowed to have been induced into the Agreement because the facts were not what he understood them to be. It should be noted that the SDFL has never provided you with any evidence supporting its investigation. This is not, and has never been, an *Alford* plea situation (*see North Carolina v. Alford*, 400 U.S. 25, 91 S.Ct. 160 (1970)). Ultimately, you requested an independent review.

Subsequent to the above-mentioned meeting, the SDFL received three letters from you and/or Mr. Starr which expanded on some of the themes announced in the December 14th meeting.

Essentially, you portrayed the SDFL as trying to coerce a plea to unknown allegations and incoherent theories. On December 17, 2007, you decreed that Epstein's conduct did not meet the requirements of solicitation of minors to engage in prostitution (Fl. Stat. Section 796.03) one of the enumerated crimes Epstein had previously agreed to plead guilty to; that Epstein's conduct does not require registration under Florida law; and the State Attorney's Office does not believe the conduct is registrable. On December 21, 2007, you rejected the USA's proposed resolution of the 2255 provision because you "strongly believe that the provable conduct of Mr. Epstein with respect to these individuals fails to satisfy the requisite elements of either 18 U.S.C. Section[s] 2422(b) ... or ... 2423(b)." In your December 26, 2007 correspondence you stated that "we have reiterated in previous submissions that Mr. Epstein does not believe he is guilty of the federal charges enumerated under section 2255" and requiring "Mr. Epstein to in essence admit guilt, though he believes he did not commit the requisite offense."

As the SDFL has reiterated time and time again, it does not want nor does it expect Epstein to plead guilty to a charge he does not believe he committed. As a result, we obliged your request for an independent *de novo* review of the investigation and facilitated such a review at the highest levels of the Department of Justice. It is our understanding that that independent review is now complete and a determination has been made that there are no impediments to a federal prosecution by the SDFL.

Conclusion

Therefore, as I proposed in my email to you on February 25, 2008, you shall have until _____, to comply with all of the terms and conditions of the Agreement, including plea, sentence, and incarceration, as modified by the USA's December 19th letter to Ms. Sanchez.

Sincerely,

R. Alexander Acosta.
United States Attorney

By:

Jeffrey H. Sloman
First Assistant United States Attorney

cc: R. Alexander Acosta
United States Attorney

A. Marie Villafana
Assistant U.S. Attorney

June 18, 2008

Brad Edwards, counsel for Courtney Wild responded to my call regarding Tatum Miller. He would like to set up a meeting.
Cell phone 954 294-9544

11:50 am Karen A. and I placed a call to Roy Black's office as per Rolando's instructions. Roy was "unavailable." We left a msg asking him to call back.

I gave Karen A. my request for immunity for Mariana L.

12:52 pm Roy Black leaves message on my voicemail asking me to call him.

Villafana, Ann Marie C. (USAFLS)

From: Senior, Robert (USAFLS) <RSenior@usa.doj.gov>
Sent: Wednesday, June 18, 2008 3:20 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Epstein -- Call with Roy Black

Nothing that I know of by way of final decision.

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, June 18, 2008 1:53 PM
To: Senior, Robert (USAFLS); Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Cc: Garcia, Rolando (USAFLS); Atkinson, Karen (USAFLS)
Subject: Epstein -- Call with Roy Black

Karen and I spoke with Roy. Roy said that he had called because he had heard that Rolando had discussed the matter with Barry Krischer and Roy wanted to see if there was any way to wrap this up before July 7th. Roy also said that he had seen a letter from Jeff Sloman that said that the matter of incarceration would be left to the State. (I am not certain what letter he is referring to, but I think Jeff wrote a letter about not taking a position on where Epstein would be incarcerated, not the length of time.) So, Roy wondered whether we would go away if Epstein took Barry's 60-day deal.

Karen explained that Rolando had not had substantive discussions with Barry about the case and that all communication regarding the case is being handled by Karen and me. In response to the question of whether there was anything that could "make this go away," we said that our position is that if Epstein stops the process in Washington and pleads in accordance with the terms of the signed agreement, then we will perform pursuant to the agreement. Karen explained that if Epstein pleads to something else or gets sentenced to a lower amount, then we will consider that a breach of our agreement and we will proceed accordingly.

On that note, has there been any word from Washington?

Thank you.

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

Villafana, Ann Marie C. (USAFLS)

From: Sloman, Jeff (USAFLS) <JSloman@usa.doj.gov>
Sent: Tuesday, June 3, 2008 10:40 AM
To: Villafana, Ann Marie C. (USAFLS)
Cc: Campos, Cyndee (USAFLS); Senior, Robert (USAFLS)
Subject: please review
Attachments: 2DAG060208.wpd

Villafana, Ann Marie C. (USAFLS)

From: Sloman, Jeff (USAFLS)
Sent: Saturday, June 28, 2008 7:38 AM
To: Villafana, Ann Marie C. (USAFLS)
Cc: Acosta, Alex (USAFLS); Senior, Robert (USAFLS)
Subject: Re: Agreement

I agree. Ask Jack to make that change.

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

From: Villafana, Ann Marie C. (USAFLS)
To: Sloman, Jeff (USAFLS)
Sent: Fri Jun 27 21:28:46 2008
Subject: Agreement

Hi Jeff - 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] Millian, 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 1 (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?

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

Villafana, Ann Marie C. (USAFLS)

From: Atkinson, Karen (USAFLS)
Sent: Friday, June 27, 2008 3:03 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Still nothing from Roy

I would

From: Villafana, Ann Marie C. (USAFLS)
Sent: Friday, June 27, 2008 2:50 PM
To: Sloman, Jeff (USAFLS); Atkinson, Karen (USAFLS)
Subject: Still nothing from Roy

Should I fax a letter reminding them again of their obligation to show it to us before it is entered into and provide them with notice that we will consider it a material breach if we don't receive appropriate time to review and comment?

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

Villafana, Ann Marie C. (USAFLS)

From: Sloman, Jeff (USAFLS)
Sent: Friday, June 27, 2008 2:53 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Still nothing from Roy

Yes

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

From: Villafana, Ann Marie C. (USAFLS)
To: Sloman, Jeff (USAFLS); Atkinson, Karen (USAFLS)
Sent: Fri Jun 27 14:50:26 2008
Subject: Still nothing from Roy

Should I fax a letter reminding them again of their obligation to show it to us before it is entered into and provide them with notice that we will consider it a material breach if we don't receive appropriate time to review and comment?

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

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Friday, June 27, 2008 2:35 PM
To: Senior, Robert (USAFLS)
Subject: RE: Corrected third supplement to pros memo

Works for me. Do you want me to FedEx a pretty new package?

We should know by 9:30 on Monday morning what is up. I will ask the grand jury coordinator to put us on for Tuesday mid-morning, instead of first thing.

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

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

From: Senior, Robert (USAFLS)
Sent: Friday, June 27, 2008 2:31 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Corrected third supplement to pros memo

If I reserved all of monday to finalize, would that work ?

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

From: Villafana, Ann Marie C. (USAFLS)
To: Senior, Robert (USAFLS)
Cc: Atkinson, Karen (USAFLS)
Sent: Fri Jun 27 14:23:33 2008
Subject: Corrected third supplement to pros memo

Hi Bob - Here it is. My assistant, Shawn Ball, is going to send you the corrected penalty sheets. Nothing else changes.

Thanks.

<<Third Supplement Pros Memo 2-13-08 corrected 6-27-08.wpd>>

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:

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Friday, June 27, 2008 2:24 PM
To: Senior, Robert (USAFLS)
Cc: Atkinson, Karen (USAFLS)
Subject: Corrected third supplement to pros memo

Hi Bob – Here it is. My assistant, Shawn Ball, is going to send you the corrected penalty sheets. Nothing else changes.

Thanks.



Third
ment Pros Memc

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:

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Friday, June 27, 2008 12:41 PM
To: Senior, Robert (USAFLS); Sloman, Jeff (USAFLS)
Cc: Atkinson, Karen (USAFLS); Garcia, Rolando (USAFLS)
Subject: Final Indictment

Hi Bob – Here is the final final. I removed the New York girl and added a new Florida girl (Jane Doe #11). I also cut the number of flights in the overt acts to just those charged in the travel counts of the indictment. Pros Memo addendum is coming soon.



080627 final
dictment withou.

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:

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Friday, June 27, 2008 11:02 AM
To: Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)
Subject: Travel Dates

Hi guys – I am going to re-add the following travel counts:

8/6/04 Alex and [REDACTED]
8/19/04 Alex, [REDACTED], and [REDACTED]
10/29/04 [REDACTED], [REDACTED], and [REDACTED]
2/21/05 [REDACTED], [REDACTED], [REDACTED]
3/31/05 [REDACTED] and [REDACTED]

Does that sound alright?

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

Villafana, Ann Marie C. (USAFLS)

From: Sloman, Jeff (USAFLS) <JSloman@usa.doj.gov>
Sent: Wednesday, May 28, 2008 9:37 AM
To: Atkinson, Karen (USAFLS); Villafana, Ann Marie C. (USAFLS); Garcia, Rolando (USAFLS)
Subject: RE: Epstein

Rolando,
Please fill me in.
Jeff

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

From: Atkinson, Karen (USAFLS)
Sent: Wednesday, May 28, 2008 9:21 AM
To: Sloman, Jeff (USAFLS); Villafana, Ann Marie C. (USAFLS)
Subject: RE: Epstein

This was info that Rolando got from Barry, the state attorney, but he was waiting for an email to confirm. I am much to lowly to have communications with the "star" team.

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

From: Sloman, Jeff (USAFLS)
Sent: Tuesday, May 27, 2008 3:09 PM
To: Villafana, Ann Marie C. (USAFLS); Senior, Robert (USAFLS)
Cc: Atkinson, Karen (USAFLS)
Subject: RE: Epstein

Marie/Karen,

No one has contacted anyone in Miami. Please copy me and Bob on all communications. Thanks,

Jeff

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

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, May 27, 2008 2:54 PM
To: Sloman, Jeff (USAFLS); Senior, Robert (USAFLS)
Cc: Atkinson, Karen (USAFLS)
Subject: Epstein

Hi jeff. Karen sent me an email about epstein wanting to do less time. I hope that his request will be denied. The original deal was supposed to be 2 years so he has already gotten a big break. Plus we have identified more victims since we agreed to the 18 months. Please keep me posted. Thanks.

Villafana, Ann Marie C. (USAFLS)

From: Sloman, Jeff (USAFLS) <JSloman@usa.doj.gov>
Sent: Thursday, May 29, 2008 9:29 AM
To: Villafana, Ann Marie C. (USAFLS); Senior, Robert (USAFLS)
Cc: Atkinson, Karen (USAFLS); Kuyrkendall, E N. (MM) (FBI); Richards, Jason R. (MM) (FBI)
Subject: RE: Epstein

No telling how long the DAG's office will take to decide. Tuesday is off.

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

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, May 29, 2008 9:03 AM
To: Sloman, Jeff (USAFLS); Senior, Robert (USAFLS)
Cc: Atkinson, Karen (USAFLS); Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)
Subject: Epstein

Hi Jeff and Bob. I received Jeff's e-mail stating that the DAG agreed to meet with epstein's people. Does this mean that Tuesday is off? I need to let the gj coordinator know.

Also, I am sure that you remember [REDACTED] m. She was the person whom we initially classified as a victim until epstein's attorneys complained. Well, nesbitt has just interviewed a girl who was 14 or 15 when she first went to epstein's house who reports that epstein told her that he had sex with [REDACTED]. ([REDACTED] probably would have been 15 or 16 when this conversation occurred.) The girl also reports that she told epstein her true age and epstein told her that he doesn't care about age.

I know that epstein's people will, no doubt, continue to tell the dag and others that epstein didn't know about the girls' ages so I thought you should know.

Please let me know about tuesday so I don't needlessly spoil nesbitt's sunday. And, any chance the case was discussed with the ag when he was in town?

Thanks.

Villafana, Ann Marie C. (USAFLS)

From: Sloman, Jeff (USAFLS) <JSloman@usa.doj.gov>
Sent: Monday, June 2, 2008 4:25 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: draft letter to DAG
Attachments: DAG060208.wpd

Villafana, Ann Marie C. (USAFLS)

From: Senior, Robert (USAFLS) <RSenior@usa.doj.gov>
Sent: Tuesday, May 27, 2008 3:25 PM
To: Villafana, Ann Marie C. (USAFLS); Sloman, Jeff (USAFLS)
Cc: Atkinson, Karen (USAFLS)
Subject: RE: Epstein

Marie, are you back ? We need to spend some time together on the indictment. I was planning on Monday because I thought you were back that day but if you're already back let me know. By the way, Jeff and Alex have been very clear that we are not negotiating with this guy any more in any way.

Thx, Bob

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

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, May 27, 2008 2:54 PM
To: Sloman, Jeff (USAFLS); Senior, Robert (USAFLS)
Cc: Atkinson, Karen (USAFLS)
Subject: Epstein

Hi jeff. Karen sent me an email about epstein wanting to do less time. I hope that his request will be denied. The original deal was supposed to be 2 years so he has already gotten a big break. Plus we have identified more victims since we agreed to the 18 months. Please keep me posted. Thanks.

Villafana, Ann Marie C. (USAFLS)

From: Atkinson, Karen (USAFLS) <KAtkinson@usa.doj.gov>
Sent: Wednesday, May 28, 2008 9:21 AM
To: Sloman, Jeff (USAFLS); Villafana, Ann Marie C. (USAFLS)
Subject: RE: Epstein

This was info that Rolando got from Barry, the state attorney, but he was waiting for an email to confirm. I am much to lowly to have communications with the "star" team.

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

From: Sloman, Jeff (USAFLS)
Sent: Tuesday, May 27, 2008 3:09 PM
To: Villafana, Ann Marie C. (USAFLS); Senior, Robert (USAFLS)
Cc: Atkinson, Karen (USAFLS)
Subject: RE: Epstein

Marie/Karen,

No one has contacted anyone in Miami. Please copy me and Bob on all communications. Thanks,

Jeff

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

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, May 27, 2008 2:54 PM
To: Sloman, Jeff (USAFLS); Senior, Robert (USAFLS)
Cc: Atkinson, Karen (USAFLS)
Subject: Epstein

Hi jeff. Karen sent me an email about epstein wanting to do less time. I hope that his request will be denied. The original deal was supposed to be 2 years so he has already gotten a big break. Plus we have identified more victims since we agreed to the 18 months. Please keep me posted. Thanks.

Villafana, Ann Marie C. (USAFLS)

From: Senior, Robert (USAFLS) <RSenior@usa.doj.gov>
Sent: Tuesday, May 27, 2008 5:09 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Epstein

Perfect. Enjoy your trip. We're in good shape (so far).

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

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, May 27, 2008 3:56 PM
To: Senior, Robert (USAFLS)
Subject: Re: Epstein

Hi bob. I get back on saturday. I will spend sunday with nesbitt and monday with you. I will be there by 10:00 unless you need me there earlier.

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

From: Senior, Robert (USAFLS)
To: Villafana, Ann Marie C. (USAFLS); Sloman, Jeff (USAFLS)
Cc: Atkinson, Karen (USAFLS)
Sent: Tue May 27 15:24:50 2008
Subject: RE: Epstein

Marie, are you back ? We need to spend some time together on the indictment. I was planning on Monday because I thought you were back that day but if you're already back let me know. By the way, Jeff and Alex have been very clear that we are not negotiating with this guy any more in any way.

Thx. Bob

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

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, May 27, 2008 2:54 PM
To: Sloman, Jeff (USAFLS); Senior, Robert (USAFLS)
Cc: Atkinson, Karen (USAFLS)
Subject: Epstein

Hi jeff. Karen sent me an email about epstein wanting to do less time. I hope that his request will be denied. The original deal was supposed to be 2 years so he has already gotten a big break. Plus we have identified more victims since we agreed to the 18 months. Please keep me posted. Thanks.

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, December 03, 2007 3:45 PM
To: Acosta, Alex (USAFLS)
Cc: Sloman, Jeff (USAFLS)
Subject: Relevant Drafts of the Agreement

Importance: High

Hi Alex – Here are the first set of agreements that we proposed. They were drafted on September 6th. The plea agreement (where he pleads to a federal charge) contains nothing about section 2255. The Non-Prosecution Agreement contains the following:

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

At the beginning, Epstein was most interested in pleading to a federal charge, so we spent a lot of time on the federal plea agreement. This identical language was incorporated into the proposed federal plea agreement. I have 11 drafts of the plea agreement on my computer, they all have the identical language on this point.

Around mid-September, we went back to the Non-Prosecution Agreement.

On September 16th, Jay proposed the following language:

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

I sent an e-mail to Jay on September 18th, with the following response:

Re your paragraph 8: As I mentioned over the telephone, I cannot bind the girls to the Trust Agreement, and I don't think it is appropriate that a state court would administer a trust that seeks to pay for federal civil claims. We both want to avoid unscrupulous attorneys and/or litigants from coming forward, and I know that your client wants to keep these matters outside of public court filings, but I just don't have the power to do what you ask. Here is my recommendation. During the period between Mr. Epstein's plea and sentencing, I make a motion for appointment of the Guardian Ad

Litem. The three of us sit down and discuss things, and I will facilitate as much as I can getting the girls' approval of this procedure because, as I mentioned, I think it is probably in their best interests. In terms of plea agreement language, let me suggest the following:

The United States agrees to make a motion seeking the appointment of a Guardian ad Litem to represent the identified victims. Following the appointment of such Guardian, the parties agree to work together in good faith to develop a Trust Agreement, subject to the Court's approval, that would provide for any damages owed to the identified victims pursuant to 18 U.S.C. Section 2255. Then include the last two sentences of your paragraph 8.

NOTICE that I offered to try to put together a Trust Agreement.

On September 18th, Jay sent a proposed agreement that made no mention at all of payments to the victims.

Jay sent the following redline on September 21st:



Non Prosecution
Agreement Star..

On September 23rd, he sent me a "redline" of my most recent version, with the following changes:



20070923_8pmR
line_of_MV's_Ag

On September 23rd, at around 8:00 p.m., the language was:

6. 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 will file a motion with the United States District Court for the Southern District of Florida for the appointment of a guardian ad litem for these persons. Epstein's counsel may contact the identified individuals through that guardian.
7. If any of the individuals referred to in paragraph (6), *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 victim and Epstein, so long as the identified victim 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 is not to be construed as an admission of any criminal or civil liability other than that contained in 18 U.S.C. § 2255.

8. 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.

At the end of the day on September 24th, at Jay's request, there were several significant changes. Here is the new language:

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.

This was the final language.

Please let me know if you need other information. Thank you.

A. Marie Villafaña
Assistant U.S. Attorney
500 S. Australian Ave, Suite 400

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Sunday, June 29, 2008 12:15 PM
To: Kuyrkendall, E N. (FBI)
Subject: RE: Notice of Non-Compliance CONFIDENTIAL

Hi Nesbitt -- I sent you an e-mail earlier today letting you know that Goldberger agreed to my change, so it looks like Monday is going to happen. I have spoken with the Chief and he also spoke to the Sheriff about serving the time out at the jail. The Chief also is going to call some victims to inform them that he received a call from the State Attorney's Office about a plea hearing on Monday.

I am very surprised that there has been no press coverage.

Yes, can we meet on Monday morning. I want to have the victim list ready to go before we head to the hearing in case we can get him to sign it right then and there.

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

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

From: Kuyrkendall, E N. (FBI)
Sent: Sunday, June 29, 2008 11:54 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Notice of Non-Compliance

Marie,

Just wanted to let you know Jason and I are working on the remaining 5 girls and getting everything ready for GJ. Did you ever hear back from Jack Goldberger? I spoke with Joe yesterday and he agreed with Dave, that the PBC Detention Center is the jail. He also mentioned any sentenced under a year is served at the jail. If over that, Epstein will be serving at the Dept of Correction which is the Stockade. Joe also mentioned that the Sheriff determines how the sentence is carried out. We have already met with the Colonel at the jail some months ago. If all goes well tomorrow, we should ALL meet with the Colonel again just to reiterate our position. We have not heard from AMOC but will let you know when we do. Give us a shout later today and let us know if you would like to meet us tomorrow morning prior to going to the courthouse.

Nesbitt

From: Villafana, Ann Marie C. (USAFLS) [Ann.Marie.C.Villafana@usdoj.gov]
Sent: Saturday, June 28, 2008 11:20 AM
To: jgoldberger@agwpa.com
Cc: Atkinson, Karen (USAFLS); RBlack@RoyBlack.com

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Sunday, June 29, 2008 5:20 PM
To: Sloman, Jeff (USAFLS); Atkinson, Karen (USAFLS)
Subject: JE

Just got word from FAA that JE's plane is flying from NY to West Palm with a stop in Georgia (probably to pick up Goldberger from his vacation). So maybe tomorrow really will happen.

The agents and I are meeting early tomorrow to finalize victim list in the hopes that he will sign the notification in the courtroom. Does that sound alright with you?

Please let me know.

Villafana, Ann Marie C. (USAFLS)

From: Sloman, Jeff (USAFLS)
Sent: Sunday, June 29, 2008 5:22 PM
To: Villafana, Ann Marie C. (USAFLS); Atkinson, Karen (USAFLS)
Cc: Acosta, Alex (USAFLS)
Subject: Re: JE

Yes - go get him! Good luck.

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

From: Villafana, Ann Marie C. (USAFLS)
To: Sloman, Jeff (USAFLS); Atkinson, Karen (USAFLS)
Sent: Sun Jun 29 17:19:41 2008
Subject: JE

Just got word from FAA that JE's plane is flying from NY to West Palm with a stop in Georgia (probably to pick up Goldberger from his vacation). So maybe tomorrow really will happen.

The agents and I are meeting early tomorrow to finalize victim list in the hopes that he will sign the notification in the courtroom. Does that sound alright with you?

Please let me know.

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, June 30, 2008 10:11 AM
To: Sloman, Jeff (USAFLS); Atkinson, Karen (USAFLS); Senior, Robert (USAFLS); Ball, Shawn (USAFLS); Acosta, Alex (USAFLS)
Subject: Je

It is done, we think

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, June 30, 2008 10:59 AM
To: Brendan White
Cc: Ball, Shawn (USAFLS)
Subject: Cancellation of Grand Jury Appearance

Dear Mr. White: At this time, the subpoena of Ms. Lacerda is withdrawn. If that should change, I will contact you.

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

Villafana, Ann Marie C. (USAFLS)

From: Brendan White [brendan@whiwhi.com]
Sent: Monday, June 30, 2008 11:20 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Cancellation of Grand Jury Appearance

Thank you for letting me know. I will inform Ms. Lacerda.

Brendan

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

From: Villafana, Ann Marie C. (USAFLS)
To: Brendan White
Cc: Ball, Shawn (USAFLS)
Sent: Monday, June 30, 2008 10:59 AM
Subject: Cancellation of Grand Jury Appearance

Dear Mr. White: At this time, the subpoena of Ms. Lacerda is withdrawn. If that should change, I will contact you.

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

Recipient
Campos, Cyndee (USAFLS)
Sloman, Jeff (USAFLS)

Read
Read: 6/30/2008 11:31 AM
Read: 6/30/2008 11:31 AM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, June 30, 2008 11:30 AM
To: Campos, Cyndee (USAFLS); Sloman, Jeff (USAFLS)
Subject: Can I get a copy of the signed letter between Alex and Lilly?

Importance: High

Hi Cyndee or Jeff – Do we have a signed copy of the letter between Alex and Lilly where he modifies the agreement? I only have an e-mail containing the language.

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:

751

EFTA00194265

Recipient
Campos, Cyndee (USAFLS)

Read
Read: 6/30/2008 11:32 AM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, June 30, 2008 11:32 AM
To: Campos, Cyndee (USAFLS)
Subject: RE: Can I get a copy of the signed letter between Alex and Lilly?

5618208711

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

From: Campos, Cyndee (USAFLS)
Sent: Monday, June 30, 2008 11:31 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Can I get a copy of the signed letter between Alex and Lilly?

What is your fax number

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, June 30, 2008 11:30 AM
To: Campos, Cyndee (USAFLS); Sloman, Jeff (USAFLS)
Subject: Can I get a copy of the signed letter between Alex and Lilly?
Importance: High

Hi Cyndee or Jeff – Do we have a signed copy of the letter between Alex and Lilly where he modifies the agreement? I only have an e-mail containing the language.

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:

749

EFTA00194267

Recipient
Campos, Cyndee (USAFLS)

Read
Read: 6/30/2008 11:33 AM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, June 30, 2008 11:32 AM
To: Campos, Cyndee (USAFLS)
Subject: RE: Can I get a copy of the signed letter between Alex and Lilly?

Sorry it is 561-820-8777

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

From: Campos, Cyndee (USAFLS)
Sent: Monday, June 30, 2008 11:32 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Can I get a copy of the signed letter between Alex and Lilly?

Sorry saw it

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, June 30, 2008 11:30 AM
To: Campos, Cyndee (USAFLS); Sloman, Jeff (USAFLS)
Subject: Can I get a copy of the signed letter between Alex and Lilly?
Importance: High

Hi Cyndee or Jeff -- Do we have a signed copy of the letter between Alex and Lilly where he modifies the agreement? I only have an e-mail containing the language.

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:

747

EFTA00194269

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, June 30, 2008 12:13 PM
To: Sloman, Jeff (USAFLS); Senior, Robert (USAFLS)
Subject: PB Post Article.pdf

Here is the latest. Jeff – Can you call me asap? I am meeting with Goldberger at 12:15.



PB Post
Article.pdf

Recipient

'Jack Goldberger'

Atkinson, Karen (USAFLS)

Sloman, Jeff (USAFLS)

Senior, Robert (USAFLS)

Read

Read: 6/30/2008 2:08 PM

Read: 6/30/2008 1:14 PM

Read: 6/30/2008 1:04 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, June 30, 2008 12:57 PM
To: 'Jack Goldberger'
Cc: Atkinson, Karen (USAFLS)
Subject: Revised page one of Notification

Dear Jack: Attached please find the first page of the Notification, revised to reflect the changed plea agreement term.

Thank you.



Victim
Notification and Notice

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

Tracking:

744

EFTA00194272

Villafana, Ann Marie C. (USAFLS)

From: Oosterbaan, Andrew (CRM)
Sent: Monday, June 30, 2008 2:19 PM
To: Villafana, Ann Marie C. (USAFLS)
Cc: Sloman, Jeff (USAFLS); Senior, Robert (USAFLS)
Subject: FW: Epstein pleads guilty in state court
Attachments: Epstein pleads guilty in state court

Congratulations, Marie – at long last! Your work on this matter was truly exceptional, and you obtained a very significant result that will serve the victims well. Please pass on my congratulations to the rest of your team.

Drew

Recipient

Oosterbaan, Andrew (CRM)
Kuyrkendall, E N. (FBI)
Richards, Jason R. (FBI)
Atkinson, Karen (USAFLS)
Sloman, Jeff (USAFLS)
Senior, Robert (USAFLS)
Acosta, Alex (USAFLS)
Garcia, Rolando (USAFLS)

Read

Read: 6/30/2008 4:07 PM
Read: 6/30/2008 4:09 PM
Read: 6/30/2008 4:13 PM
Read: 6/30/2008 4:10 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, June 30, 2008 3:55 PM
To: Oosterbaan, Andrew (CRM)
Cc: Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI); Atkinson, Karen (USAFLS); Sloman, Jeff (USAFLS); Senior, Robert (USAFLS); Acosta, Alex (USAFLS); Garcia, Rolando (USAFLS)
Subject: RE: Epstein pleads guilty in state court

Thank you, Drew. Your support was (and is) greatly appreciated.

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: Oosterbaan, Andrew (CRM)
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To: Villafana, Ann Marie C. (USAFLS)
Cc: Sloman, Jeff (USAFLS); Senior, Robert (USAFLS)
Subject: FW: Epstein pleads guilty in state court

Congratulations, Marie – at long last! Your work on this matter was truly exceptional, and you obtained a very significant result that will serve the victims well. Please pass on my congratulations to the rest of your team.

Drew

Tracking:

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, June 30, 2008 4:09 PM
To: Braden, Myesha (CRT)
Subject: RE: Saw the Epstein news

So-so. After all the hell they put me through, I don't feel like celebrating 18 months. He should be spending 18 years in jail – with his lawyers in the cell next to him. But I did get to see him leaving the courtroom in handcuffs. And he will have to pay out a minimum of \$4,650,000 in damages.

So, how are you?

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

From: Braden, Myesha (CRT)
Sent: Monday, June 30, 2008 2:41 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Saw the Epstein news

Marie,

How are you doing?

Myesha

Myesha K. Braden
U.S. Department of Justice
Civil Rights Division - Criminal Section
(202) 305-1483

From: Braden, Myesha (CRT)
Sent: Monday, June 30, 2008 2:41 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Saw the Epstein news

Marie,

How are you doing?

Myesha

Myesha K. Braden
U.S. Department of Justice
Civil Rights Division - Criminal Section
(202) 305-1483

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, June 30, 2008 4:41 PM
To: Braden, Myesha (CRT)
Subject: RE: Saw the Epstein news

Wait – when did you move to Civil Rights? Are you working with my friend Tammie Gregg?

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

From: Braden, Myesha (CRT)
Sent: Monday, June 30, 2008 4:26 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Saw the Epstein news

I was happy about the offwnder registration, but I wondering about the damages, as the article that I read didn't mention them. Add that to the \$57 million he just lost in the Bear Stearns debacle and it may actually crimp his style. (Perhaps karma took care of what DOJ didn't. Perhaps this will hold true during the civil suits.)

Things in the Civil Rights Division are good. I jsut started a week ago, but they really seem to make a point of giving you every possible tool to be successful. The people here are really happy and seem amazingly stress free, considering all of the travel involved. (I'll get on a plane less often than with CEOS, but may possibly spend more time away.) The differences between the way things are managed at CEOS and the way they are managed here are downright starteling. I know that it has much to do with the fact that the section is significantly larger, older and better funded . . .but it's like a different world.

From: Villafana, Ann Marie C. (USAFLS) [mailto:Ann.Marie.C.Villafana@usdoj.gov]
Sent: Monday, June 30, 2008 4:09 PM
To: Braden, Myesha (CRT)
Subject: RE: Saw the Epstein news

So-so. After all the hell they put me through, I don't feel like celebrating 18 months. He should be spending 18 years in jail – with his lawyers in the cell next to him. But I did get to see him leaving the courtroom in handcuffs. And he will have to pay out a minimum of \$4,650,000 in damages.

So, how are you?

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

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, June 30, 2008 5:00 PM
To: tleopold@riccilaw.com
Subject: Epstein Investigation

Dear Ted: Here is my e-mail address and contact information.

Thank you for your assistance.

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

Recipient

'Jack Goldberger'

Atkinson, Karen (USAFLS)

Sloman, Jeff (USAFLS)

Read

Read: 6/30/2008 5:12 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, June 30, 2008 5:01 PM
To: 'Jack Goldberger'
Cc: Atkinson, Karen (USAFLS)
Subject: Non-Prosecution Agreement

Jack:

The FBI has received several calls regarding the Non-Prosecution Agreement. I do not know whether the title of the document was disclosed when the Agreement was filed under seal, but the FBI and our office are declining comment if asked.

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:

735

EFTA00194281

Villafana, Ann Marie C. (USAFLS)

From: Ted Leopold [TLeopold@riccilaw.com]
Sent: Monday, June 30, 2008 5:13 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Epstein Investigation

Thanks Ann Marie. I will get back to you.

p.s., Tell Janice LeClainche and Jeff Sloman hello for me. Both are good friends for mine.

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

From: Villafana, Ann Marie C. (USAFLS) [mailto:Ann.Marie.C.Villafana@usdoj.gov]
Sent: Monday, June 30, 2008 5:00 PM
To: Ted Leopold
Subject: Epstein Investigation

Dear Ted: Here is my e-mail address and contact information.

Thank you for your assistance.

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

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, June 30, 2008 5:13 PM
To: Ted Leopold
Subject: RE: Epstein Investigation

I will do so. Look forward to hearing from you.

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

From: Ted Leopold [mailto:TLeopold@riccilaw.com]
Sent: Monday, June 30, 2008 5:13 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Epstein Investigation

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From: Villafana, Ann Marie C. (USAFLS) [mailto:Ann.Marie.C.Villafana@usdoj.gov]
Sent: Monday, June 30, 2008 5:00 PM
To: Ted Leopold
Subject: Epstein Investigation

Dear Ted: Here is my e-mail address and contact information.

Thank you for your assistance.

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

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From: Villafana, Ann Marie C. (USAFLS) [mailto:Ann.Marie.C.Villafana@usdoj.gov]
Sent: Monday, June 30, 2008 4:09 PM
To: Braden, Myesha (CRT)
Subject: RE: Saw the Epstein news

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So, how are you?

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

From: Braden, Myesha (CRT)
Sent: Monday, June 30, 2008 2:41 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Saw the Epstein news

Marie,

How are you doing?

Myesha

Myesha K. Braden
U.S. Department of Justice
Civil Rights Division - Criminal Section
(202) 305-1483

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, June 30, 2008 5:19 PM
To: Braden, Myesha (CRT)
Subject: RE: Saw the Epstein news

Hi Myesha – Congratulations. I have always heard that Criminal Civil Rights is the best place to be at DOJ.

Tammie is with “Special Programs” – they handle prisons, nursing homes, police departments. She is fabulous and you two would get along great. She and I worked together at the firm in Minneapolis, then she went to a firm in DC and then to DOJ. I think she has been there for around 7 years. She is a Deputy Chief now, I think.

Thank you for the vote of confidence with Epstein. I am trying to focus on the fact that he would have gotten a complete walk if I wasn't so hard-headed.

A. Marie Villafana
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500 S. Australian Ave, Suite 400
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Phone 561 209-1047
Fax 561 820-8777

From: Braden, Myesha (CRT)
Sent: Monday, June 30, 2008 4:47 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Saw the Epstein news

I officially left CEOS on June 21st, but I'd been on vacation since June 9th. It's something that I have wanted to do for years and I'm so happy that it finally worked out. (I applied to this section twice before going to CEOS, but didn't have enough prosecution experience for them to hire me.) I haven't met a Tammie Gregg, yet. Is she in the Criminal Section?

From: Villafana, Ann Marie C. (USAFLS) [mailto:Ann.Marie.C.Villafana@usdoj.gov]
Sent: Monday, June 30, 2008 4:41 PM
To: Braden, Myesha (CRT)
Subject: RE: Saw the Epstein news

Wait – when did you move to Civil Rights? Are you working with my friend Tammie Gregg?

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West Palm Beach, FL 33401
Phone 561 209-1047
Fax 561 820-8777

From: Braden, Myesha (CRT)
Sent: Monday, June 30, 2008 4:26 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Saw the Epstein news

Fax 561 820-8777

Villafana, Ann Marie C. (USAFLS)

From: Ted Leopold [TLeopold@riccilaw.com]
Sent: Monday, June 30, 2008 5:23 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Epstein Investigation

ps, great job of not letting this guy off.

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

From: Villafana, Ann Marie C. (USAFLS) [mailto:Ann.Marie.C.Villafana@usdoj.gov]
Sent: Monday, June 30, 2008 5:13 PM
To: Ted Leopold
Subject: RE: Epstein Investigation

I will do so. Look forward to hearing from you.

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p.s., Tell Janice LeClainchie and Jeff Sloman hello for me. Both are good friends for mine.

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Sent: Monday, June 30, 2008 5:00 PM
To: Ted Leopold
Subject: Epstein Investigation

Recipient
Roe, Susan (USAWW)

Read
Read: 6/30/2008 5:26 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, June 30, 2008 5:21 PM
To: Roe, Susan (USAWAW)
Subject: RE: news article

Yes. The detail that wasn't included is that he has to pay damages to the girls – a minimum of \$150,000 to each of 31 girls.

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: Roe, Susan (USAWAW)
Sent: Monday, June 30, 2008 5:02 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: news article

Does this resolve your case, too?

Billionaire pleads to Fla. prostitution charge

THE ASSOCIATED PRESS

WEST PALM BEACH, Fla. -- New York billionaire Jeffrey Epstein has pleaded guilty to soliciting prostitution from underage girls in South Florida.

Circuit Judge Deborah Dale Pucillo sentenced the 55-year-old money manager Monday to 18 months in the Palm Beach County jail, followed by a year of house arrest. He will also be designated a sex offender.

Epstein was arrested two years ago. Authorities allege he paid several girls under the age of 18 \$200 to \$300 each in return for naked massages at his Palm Beach home that sometimes became sexual.

He also faces state and federal lawsuits filed by several women over similar allegations.

Tracking:

725

EFTA00194291

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, June 30, 2008 5:36 PM
To: jason@scvan.org
Subject: Epstein Investigation

Hi Jason – Sorry we missed each other today. I wanted to inform you and (through you) your clients, of the resolution of the federal investigation of Mr. Epstein. He plead guilty today in state court to one charge of felony solicitation of prostitution and one charge of procurement of minors to engage in prostitution. He received 18 months' imprisonment to be followed by 12 months of community control with home confinement. He also must register as a sex offender for the remainder of his life.

His agreement with the U.S. Attorney's Office also required him to make certain concessions regarding possible civil suits brought by the victims. I was hoping to discuss this with you over the telephone. I also wanted to confirm the names of the victims whom you represent, and I wanted to see if you are in a position either to represent the victims in connection with such litigation or if you can refer them to someone who could perform that task, if the victims ask for recommendations.

Let's talk tomorrow in more detail. Thank you.

Please treat this e-mail as confidential.

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

p.s., Tell Janice LeClainche and Jeff Sloman hello for me. Both are good friends for mine.

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

From: Villafana, Ann Marie C. (USAFLS) [mailto:Ann.Marie.C.Villafana@usdoj.gov]

Sent: Monday, June 30, 2008 5:00 PM

To: Ted Leopold

Subject: Epstein Investigation

Dear Ted: Here is my e-mail address and contact information.

Thank you for your assistance.

A. Marie Villafaña

Assistant U.S. Attorney

500 S. Australian Ave, Suite 400

West Palm Beach, FL 33401

Phone 561 209-1047

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Villafana, Ann Marie C. (USAFLS)

From: Ted Leopold [TLeopold@riccilaw.com]
Sent: Monday, June 30, 2008 5:43 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Epstein Investigation

correct. Quite a story however. Makes you wonder what a guy like this is thinking.

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

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Sent: Monday, June 30, 2008 5:19 PM
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To: Ted Leopold
Subject: RE: Epstein Investigation

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From: Ted Leopold [mailto:TLeopold@riccilaw.com]
Sent: Monday, June 30, 2008 5:13 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Epstein Investigation

Thanks Ann Marie. I will get back to you.

Villafana, Ann Marie C. (USAFLS)

From: Jack Goldberger [jgoldberger@agwpa.com]
Sent: Monday, June 30, 2008 5:43 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Non-Prosecution Agreement

Thank you. It has not been filed yet and when filed it will be filed without identification as to what it is
Jack goldberger

Sent from my iPhone

On Jun 30, 2008, at 5:16 PM, "Villafana, Ann Marie C. \ (USAFLS\)" <Ann.Marie.C.Villafana@usdoj.gov>
wrote:

Jack:

The FBI has received several calls regarding the Non-Prosecution Agreement. I do not know
whether the title of the document was disclosed when the Agreement was filed under seal, but
the FBI and our office are declining comment if asked.

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

Recipient
Roe, Susan (USAWW)

Read
Read: 7/1/2008 11:14 AM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 01, 2008 9:10 AM
To: Roe, Susan (USAWAW)
Subject: RE: a couple questions

You would have to subpoena the computers yourselves. And the state attorney's office did a wink-wink-nudge-nudge two-sentence factual proffer.

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

From: Roe, Susan (USAWAW)
Sent: Monday, June 30, 2008 7:05 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: a couple questions

I assume there is no cooperation agreement. Any chance we/someone can see his computers?
Anything of interest in the statement of facts ?

Tracking:

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 01, 2008 9:38 AM
To: Campos, Cyndee (USAFLS)
Subject: RE: Congratulations

Thank you, Cyndee. I think we should have a celebration in Miami after the final papers are signed.

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

From: Campos, Cyndee (USAFLS)
Sent: Tuesday, July 01, 2008 9:28 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Congratulations

Recipient
Atkinson, Karen (USAFLS)

Read
Read: 7/1/2008 9:51 AM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 01, 2008 9:47 AM
To: Atkinson, Karen (USAFLS)
Subject: Meeting with the Colonel

Hi Karen – Jason discovered that Epstein is already at the Stockade. Did you get a time to meet with the Colonel? I think we should probably see him soon.

Thank you.

A. Marie Villafana
Assistant U.S. Attorney
500 S. Australian Ave, Suite 400
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Phone 561 209-1047
Fax 561 820-8777

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 01, 2008 11:05 AM
To: Yera, E.J. (USAFLS); Ball, Shawn (USAFLS); Kirkpatrick, Lynn (USAFLS); Gregg, Tammie (CRT); Erskine, Kurt (USAGAN); Robbennolt, Paul; Randy Frykberg (rfrykberg@complexsettlements.com); Millien, [REDACTED] (USAFLS)
Subject: News Briefings 07 01 08.pdf

Hi all – The first article is the most interesting. Thank you all for the help and support over the last, seemingly interminable, two years.



News Briefings
07 01 08.pdf

Marie

Recipient

Lanna Belohlavek (lbelohla@sa15.state.fl.us)

Atkinson, Karen (USAFLS)

Sloman, Jeff (USAFLS)

Senior, Robert (USAFLS)

Read

Read: 7/1/2008 12:31 PM

Read: 7/1/2008 12:15 PM

Read: 7/1/2008 12:08 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 01, 2008 11:51 AM
To: Lanna Belohlavek (lbelohla@sa15.state.fl.us)
Cc: Atkinson, Karen (USAFLS)
Subject: Non-Prosecution Agreement in Epstein Case

Hi Lanna – I am attaching the agreement, with addenda, for filing with the Court under seal.

We also noticed a couple of “misstatements” during the change of plea and wanted to call them to your attention. First, the Division of Corporations’ documents show that the Florida Science Foundation was incorporated in November 2007, not a “couple of years ago” as reported by Mr. Epstein. The address provided for the “office” of the Florida Science Foundation is Jack Goldberger’s office suite, and neither the office building directory nor the office suite door reflects that such a business is located there, and neither the security guard nor any building tenant that FBI questioned knows of the existence of such a business. And, of course, Mr. Epstein could not have been working there “every day” when he hasn’t been in Palm Beach County in the past six months.

We will leave it to your discretion as to whether this should be brought to the Court’s attention.



Epstein
Agrmt001.pdf

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:

Recipient
Sloman, Jeff (USAFLS)

Read
Read: 7/3/2008 1:11 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, July 03, 2008 11:37 AM
To: Sloman, Jeff (USAFLS)
Subject: Epstein

Hi Jeff – I just got an earful from the last of the victims’ lawyers. He is a former Broward County ASA and he represents three victims. He says that his clients can name many more victims and wanted to know if we can get out of the deal. I told him that, at this time, assuming that Epstein performs the last piece of the agreement, we are bound. He asked that, if there is the slightest hesitation on Epstein’s part of completing his performance, that he and his clients be allowed to consult with our office before making a decision.

I also couldn’t remember if I told you about our meeting with the Sheriff’s Office about the jail. Epstein is out at the stockade, not the jail. Goldberger and some psychiatrist have already met with him and have told him that, if he receives any less favorable treatment than others, Ken Starr and the whole crew will sue. He also told me that Epstein was “brilliant” and that he has already offered to teach GED classes. I sort of cocked my head at the “brilliant” comment and said, you know he only has a high school diploma, right? (I used my best, “don’t believe the hype” voice. He was clearly shocked, and I explained that Epstein usually claims to have at least a master’s degree, but other than a few college courses, he had no education above a high school diploma, which I think makes him ineligible to teach a GED course.) He also told us that Epstein is eligible for work release and will be placed on work release – in direct contradiction to what he told the agents a few months ago.

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Phone 561 209-1047
Fax 561 820-8777

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, July 03, 2008 11:59 AM
To: gaugerm@pbso.org
Cc: Atkinson, Karen (USAFLS); Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)
Subject: Epstein Agreement

Dear Colonel Gauger:

Thank you for taking the time to meet with us on Tuesday. As we discussed, I have attached the pertinent portion of Mr. Epstein's agreement with the U.S. Attorney's Office.



Epstein Agrmt
Portion.pdf

I also wanted to call to your attention a couple of items regarding the issue of Work Release. During the change of plea, Mr. Epstein stated that he would be working at the Florida Science Foundation, located at 250 Australian Avenue, Suite 1400, that the Foundation had been in existence for a "couple of years," and that he had been working there "every day" prior to the plea. The Division of Corporations' documents show that the Florida Science Foundation was incorporated in November 2007, not a "couple of years ago." The address provided for the "office" of the Florida Science Foundation is Jack Goldberger's office suite, and neither the office building directory nor the office suite door reflects that such a business is located there, and neither the security guard nor any building tenant that FBI questioned knows of the existence of such a business. Mr. Epstein also could not have been working there "every day" when he hadn't been in Palm Beach County in the past six months.

I would appreciate the opportunity to review the work release regulations. If Mr. Epstein truly is eligible for the program, we have no objection to him being treated like any other similarly situated prisoner, but sitting in his attorney's office suite making telephone calls, web-surfing, and having food delivered to him is probably not in accordance with the objectives of imprisonment. Obviously, the decision is left entirely within your discretion, but I wanted to make sure that you had a complete picture before you made that decision.

Thank you again, and have a wonderful 4th of July.

Marie

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Villafana, Ann Marie C. (USAFLS)

From: Ted Leopold [TLeopold@riccilaw.com]
Sent: Thursday, July 03, 2008 4:25 PM
To: Villafana, Ann Marie C. (USAFLS)
Cc: Spencer Kuvin
Subject: RE: Epstein Investigation

Ann Marie

Our two client names are:

1. Sage [REDACTED]
2. Brandi Brinson

if you need any other information please let me know.

Ted

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

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Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Friday, July 04, 2008 11:25 AM
To: Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)
Subject: FW: Epstein Investigation

Hi guys – Have we ever heard of B.B. (below)?

A. Marie Villafaña
Assistant U.S. Attorney
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Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Friday, July 04, 2008 11:29 AM
To: Richards, Jason R. (FBI)
Subject: RE: Epstein Investigation

Strange, huh? Did you get to go away? Have a great weekend.

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

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

From: Richards, Jason R. (FBI)
Sent: Friday, July 04, 2008 11:26 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Epstein Investigation

No

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

From: Villafana, Ann Marie C. (USAFLS) <Ann.Marie.C.Villafana@usdoj.gov>
To: Kuyrkendall, E N.; Richards, Jason R.
Sent: Fri Jul 04 11:24:41 2008
Subject: FW: Epstein Investigation

Hi guys - Have we ever heard of B.B. (below)?

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Assistant U.S. Attorney
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West Palm Beach, FL 33401
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From: Richards, Jason R. (FBI)
Sent: Friday, July 04, 2008 11:39 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Epstein Investigation

Yeah, I'm at Sanibel Island right now. Just finished watching the 4th parade. I do believe there was a Brandi LNU possibly in the message pads but she was never fully identified. There were only a couple of other names in the message pads that we didn't get Id'd , including Tamika and Vivian (girls I believe [REDACTED] brought). I have a feeling we'll be hearing about many other victims since his conviction.

Hope you have a Happy 4th of July!

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

From: Villafana, Ann Marie C. (USAFLS) <Ann.Marie.C.Villafana@usdoj.gov>
To: Richards, Jason R.
Sent: Fri Jul 04 11:29:08 2008
Subject: RE: Epstein Investigation

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To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Epstein Investigation

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

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Sent: Fri Jul 04 11:24:41 2008
Subject: FW: Epstein Investigation

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1. Sage [REDACTED]
2. Brandi Brinson

if you need any other information please let me know.

Ted

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[mailto:Ann.Marie.C.Villafana@usdoj.gov]
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Thank you for your assistance.

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

Villafana, Ann Marie C. (USAFLS)

From: Kuyrkendall, E N. (FBI)
Sent: Friday, July 04, 2008 2:21 PM
To: Villafana, Ann Marie C. (USAFLS); 'jason.richard2@ic.fbi.gov'
Subject: Re: Epstein Investigation

Hey happy 4th. FYI, I do not know that name, but I did just recv a call from [REDACTED] A. She does recall everything and said CW took her and she only went once. She said she was ashamed and uncomfortable. She is coming to FBI @ 930 Mon. We may want to met with BB as well.

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

From: Villafana, Ann Marie C. (USAFLS) <Ann.Marie.C.Villafana@usdoj.gov>
To: Kuyrkendall, E N.; Richards, Jason R.
Sent: Fri Jul 04 11:24:41 2008
Subject: FW: Epstein Investigation

Hi guys - Have we ever heard of B.B. (below)?

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

From: Ted Leopold [mailto:TLeopold@riccilaw.com]
Sent: Thursday, July 03, 2008 4:25 PM
To: Villafana, Ann Marie C. (USAFLS)
Cc: Spencer Kuvin
Subject: RE: Epstein Investigation

Ann Marie

Our two client names are:

Recipient

Acosta, Alex (USAFLS)
Sloman, Jeff (USAFLS)
Senior, Robert (USAFLS)
Atkinson, Karen (USAFLS)
Garcia, Rolando (USAFLS)
Kirkpatrick, Lynn (USAFLS)
Kuyrkendall, E N. (FBI)
Richards, Jason R. (FBI)

Read

Read: 7/7/2008 9:37 AM

Read: 7/7/2008 10:07 AM
Read: 7/7/2008 9:35 AM
Read: 7/7/2008 9:39 AM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, July 07, 2008 9:32 AM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Senior, Robert (USAFLS)
Cc: Atkinson, Karen (USAFLS); Garcia, Rolando (USAFLS)
Subject: July 7 2008 PB Post Editorial.pdf

Hi Alex, Jeff, and Bob – Thought you might enjoy reading this editorial, which appeared in today’s Palm Beach Post. Jack Goldberger is back in town today, so I am hoping that we will finalize the last piece of our agreement – the victim list and Notification. If I face resistance on that front, I will let you know.



July 7 2008 PB
Post Editorial....

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:

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, July 07, 2008 10:53 AM
To: Jack Goldberger
Cc: Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI); Atkinson, Karen (USAFLS)
Subject: Jeffrey Epstein

Importance: High

Dear Jack:

Special Agent Kuyrkendall reminded me that I failed to include one of our identified victims. She is still a minor, and her initials are [REDACTED].

Please let me know when you are available, and I will provide you with the revised list. I would like to receive the signed notification by tomorrow so that I can begin distributing them to the victims.

Thank you.

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

Villafana, Ann Marie C. (USAFLS)

From: Shawn Gilbert [sg@bradedwardslaw.com]
Sent: Monday, July 07, 2008 2:50 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Epstein, Jeffrey
Attachments: Petition for Enforcement of Crime Victim's Rights Act.pdf

Ms. Villafana:

Attached is a courtesy copy of the Petition that was filed this afternoon in the United States District Court, Southern District of Florida, bearing case number 08-80736-CIV-MARRA/JOHNSON.

I will also be sending you a copy via facsimile and United States mail, and will fax a date/stamped copy to you tomorrow.

Mr. Edwards is out of the office the remainder of the day. However, if you have any questions, please feel free to contact me.

Sincerely,

Shawn A. Gilbert, Legal Assistant
Law Office of Brad Edwards & Associates
2028 [REDACTED] Street
Suite 202
Hollywood, Florida 33020
Telephones: 954-414-8033(Broward)
305-935-2011(Miami-Dade)
Facsimiles: 954-924-1530(Broward)
305-935-4227(Miami-Dade)
e-mail: sg@bradedwardslaw.com

PRIVILEGED AND CONFIDENTIAL: The information contained in this e-mail message is intended for the use of the individual or entity to which it is addressed and may contain information that is proprietary, privileged, confidential, and exempt from disclosure under applicable laws. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivery to the intended recipient, you are hereby notified that any use, printing, reproduction, disclosure or dissemination of this communication may be subject to legal restriction or sanction.

Recipient

Sloman, Jeff (USAFLS)
Acosta, Alex (USAFLS)
Atkinson, Karen (USAFLS)
Garcia, Rolando (USAFLS)
Kuyrkendall, E N. (FBI)
Richards, Jason R. (FBI)

Read

Read: 7/7/2008 3:24 PM
Read: 7/7/2008 3:35 PM
Read: 7/7/2008 3:39 PM
Read: 7/7/2008 3:55 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, July 07, 2008 3:21 PM
To: Sloman, Jeff (USAFLS); Acosta, Alex (USAFLS); Atkinson, Karen (USAFLS)
Cc: Garcia, Rolando (USAFLS); Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)
Subject: Petition for Enforcement of Crime Victim's Rights Act.pdf re Epstein

Importance: High

Everyone – I am attaching a petition that apparently was just filed with the U.S. District Court by an attorney for 3 of the victims in the Epstein case. I have not finished reading it, but it relates to our failure to consult with the victims prior to entering into the Non-Prosecution Agreement with Epstein. This is going to be a very large problem for us and we should discuss how to handle it. My guess is that this lawyer will also be sending a copy to the press.



Petition for
enforcement of Cr.

Tracking:

693

EFTA00194323

Recipient

Lee, Dexter (USAFLS)
Sloman, Jeff (USAFLS)
Acosta, Alex (USAFLS)
Atkinson, Karen (USAFLS)
Kuyrkendall, E N. (FBI)
Yera, E.J. (USAFLS)
Richards, Jason R. (FBI)

Read

Read: 7/7/2008 3:56 PM
Read: 7/7/2008 3:44 PM

Read: 7/7/2008 3:44 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, July 07, 2008 3:43 PM
To: Lee, Dexter (USAFLS)
Cc: Sloman, Jeff (USAFLS); Acosta, Alex (USAFLS); Atkinson, Karen (USAFLS)
Subject: Suit against United States

Hi Dexter – The following has just been filed with the U.S. District Court in West Palm Beach. It is a suit brought by a victim under the Crime Victim’s Rights Act, 18 USC 3771, asking the Court to intervene to prevent us from moving forward with an agreement to close one of our investigations. I am named as the attorney on the case. Obviously I have not agreed to accept service, but I need advice on how to proceed.



DE2_080707_CeDE1_080707_Pet
of Emergency.p. ition.pdf

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

Recipient
Jacobus, Wendy (USAFLS)

Read
Read: 7/7/2008 4:05 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, July 07, 2008 3:57 PM
To: Jacobus, Wendy (USAFLS)
Subject: FW: Suit against United States

Hi Wendy – Should have send this to you, too (see below). Sorry!

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

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, July 07, 2008 3:43 PM
To: Lee, Dexter (USAFLS)
Cc: Sloman, Jeff (USAFLS); Acosta, Alex (USAFLS); Atkinson, Karen (USAFLS)
Subject: Suit against United States

Hi Dexter – The following has just been filed with the U.S. District Court in West Palm Beach. It is a suit brought by a victim under the Crime Victim's Rights Act, 18 USC 3771, asking the Court to intervene to prevent us from moving forward with an agreement to close one of our investigations. I am named as the attorney on the case. Obviously I have not agreed to accept service, but I need advice on how to proceed.



DE2_080707_CeDE1_080707_Pet
of Emergency.p. ition.pdf

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:

Villafana, Ann Marie C. (USAFLS)

From: Lee, Dexter (USAFLS)
Sent: Monday, July 07, 2008 4:07 PM
To: Villafana, Ann Marie C. (USAFLS)
Cc: Sloman, Jeff (USAFLS); Acosta, Alex (USAFLS); Atkinson, Karen (USAFLS); Jacobus, Wendy (USAFLS)
Subject: RE: Suit against United States

Ann Marie,

We will have this case assigned to a Civil AUSA. 18 U.S.C. 3771(d)(3) provides that a crime victim can file a petition for writ of mandamus in the district court where the crime occurred. Interestingly, 18 U.S.C. 3771(d)(6) provides that no cause of action for damages is created, and more importantly, "[n]othing in this chapter shall be construed to impair the prosecutorial discretion of the Attorney General or any officer under his direction."

I think the real issue is whether we owe the victim any duty under the statute which we have failed to perform, e.g. notify her of a public hearing, etc. I do not believe the statute allows the victim to interfere with the exercise of prosecutorial discretion by the Executive Branch.

Dexter

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, July 07, 2008 3:43 PM
To: Lee, Dexter (USAFLS)
Cc: Sloman, Jeff (USAFLS); Acosta, Alex (USAFLS); Atkinson, Karen (USAFLS)
Subject: Suit against United States

Hi Dexter – The following has just been filed with the U.S. District Court in West Palm Beach. It is a suit brought by a victim under the Crime Victim's Rights Act, 18 USC 3771, asking the Court to intervene to prevent us from moving forward with an agreement to close one of our investigations. I am named as the attorney on the case. Obviously I have not agreed to accept service, but I need advice on how to proceed.

<< File: DE2_080707_Cert of Emergency.pdf >> << File: DE1_080707_Petition.pdf >>

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

Recipient

Lee, Dexter (USAFLS)
Sloman, Jeff (USAFLS)
Jacobus, Wendy (USAFLS)

Read

Read: 7/7/2008 4:14 PM
Read: 7/7/2008 4:19 PM
Read: 7/7/2008 4:17 PM

prevent us from moving forward with an agreement to close one of our investigations. I am named as the attorney on the case. Obviously I have not agreed to accept service, but I need advice on how to proceed.

<< File: DE2_080707_Cert of Emergency.pdf >> << File: DE1_080707_Petition.pdf >>

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

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, July 07, 2008 4:14 PM
To: Lee, Dexter (USAFLS)
Cc: Sloman, Jeff (USAFLS); Jacobus, Wendy (USAFLS)
Subject: RE: Suit against United States

Hi Dexter – Thank you. Jeff and I discussed this and we reached the same conclusion. I am not quite sure how Judge Marra will treat this but I will wait to hear from the Civil AUSA.

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

From: Lee, Dexter (USAFLS)
Sent: Monday, July 07, 2008 4:07 PM
To: Villafana, Ann Marie C. (USAFLS)
Cc: Sloman, Jeff (USAFLS); Acosta, Alex (USAFLS); Atkinson, Karen (USAFLS); Jacobus, Wendy (USAFLS)
Subject: RE: Suit against United States

Ann Marie,

We will have this case assigned to a Civil AUSA. 18 U.S.C. 3771(d)(3) provides that a crime victim can file a petition for writ of mandamus in the district court where the crime occurred. Interestingly, 18 U.S.C. 3771(d)(6) provides that no cause of action for damages is created, and more importantly, “[n]othing in this chapter shall be construed to impair the prosecutorial discretion of the Attorney General or any officer under his direction.”

I think the real issue is whether we owe the victim any duty under the statute which we have failed to perform, e.g. notify her of a public hearing, etc. I do not believe the statute allows the victim to interfere with the exercise of prosecutorial discretion by the Executive Branch.

Dexter

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, July 07, 2008 3:43 PM
To: Lee, Dexter (USAFLS)
Cc: Sloman, Jeff (USAFLS); Acosta, Alex (USAFLS); Atkinson, Karen (USAFLS)
Subject: Suit against United States

Hi Dexter – The following has just been filed with the U.S. District Court in West Palm Beach. It is a suit brought by a victim under the Crime Victim’s Rights Act, 18 USC 3771, asking the Court to intervene to

Recipient

Lee, Dexter (USAFLS)
Jacobus, Wendy (USAFLS)
Sloman, Jeff (USAFLS)
Atkinson, Karen (USAFLS)
Kuyrkendall, E N. (FBI)
Richards, Jason R. (FBI)
Yera, E.J. (USAFLS)

Read

Read: 7/7/2008 4:48 PM
Read: 7/7/2008 4:18 PM
Read: 7/7/2008 4:19 PM
Read: 7/7/2008 5:15 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, July 07, 2008 4:17 PM
To: Lee, Dexter (USAFLS); Jacobus, Wendy (USAFLS); Sloman, Jeff (USAFLS)
Cc: Atkinson, Karen (USAFLS)
Subject: Order requiring response to Jane Doe Complaint

Importance: High

I spoke too soon. Here is how Judge Marra is reacting to this. Please let me know asap who is assigned or if I should draft the response.



DE3_080707_Or
ler requiring res..

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

Tracking:

Recipient
Jacobus, Wendy (USAFLS)

Read
Read: 7/7/2008 5:43 PM

500 S. Australian Ave, Suite 400
West Palm Beach, FL 33401
Phone 561 209-1047
Fax 561 820-8777

Tracking:

681

EFTA00194335

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, July 07, 2008 5:07 PM
To: Jacobus, Wendy (USAFLS)
Subject: RE: Order requiring response to Jane Doe Complaint

Thank you, Wendy. Dexter and I have talked about it. I am lucky to have one of your best volunteer to defend me!

P.S. Hope all is well with you!

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: Jacobus, Wendy (USAFLS)
Sent: Monday, July 07, 2008 5:04 PM
To: Villafana, Ann Marie C. (USAFLS); Lee, Dexter (USAFLS); Sloman, Jeff (USAFLS)
Cc: Atkinson, Karen (USAFLS)
Subject: RE: Order requiring response to Jane Doe Complaint

Ann Marie,

Dexter has graciously agreed to defend this case and is aware of the filing deadline of this Wednesday at 5:00 pm.

Thanks for letting us know about this so quickly!

Wendy

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, July 07, 2008 4:17 PM
To: Lee, Dexter (USAFLS); Jacobus, Wendy (USAFLS); Sloman, Jeff (USAFLS)
Cc: Atkinson, Karen (USAFLS)
Subject: Order requiring response to Jane Doe Complaint
Importance: High

I spoke too soon. Here is how Judge Marra is reacting to this. Please let me know asap who is assigned or if I should draft the response.

<< File: DE3_080707_Order requiring response.pdf >>
A. Marie Villafana
Assistant U.S. Attorney

Villafana, Ann Marie C. (USAFLS)

From: Lee, Dexter (USAFLS)
Sent: Monday, July 07, 2008 5:12 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: CVRA Lawsuit

Ann Marie,

Can you look through your files and set aside every piece of correspondence that was sent to either Jane Doe or her legal representative? Thanks.

Dexter

Recipient
Lee, Dexter (USAFLS)

Read
Read: 7/7/2008 5:49 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, July 07, 2008 5:14 PM
To: Lee, Dexter (USAFLS)
Subject: RE: CVRA Lawsuit

Thanks, I am working on that already.

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

From: Lee, Dexter (USAFLS)
Sent: Monday, July 07, 2008 5:12 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: CVRA Lawsuit

Ann Marie,

Can you look through your files and set aside every piece of correspondence that was sent to either Jane Doe or her legal representative? Thanks.

Dexter

Tracking:

677

EFTA00194339

Dexter

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, July 07, 2008 5:17 PM
To: Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)
Subject: FW: CVRA Lawsuit

Hi guys – Can you get anything that Twiler sent to [REDACTED] ([REDACTED] and/or [REDACTED])? And do you have the dates when you provided my original Victim's Rights letter to [REDACTED]? Did we ever give one to [REDACTED]?

And do I remember correctly that we gave [REDACTED] her letter on the date of the interview? And, do you have that date handy?

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

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, July 07, 2008 5:14 PM
To: Lee, Dexter (USAFLS)
Subject: RE: CVRA Lawsuit

Thanks, I am working on that already.

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

From: Lee, Dexter (USAFLS)
Sent: Monday, July 07, 2008 5:12 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: CVRA Lawsuit

Ann Marie,

Can you look through your files and set aside every piece of correspondence that was sent to either Jane Doe or her legal representative? Thanks.

Villafana, Ann Marie C. (USAFLS)

From: Lee, Dexter (USAFLS)
Sent: Monday, July 07, 2008 6:53 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: CVRA Suit

Ann Marie,

The Attorney General Guidelines for Victim and Witness Assistance (May 2005) provides that "responsible officials should make reasonable efforts to notify identified victims of, and consider victims' views about, prospective plea negotiations." Article IV, Services to Victims and Witnesses, p. 30.

Has an agreement been signed with Epstein? Did we notify Jane Doe that an agreement was about to be negotiated, and the outlines of that proposed agreement? Thanks.

Dexter

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, July 07, 2008 7:23 PM
To: Lee, Dexter (USAFLS)
Cc: Sloman, Jeff (USAFLS)
Subject: Re: CVRA Suit

Hi dexter. Yes an agreement has been signed and has already been partially performed. The agreement is confidential and has been filed under seal in the state court proceedings.

He could be filing his motion on behalf of 3 different jane does. S.R. Was not fully identified until after the agreement was signed. T.M. was notified and her notification resulted in claims of prosecutorial misconduct by Epstein's lawyers. I am checking to see if the third, C.W., was notified prior to the signing of the agreement.

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

From: Lee, Dexter (USAFLS)
To: Villafana, Ann Marie C. (USAFLS)
Sent: Mon Jul 07 18:52:42 2008
Subject: CVRA Suit

Ann Marie,

The Attorney General Guidelines for Victim and Witness Assistance (May 2005) provides that "responsible officials should make reasonable efforts to notify identified victims of, and consider victims' views about, prospective plea negotiations." Article IV, Services to Victims and Witnesses, p. 30.

Has an agreement been signed with Epstein? Did we notify Jane Doe that an agreement was about to be negotiated, and the outlines of that proposed agreement? Thanks.

Dexter

To: Villafana, Ann Marie C. (USAFLS)

Subject: CVRA Lawsuit

Ann Marie,

Can you look through your files and set aside every piece of correspondence that was sent to either Jane Doe or her legal representative? Thanks.

Dexter

Villafana, Ann Marie C. (USAFLS)

From: Kuyrkendall, E N. (FBI)
Sent: Monday, July 07, 2008 7:57 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: CVRA Lawsuit

Marie,

Twiler is out all week at a conference in OK. We hopefully will be able to provide you with more details next week.

TM was interviewed 04/27/2007. We are unsure if a letter was provided at that time. Twiler sent TM's Attorney the FBI Victim/Witness letter dated Jan 10, 2008.

CW also received the FBI Victim/Witness letter from Twiler dated Jan 10, 2008. Jason and I are unable to recall exactly how CW was provided the USAO Victim/Witness letter.

SR was interviewed by the FBI on May 28, 2008. Twiler mailed SR the FBI Victim/Witness letter dated May 30, 2008.

Nesbitt and Jason

From: Villafana, Ann Marie C. (USAFLS) [Ann.Marie.C.Villafana@usdoj.gov]
Sent: Monday, July 07, 2008 5:17 PM
To: Kuyrkendall, E N.; Richards, Jason R.
Subject: FW: CVRA Lawsuit

Hi guys – Can you get anything that Twiler sent to [REDACTED], [REDACTED], and/or [REDACTED]? And do you have the dates when you provided my original Victim's Rights letter to [REDACTED]? Did we ever give one to [REDACTED]? And do I remember correctly that we gave [REDACTED] her letter on the date of the interview? And, do you have that date handy?

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

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, July 07, 2008 5:14 PM
To: Lee, Dexter (USAFLS)
Subject: RE: CVRA Lawsuit

Thanks, I am working on that already.

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

From: Lee, Dexter (USAFLS)
Sent: Monday, July 07, 2008 5:12 PM

Recipient
Lee, Dexter (USAFLS)

Read
Read: 7/8/2008 10:21 AM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 08, 2008 10:17 AM
To: Lee, Dexter (USAFLS)
Subject: Emailing: Villafana Declaration re victim notification.wpd
Attachments: Villafana Declaration re victim notification.wpd

Hi Dexter -- I am still working on it, but thought this would help with background. When I finish, I will send to you, Jeff, and Alex.

Thanks.

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

Villafana Declaration re victim 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.

Recipient

Acosta, Alex (USAFLS)
Sloman, Jeff (USAFLS)
Lee, Dexter (USAFLS)
Atkinson, Karen (USAFLS)

Read

Read: 7/8/2008 12:21 PM
Read: 7/8/2008 10:56 AM
Read: 7/8/2008 10:58 AM
Read: 7/8/2008 11:22 AM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 08, 2008 10:54 AM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Lee, Dexter (USAFLS)
Cc: Atkinson, Karen (USAFLS)
Subject: Brad Edwards Letter.pdf

Everyone – Here is a letter that I received from Mr. Edwards yesterday afternoon. It was sent via registered mail.

Thank you.



Brad Edwards
Letter.pdf

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:

667

EFTA00194349

Recipient

Acosta, Alex (USAFLS)
Sloman, Jeff (USAFLS)
Lee, Dexter (USAFLS)

Read

Read: 7/8/2008 12:22 PM
Read: 7/8/2008 11:01 AM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 08, 2008 10:57 AM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Lee, Dexter (USAFLS)
Subject: Victim Notification in Epstein

Alex and Jeff – Jack Goldberger still has not contacted me regarding the Victim Notification list. Today, I would like to provide him with a written notification of failure to perform. Should I inform him of Mr. Edwards' complaint? Do we have any duty to notify them of the potential need to disclose the deferred prosecution agreement in response to that complaint?

Thank you.

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

Villafana, Ann Marie C. (USAFLS)

From: Lee, Dexter (USAFLS)
Sent: Tuesday, July 08, 2008 12:09 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Factors in Not Disclosing Plea Agreement Terms

Marie,

The Attorney General's Guidelines lists several factors in determining whether to notify a victim of a proposed plea agreement:

(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.

When we spoke this morning, you told me that the initial agreement with Epstein was reached in September 2007. An addendum was negotiated in October 2007. Finally, an additional portion of the agreement was signed in December 2007.

Did we consider these, or any other factors, in deciding not to advise the victims of the plea negotiations, which appeared to have commenced in mid-2007? Thanks.

Dexter

Recipient
Lee, Dexter (USAFLS)

Read
Read: 7/8/2008 12:17 PM

From: Sloman, Jeff (USAFLS)
Sent: Thursday, September 06, 2007 5:35 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Epstein

Please refresh my recollection. What is the "deal" on the table?

Tracking:

662

EFTA00194354

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 08, 2008 12:15 PM
To: Lee, Dexter (USAFLS)
Subject: FW: Epstein

Dexter – Please see below.

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

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, September 06, 2007 5:47 PM
To: Sloman, Jeff (USAFLS)
Subject: RE: Epstein

Hi Jeff – Funny you should ask. I have been wondering the same thing. Here is the term sheet and guidelines calculation that we provided at the last meeting. You and Matt and I had also discussed a possible federal plea to an Information charging a 371 conspiracy, with a Rule 11 plea with a two-year cap, but I think Matt must have asked Alex about it and it was nixed. Just to be prepared for tomorrow, I was just starting to draft a Rule 11 plea agreement in case Alex changes his mind and a formal non-prosecution agreement containing the state plea terms. As soon as those are ready, I will e-mail them to you.



Conf Plea
gotiations final.w

There are three concerns that I hope we can address tomorrow. First, that there is an absolute drop-dead date for accepting or rejecting because it is strategically important that we indict before the end of September, which means presenting the indictment on September 25th. Second, the agents and I have not reached out to the victims to get their approval, which as Drew politely reminded me, is required under the law. And third, I do not want to make any promises about allowing Epstein to self-surrender because I still believe that we have a good chance of getting him detained.

On another note, Junior got a call today from the Palm Beach Police Chief because he got information that there will be an article released tomorrow about our meeting and that Epstein is going to plead to a state charge and the Chief wanted to know if the victims had been consulted about the deal. There has been some coverage in the New York press about Ken Starr, but I haven't seen anything local yet.

A. Marie Villafaña
Assistant U.S. Attorney
561 209-1047

Recipient
Lee, Dexter (USAFLS)

Read
Read: 7/8/2008 12:20 PM

Did we consider these, or any other factors, in deciding not to advise the victims of the plea negotiations, which appeared to have commenced in mid-2007? Thanks.

Dexter

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 08, 2008 12:17 PM
To: Lee, Dexter (USAFLS)
Subject: RE: Factors in Not Disclosing Plea Agreement Terms

Hi Dexter – I will forward to you an e-mail that I sent to Jeff and Alex about victim notification during the negotiations. The terms of the agreement were proposed by Matt Menchel, and I worked on drafting an agreement in accordance with those terms.

I think the Office's position is that the number of victims, timing, and the confidentiality provisions included in the agreement made victim notification impossible. I would add that, after seeing how the defense twisted the disclosure of the terms to the first few victims, premature notification of them would have compromised their trial testimony.

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

From: Lee, Dexter (USAFLS)
Sent: Tuesday, July 08, 2008 12:09 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Factors in Not Disclosing Plea Agreement Terms

Marie,

The Attorney General's Guidelines lists several factors in determining whether to notify a victim of a proposed plea agreement:

(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.

When we spoke this morning, you told me that the initial agreement with Epstein was reached in September 2007. An addendum was negotiated in October 2007. Finally, an additional portion of the agreement was signed in December 2007.

Recipient

Sloman, Jeff (USAFLS)

Acosta, Alex (USAFLS)

Atkinson, Karen (USAFLS)

Read

Read: 7/8/2008 12:28 PM

Read: 7/8/2008 12:35 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 08, 2008 12:24 PM
To: Sloman, Jeff (USAFLS); Acosta, Alex (USAFLS)
Cc: Atkinson, Karen (USAFLS)
Subject: Emailing: 080708 Goldberger ltr re notification.wpd
Attachments: 080708 Goldberger ltr re notification.wpd

Jeff, Alex, and Karen:

I have attached my proposed notification letter to Jack Goldberger.

Thank you.

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

080708 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.

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 08, 2008 12:51 PM
To: Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)
Subject: JE

Hi guys – Sorry I sound so rushed, but I am trying to deal with too many things at once.

Here is a letter I drafted to go to Goldberger today. I am waiting for approval from the 8th Floor to send it.



080708
dberger ltr re not

Can you fax to me Twiler's letters to [REDACTED], [REDACTED], and [REDACTED]? I need to attach them to my declaration.

Thank you.

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

Villafana, Ann Marie C. (USAFLS)

From: Richards, Jason R. (FBI)
Sent: Tuesday, July 08, 2008 1:05 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: JE

Vic/Wit letters coming to you right now.

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

From: Villafana, Ann Marie C. (USAFLS) <Ann.Marie.C.Villafana@usdoj.gov>
To: Kuyrkendall, E N.; Richards, Jason R.
Sent: Tue Jul 08 12:51:15 2008
Subject: JE

Hi guys - Sorry I sound so rushed, but I am trying to deal with too many things at once.

Here is a letter I drafted to go to Goldberger today. I am waiting for approval from the 8th Floor to send it.

<<080708 Goldberger ltr re notification.wpd>>

Can you fax to me Twiler's letters to [REDACTED], [REDACTED], and [REDACTED]? I need to attach them to my declaration.

Thank you.

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

Recipient

'Jack Goldberger'
Atkinson, Karen (USAFLS)
Kuyrkendall, E N. (FBI)
Richards, Jason R. (FBI)
Sloman, Jeff (USAFLS)
Lee, Dexter (USAFLS)

Read

Read: 7/8/2008 2:13 PM

Read: 7/8/2008 2:08 PM

Read: 7/8/2008 2:07 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 08, 2008 2:06 PM
To: 'Jack Goldberger'
Cc: Atkinson, Karen (USAFLS)
Subject: Victim Notification in Epstein

Dear Mr. Goldberger:

Please review the attached letter.



080708
Goldberger Ltr re Vic

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:

Ms. Herd.

Attached please find the emergency petition filed yesterday afternoon, and a draft declaration from the AUSA. Our response is due on Wednesday, July 9, 2008, at close of business.

Thanks for your assistance.

Dexter Lee
(305) 961-9320



Villafana
Declaration re victi



DE1_080707_Pet
ition.pdf

Villafana, Ann Marie C. (USAFLS)

From: Lee, Dexter (USAFLS)
Sent: Tuesday, July 08, 2008 4:29 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: FW: Epstein CVRA Case

Marie,

Can you scan the letters and send them to me by e-mail? Thanks.

Dexter

From: Neal, Kristina (USAEO)
Sent: Tuesday, July 08, 2008 4:02 PM
To: Lee, Dexter (USAFLS)
Cc: Herd, Kim (USAEO)
Subject: FW: Epstein CVRA Case

Good Afternoon.

Kim and I are taking a look at the petition and affidavit that you sent and were wondering if it would be possible for you to send us a copy of the letters that were sent to the victims in this case. The AUSA refers to attached copies in her affidavit at #3.

We are working on this and will respond to you ASAP.

Thanks.

Kris Neal

Kristina Neal
Attorney Advisor
LECC/Victim Witness Staff
EOUSA
(202) 305 2538

From: Lee, Dexter (USAFLS)
Sent: Tuesday, July 08, 2008 1:37 PM
To: Herd, Kim (USAEO)
Subject: Epstein CVRA Case

Recipient
Lee, Dexter (USAFLS)

Read
Read: 7/8/2008 5:00 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 08, 2008 4:40 PM
To: Lee, Dexter (USAFLS)
Subject: FW: Victim Letters001.pdf

Hi Dexter – I am finishing up the Declaration now. The letters are attached below.

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

From: Ball, Shawn (USAFLS)
Sent: Tuesday, July 08, 2008 4:38 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Victim Letters001.pdf



Victim
Letters001.pdf

Tracking:

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 08, 2008 4:58 PM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Lee, Dexter (USAFLS)
Cc: Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI); Atkinson, Karen (USAFLS)
Subject: Letter received from Epstein's counsel

Hi all – I received one line from Jack Goldberger, which reads: "I am out of the office today. I will response [sic] to your fax of July 8, 2008 by return of fax tomorrow."

Recipient

Sloman, Jeff (USAFLS)
Lee, Dexter (USAFLS)
Kuyrkendall, E N. (FBI)
Richards, Jason R. (FBI)
Atkinson, Karen (USAFLS)

Read

Read: 7/8/2008 5:26 PM
Read: 7/8/2008 5:30 PM

Read: 7/9/2008 9:19 AM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 08, 2008 5:24 PM
To: Sloman, Jeff (USAFLS); Lee, Dexter (USAFLS)
Cc: Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI); Atkinson, Karen (USAFLS)
Subject: Emailing: Villafana Declaration re victim notification.wpd
Attachments: Villafana Declaration re victim notification.wpd

I haven't proofed it yet, and Nesbitt and Jason need to double-check me on the facts, but I wanted to get it to you as soon as I could in case the Office wants to do major revisions.

The air conditioning in my office is broken, so I am going to head home. I will have access to e-mail and the document at home, if we want to make changes tonight. Otherwise I will be back early tomorrow. If you do want to make changes, please just call me on my cell, 561 601-2301, and then I can sign on to the computer at home.

Thanks.

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

Villafana Declaration re victim 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.

Villafana, Ann Marie C. (USAFLS)

From: Lee, Dexter (USAFLS)
Sent: Tuesday, July 08, 2008 5:29 PM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Cc: Villafana, Ann Marie C. (USAFLS); Jacobus, Wendy (USAFLS)
Subject: Draft Response in Jane Doe

Alex and Jeff,

Here is a draft response to the emergency petition filed by Jane Doe in the Epstein case. Our first argument is that Doe had no rights under 18 U.S.C. 3177(a)(5) since that provision does not apply where there are no "court proceedings" in federal court, and none were contemplated, as long as Epstein complied with the non-prosecution agreement. The second argument is that the government used its best efforts to comply, since the A/G guidelines permitted us to not notify victims of the proposed plea negotiations if the proposed plea involved confidential information or conditions, or there is another need for confidentiality. Article IV, Section B(2)(C)(3). The government exercised its discretion and determined that keeping the terms confidential was necessary in order to obtain the best agreement. In particular, the government wanted Epstein to make a significant concession on one of the elements in 18 U.S.C. 2255.

I am speaking with Kim Herd at EOUSA regarding the government's position. In particular, the first argument will have to be cleared by DOJ before I can assert it. Please feel free to make any comments. Thanks.

Dexter



victim_resp.wpd

Recipient

Acosta, Alex (USAFLS)

Lee, Dexter (USAFLS)

Read

Read: 7/8/2008 5:37 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 08, 2008 5:37 PM
To: Acosta, Alex (USAFLS); Lee, Dexter (USAFLS)
Subject: Victim Notification

Hi Alex and Dexter – Here is the proposed notification that was provided to Epstein’s counsel last week.



Victim
Notification and Notice

Assuming that they don’t sign it tomorrow, I would remove the bottom portion that calls for Epstein’s signature and incorporate some instructional language along with notice that Jack Goldberger is the contact person for any civil litigation.

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

Tracking:

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 08, 2008 5:43 PM
To: Lee, Dexter (USAFLS); Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Subject: FW: Epstein: Victim Notification Letter

Alex, Dexter, and Jeff – in my draft declaration I reference the original victim notification letter that was objected to by the defense. Here it is as it was sent to Jay Lefkowitz on November 28, 2007.

Thanks.

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, November 28, 2007 4:47 PM
To: Jay Lefkowitz
Cc: Sloman, Jeff (USAFLS); Acosta, Alex (USAFLS)
Subject: Epstein: Victim Notification Letter

Dear Jay:

Jeff asked that I forward the victim notification letter to you. It is attached.

Thank you.



Victim
Notification Ltr.pdf

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

Villafana, Ann Marie C. (USAFLS)

From: Acosta, Alex (USAFLS)
Sent: Tuesday, July 08, 2008 6:17 PM
To: Lee, Dexter (USAFLS); Sloman, Jeff (USAFLS)
Cc: Villafana, Ann Marie C. (USAFLS); Jacobus, Wendy (USAFLS)
Subject: RE: Draft Response in Jane Doe

Here is a second draft, with small rewrites

I reduced the discussion of negotiations. The agreement has a confidentiality clause. I note this, because if we disclose too much, then we will be sued by the other side for breach of that clause.

In other words, we need to disclose and discuss without going too far – unless ordered to do so by the court.



victim_resp.wpd

From: Lee, Dexter (USAFLS)
Sent: Tuesday, July 08, 2008 5:29 PM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Cc: Villafana, Ann Marie C. (USAFLS); Jacobus, Wendy (USAFLS)
Subject: Draft Response in Jane Doe

Alex and Jeff,

Here is a draft response to the emergency petition filed by Jane Doe in the Epstein case. Our first argument is that Doe had no rights under 18 U.S.C. 3177(a)(5) since that provision does not apply where there are no “court proceedings” in federal court, and none were contemplated, as long as Epstein complied with the non-prosecution agreement. The second argument is that the government used its best efforts to comply, since the A/G guidelines permitted us to not notify victims of the proposed plea negotiations if the proposed plea involved confidential information or conditions, or there is another need for confidentiality. Article IV, Section B(2)(C)(3). The government exercised its discretion and determined that keeping the terms confidential was necessary in order to obtain the best agreement. In particular, the government wanted Epstein to make a significant concession on one of the elements in 18 U.S.C. 2255.

I am speaking with Kim Herd at EOUSA regarding the government’s position. In particular, the first argument will have to be cleared by DOJ before I can assert it. Please feel free to make any comments. Thanks.

Dexter

<< File: victim_resp.wpd >>

Villafana, Ann Marie C. (USAFLS)

From: Lee, Dexter (USAFLS)
Sent: Tuesday, July 08, 2008 7:42 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Revised Declaration & Response

Marie,

Alex has reviewed my draft response and your final declaration. He wanted to leave out specific details regarding the plea negotiations, since plea discussions are normally held in confidence. Also, he wanted to leave out Epstein's attorneys' undue haste in hurling accusations of misconduct at the prosecution, since that does not address the claims presented by petitioner.

I have revised the response and your declaration accordingly. Please review both to ensure they are accurate. Thanks.

Dexter



victim_resp_USA
rev.wpd



Villafana
eclaration-v2.wp

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 08, 2008 8:04 PM
To: Lee, Dexter (USAFLS); Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Subject: Re: Revised Declaration & Response

Hi Dexter and Alex. Changes look good. I have to correct one paragraph tomorrow morning and it should be good to go as soon as we send out the notifications. Thank you.

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

From: Lee, Dexter (USAFLS)
To: Villafana, Ann Marie C. (USAFLS)
Sent: Tue Jul 08 19:41:56 2008
Subject: Revised Declaration & Response

Marie,

Alex has reviewed my draft response and your final declaration. He wanted to leave out specific details regarding the plea negotiations, since plea discussions are normally held in confidence. Also, he wanted to leave out Epstein's attorneys' undue haste in hurling accusations of misconduct at the prosecution, since that does not address the claims presented by petitioner.

I have revised the response and your declaration accordingly. Please review both to ensure they are accurate. Thanks.

Dexter

<<victim_resp_USArev.wpd>> <<Villafana Declaration-v2.wpd>>

Recipient

Lee, Dexter (USAFLS)
Acosta, Alex (USAFLS)
Atkinson, Karen (USAFLS)
Sloman, Jeff (USAFLS)
Kuyrkendall, E N. (FBI)
Richards, Jason R. (FBI)

Read

Read: 7/9/2008 9:18 AM
Read: 7/9/2008 9:33 AM
Read: 7/9/2008 9:20 AM
Read: 7/9/2008 9:13 AM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 09, 2008 9:11 AM
To: Lee, Dexter (USAFLS); Acosta, Alex (USAFLS)
Cc: Atkinson, Karen (USAFLS); Sloman, Jeff (USAFLS)
Subject: Emailing: victim_resp_USArev corrected.wpd
Attachments: victim_resp_USArev corrected.wpd

Dexter and Alex -- I fixed a couple of typos and entered the correct information about the dates when the letters were sent. I also included the information about all three of Edwards' clients, T.M., C.W., and S.R.

At the end, I also corrected the information regarding the notifications of the victims about the change of plea. I called Edwards on Friday, but I'm not sure whether we spoke that day or if he called me over the weekend. And the agents and I didn't start making calls together until Monday after the hearing. So I notified Edwards to inform his three clients, and PBPD tried to notify six victims, I think. I didn't want the court to think that we tried to notify all 33 girls.

I will make similar changes to my declaration and send that to you shortly.

Also, I notice there is no signature block. Do you want me to sign and file? Or will you do that, Dexter? Thanks.

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

victim_resp_USArev corrected.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.

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

victim_resp_USArev corrected.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.

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 09, 2008 9:19 AM
To: Richards, Jason R. (FBI)
Subject: RE: Emailing: victim_resp_USArev corrected.wpd

Thank you.

A. Marie Villafaña
Assistant U.S. Attorney
561 209-1047

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

From: Richards, Jason R. (FBI)
Sent: Wednesday, July 09, 2008 9:14 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Emailing: victim_resp_USArev corrected.wpd

Hi Marie,

We interviewed TM on 4/24/2007.

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

From: Villafana, Ann Marie C. (USAFLS) <Ann.Marie.C.Villafana@usdoj.gov>
To: Lee, Dexter (USAFLS); Acosta, Alex (USAFLS)
Cc: Atkinson, Karen (USAFLS); Sloman, Jeff (USAFLS)
Sent: Wed Jul 09 09:10:39 2008
Subject: Emailing: victim_resp_USArev corrected.wpd

<<victim_resp_USArev corrected.wpd>> Dexter and Alex -- I fixed a couple of typos and entered the correct information about the dates when the letters were sent. I also included the information about all three of Edwards' clients, T.M., C.W., and S.R.

At the end, I also corrected the information regarding the notifications of the victims about the change of plea. I called Edwards on Friday, but I'm not sure whether we spoke that day or if he called me over the weekend. And the agents and I didn't start making calls together until Monday after the hearing. So I notified Edwards to inform his three clients, and PBPD tried to notify six victims, I think. I didn't want the court to think that we tried to notify all 33 girls.

I will make similar changes to my declaration and send that to you shortly.

Also, I notice there is no signature block. Do you want me to sign and file? Or will you do that, Dexter? Thanks.

Villafana, Ann Marie C. (USAFLS)

From: Lee, Dexter (USAFLS)
Sent: Wednesday, July 09, 2008 9:22 AM
To: Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS)
Cc: Atkinson, Karen (USAFLS); Sloman, Jeff (USAFLS); Jacobus, Wendy (USAFLS)
Subject: RE: Emailing: victim_resp_USArev corrected.wpd

Marie,

I will sign the response. Since this case involves girls who were minors when the crimes were committed, and there is a confidentiality provision in the deferral of prosecution agreement with Epstein, I believe this should be filed under seal. Otherwise, we'll have to go through each letter and excise the names, addresses, and other identifying information on the three girls.

Dexter

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

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 09, 2008 9:11 AM
To: Lee, Dexter (USAFLS); Acosta, Alex (USAFLS)
Cc: Atkinson, Karen (USAFLS); Sloman, Jeff (USAFLS)
Subject: Emailing: victim_resp_USArev corrected.wpd

Dexter and Alex -- I fixed a couple of typos and entered the correct information about the dates when the letters were sent. I also included the information about all three of Edwards' clients, T.M., C.W., and S.R.

At the end, I also corrected the information regarding the notifications of the victims about the change of plea. I called Edwards on Friday, but I'm not sure whether we spoke that day or if he called me over the weekend. And the agents and I didn't start making calls together until Monday after the hearing. So I notified Edwards to inform his three clients, and PBPD tried to notify six victims, I think. I didn't want the court to think that we tried to notify all 33 girls.

I will make similar changes to my declaration and send that to you shortly.

Also, I notice there is no signature block. Do you want me to sign and file? Or will you do that, Dexter? Thanks.

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

victim_resp_USArev corrected.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.

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 09, 2008 9:22 AM
To: Acosta, Alex (USAFLS); Lee, Dexter (USAFLS)
Cc: Atkinson, Karen (USAFLS); Sloman, Jeff (USAFLS)
Subject: Emailing: Villafana Declaration-v2 final.wpd
Attachments: Villafana Declaration-v2 final.wpd

Attached is the revised declaration. Please let me know if any other changes are required. I am off to Court but should be back by 11:30.

Thank you.

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

Villafana Declaration-v2 final.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.

Recipient

Lee, Dexter (USAFLS)
Acosta, Alex (USAFLS)
Atkinson, Karen (USAFLS)
Sloman, Jeff (USAFLS)
Jacobus, Wendy (USAFLS)

Read

Read: 7/9/2008 9:30 AM

Read: 7/9/2008 9:30 AM
Read: 7/9/2008 9:25 AM
Read: 7/9/2008 9:53 AM

victims, I think. I didn't want the court to think that we tried to notify all 33 girls.

I will make similar changes to my declaration and send that to you shortly.

Also, I notice there is no signature block. Do you want me to sign and file? Or will you do that, Dexter? Thanks.

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

victim_resp_USArev corrected.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.

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 09, 2008 9:23 AM
To: Lee, Dexter (USAFLS); Acosta, Alex (USAFLS)
Cc: Atkinson, Karen (USAFLS); Sloman, Jeff (USAFLS); Jacobus, Wendy (USAFLS)
Subject: RE: Emailing: victim_resp_USArev corrected.wpd

I was planning to redact all of that information prior to scanning it and attaching Exhibit Stickers. I think we should do so even if this is filed under seal.

A. Marie Villafaña
Assistant U.S. Attorney
561 209-1047

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

From: Lee, Dexter (USAFLS)
Sent: Wednesday, July 09, 2008 9:22 AM
To: Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS)
Cc: Atkinson, Karen (USAFLS); Sloman, Jeff (USAFLS); Jacobus, Wendy (USAFLS)
Subject: RE: Emailing: victim_resp_USArev corrected.wpd

Marie,

I will sign the response. Since this case involves girls who were minors when the crimes were committed, and there is a confidentiality provision in the deferral of prosecution agreement with Epstein, I believe this should be filed under seal. Otherwise, we'll have to go through each letter and excise the names, addresses, and other identifying information on the three girls.

Dexter

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From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 09, 2008 9:11 AM
To: Lee, Dexter (USAFLS); Acosta, Alex (USAFLS)
Cc: Atkinson, Karen (USAFLS); Sloman, Jeff (USAFLS)
Subject: Emailing: victim_resp_USArev corrected.wpd

Dexter and Alex -- I fixed a couple of typos and entered the correct information about the dates when the letters were sent. I also included the information about all three of Edwards' clients, T.M., C.W., and S.R.

At the end, I also corrected the information regarding the notifications of the victims about the change of plea. I called Edwards on Friday, but I'm not sure whether we spoke that day or if he called me over the weekend. And the agents and I didn't start making calls together until Monday after the hearing. So I notified Edwards to inform his three clients, and PBPD tried to notify six

Cc: Atkinson, Karen (USAFLS); Sloman, Jeff (USAFLS); Jacobus, Wendy (USAFLS)
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To: Lee, Dexter (USAFLS); Acosta, Alex (USAFLS)
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I will make similar changes to my declaration and send that to you shortly.

Also, I notice there is no signature block. Do you want me to sign and file? Or will you do that, Dexter? Thanks.

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

victim_resp_USArev corrected.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.

Villafana, Ann Marie C. (USAFLS)

From: Sloman, Jeff (USAFLS)
Sent: Wednesday, July 09, 2008 9:57 AM
To: Lee, Dexter (USAFLS); Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS)
Cc: Atkinson, Karen (USAFLS); Jacobus, Wendy (USAFLS)
Subject: RE: Emailing: victim_resp_USArev corrected.wpd

Doesn't the confidentiality provision obligate us to file it under seal?

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

From: Lee, Dexter (USAFLS)
Sent: Wednesday, July 09, 2008 9:53 AM
To: Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS)
Cc: Atkinson, Karen (USAFLS); Sloman, Jeff (USAFLS); Jacobus, Wendy (USAFLS)
Subject: RE: Emailing: victim_resp_USArev corrected.wpd

Alex and Jeff,

Do you have any preference for filing under seal or a public filing? If we can protect the identities of the minor victims in a public filing, that is one less reason to file it under seal. The other considerations are the government's confirmation that Epstein was under federal investigation, and the confidentiality provision in the deferral of prosecution agreement with Epstein.

It's actually easier to file it electronically, and the general policy is that documents filed in court are public.

Dexter

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

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 09, 2008 9:23 AM
To: Lee, Dexter (USAFLS); Acosta, Alex (USAFLS)
Cc: Atkinson, Karen (USAFLS); Sloman, Jeff (USAFLS); Jacobus, Wendy (USAFLS)
Subject: RE: Emailing: victim_resp_USArev corrected.wpd

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A. Marie Villafaña
Assistant U.S. Attorney
561 209-1047

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

From: Lee, Dexter (USAFLS)
Sent: Wednesday, July 09, 2008 9:22 AM
To: Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS)

Villafana, Ann Marie C. (USAFLS)

From: Acosta, Alex (USAFLS)
Sent: Wednesday, July 09, 2008 10:38 AM
To: Villafana, Ann Marie C. (USAFLS); Lee, Dexter (USAFLS)
Cc: Atkinson, Karen (USAFLS); Sloman, Jeff (USAFLS)
Subject: RE: Emailing: Villafana Declaration-v2 final.wpd

A few thoughts:

1. bottom of page 5/ top of page 6 -- were we talk about the "Throughout the negotiations, ... recompense." Should we cite to Decl para 8?
2. Next para -- cite to para 8 should be cite to para 10.
3. Right before the next para starting with On Friday, should we discuss the content of para 9, where the same attorney that now complains had an opportunity to communicate with our office and didn't. What I find particularly compelling about that point is that Edwards had, or should have had, knowledge of this agreement because his clients were told of the agreement previously. Cite para 8. In fact, maybe this should be a separate argument III -- he, or his clients, had prior knowledge and didn't complain until now. Thoughts?
4. In para 2 of the declaration, do we need the last sentence hitting the State Attorney?

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

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 09, 2008 9:22 AM
To: Acosta, Alex (USAFLS); Lee, Dexter (USAFLS)
Cc: Atkinson, Karen (USAFLS); Sloman, Jeff (USAFLS)
Subject: Emailing: Villafana Declaration-v2 final.wpd

Attached is the revised declaration. Please let me know if any other changes are required. I am off to Court but should be back by 11:30.

Thank you.

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

Villafana Declaration-v2 final.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.

Recipient

Sloman, Jeff (USAFLS)
Lee, Dexter (USAFLS)
Acosta, Alex (USAFLS)
Atkinson, Karen (USAFLS)
Jacobus, Wendy (USAFLS)

Read

Read: 7/9/2008 11:49 AM
Read: 7/9/2008 11:49 AM
Read: 7/9/2008 11:55 AM

Read: 7/9/2008 12:29 PM

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 09, 2008 9:23 AM
To: Lee, Dexter (USAFLS); Acosta, Alex (USAFLS)
Cc: Atkinson, Karen (USAFLS); Sloman, Jeff (USAFLS); Jacobus, Wendy (USAFLS)
Subject: RE: Emailing: victim_resp_USArev corrected.wpd

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A. Marie Villafana
Assistant U.S. Attorney
561 209-1047

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To: Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS)
Cc: Atkinson, Karen (USAFLS); Sloman, Jeff (USAFLS); Jacobus, Wendy (USAFLS)
Subject: RE: Emailing: victim_resp_USArev corrected.wpd

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I will sign the response. Since this case involves girls who were minors when the crimes were committed, and there is a confidentiality provision in the deferral of prosecution agreement with Epstein, I believe this should be filed under seal. Otherwise, we'll have to go through each letter and excise the names, addresses, and other identifying information on the three girls.

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Tracking:

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 09, 2008 11:49 AM
To: Sloman, Jeff (USAFLS); Lee, Dexter (USAFLS); Acosta, Alex (USAFLS)
Cc: Atkinson, Karen (USAFLS); Jacobus, Wendy (USAFLS)
Subject: RE: Emailing: victim_resp_USArev corrected.wpd
Attachments: image001.png

Here is the language from the Agreement. I will leave it to you to interpret whether disclosing part of the substance of the Agreement requires sealing or otherwise.

The parties anticipate that this agreement will not be made 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 disclosure.

A. Marie Villafana
Assistant U.S. Attorney
561 209-1047

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

From: Sloman, Jeff (USAFLS)
Sent: Wednesday, July 09, 2008 9:57 AM
To: Lee, Dexter (USAFLS); Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS)
Cc: Atkinson, Karen (USAFLS); Jacobus, Wendy (USAFLS)
Subject: RE: Emailing: victim_resp_USArev corrected.wpd

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

From: Lee, Dexter (USAFLS)
Sent: Wednesday, July 09, 2008 9:53 AM
To: Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS)
Cc: Atkinson, Karen (USAFLS); Sloman, Jeff (USAFLS); Jacobus, Wendy (USAFLS)
Subject: RE: Emailing: victim_resp_USArev corrected.wpd

Alex and Jeff,

Do you have any preference for filing under seal or a public filing? If we can protect the identities of the minor victims in a public filing, that is one less reason to file it under seal. The other considerations are the government's confirmation that Epstein was under federal investigation, and the confidentiality provision in the deferral of prosecution agreement with Epstein.

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Dexter

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Villafana, Ann Marie C. (USAFLS)

From: Lee, Dexter (USAFLS)
Sent: Wednesday, July 09, 2008 11:53 AM
To: Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Cc: Jacobus, Wendy (USAFLS)
Subject: Brad Edwards' End Game

Marie, Alex and Jeff,

I have just spoken with Kim Herd at EOUSA regarding clearance to argue that no rights to consultation accrue until after charges have been filed. The argument is being considered by Criminal Division and OLP. Kim wanted to know what Edwards' objective in this case is, and whether he would agree to meet and try to resolve this. I told Kim that the only way to avoid our filing at 5:00 p.m. today is if Edwards' agree to a joint enlargement of time.

How reasonable do you think Edwards is?

Dexter

Villafana, Ann Marie C. (USAFLS)

From: Acosta, Alex (USAFLS)
Sent: Wednesday, July 09, 2008 11:56 AM
To: Lee, Dexter (USAFLS); Villafana, Ann Marie C. (USAFLS); Sloman, Jeff (USAFLS)
Cc: Jacobus, Wendy (USAFLS)
Subject: Re: Brad Edwards' End Game

Not at all.

We need to file today.

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

From: Lee, Dexter (USAFLS)
To: Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Cc: Jacobus, Wendy (USAFLS)
Sent: Wed Jul 09 11:52:46 2008
Subject: Brad Edwards' End Game

Marie, Alex and Jeff,

I have just spoken with Kim Herd at EOUSA regarding clearance to argue that no rights to consultation accrue until after charges have been filed. The argument is being considered by Criminal Division and OLP. Kim wanted to know what Edwards' objective in this case is, and whether he would agree to meet and try to resolve this. I told Kim that the only way to avoid our filing at 5:00 p.m. today is if Edwards' agree to a joint enlargement of time.

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Dexter

Recipient

Acosta, Alex (USAFLS)
Lee, Dexter (USAFLS)
Sloman, Jeff (USAFLS)
Jacobus, Wendy (USAFLS)

Read

Read: 7/9/2008 12:01 PM
Read: 7/9/2008 12:01 PM
Read: 7/9/2008 12:00 PM
Read: 7/9/2008 12:12 PM

How reasonable do you think Edwards is?

Dexter

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 09, 2008 12:00 PM
To: Acosta, Alex (USAFLS); Lee, Dexter (USAFLS); Sloman, Jeff (USAFLS)
Cc: Jacobus, Wendy (USAFLS)
Subject: RE: Brad Edwards' End Game

I have talked to Brad and his heart seems to be in the right place, he just has gotten himself a bit too worked up over this. The agents and I (and Karen, I think) would be happy to meet with him and his clients. The problem is that there is nothing to discuss -- the agreement has already been signed and our investigation is closed. In light of that, I don't think a meeting would satisfy him because he seems to believe that his petition can undo what has been done.

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

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

From: Acosta, Alex (USAFLS)
Sent: Wednesday, July 09, 2008 11:56 AM
To: Lee, Dexter (USAFLS); Villafana, Ann Marie C. (USAFLS); Sloman, Jeff (USAFLS)
Cc: Jacobus, Wendy (USAFLS)
Subject: Re: Brad Edwards' End Game

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From: Lee, Dexter (USAFLS)
To: Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
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Villafana, Ann Marie C. (USAFLS)

From: Lee, Dexter (USAFLS)
Sent: Wednesday, July 09, 2008 12:08 PM
To: Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Cc: Jacobus, Wendy (USAFLS)
Subject: Latest Version

Colleagues,

Attached please find the latest version of the government's response. I have added a new Section III, which details the efforts made by Marie in maintaining contact with T.M., C.W., and S.R.

Dexter



victim_resp_USA
rev corrected (...)

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 09, 2008 12:15 PM
To: Lee, Dexter (USAFLS)
Subject: Emailing: victim_resp_USArev corrected (3).wpd
Attachments: victim_resp_USArev corrected (3).wpd

Hi Dexter -- I caught one date error and an important "not" in the last section -
- as far as I know, Edwards did NOT make contact with the State Attorney's
Office.

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

victim_resp_USArev corrected (3).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.

Recipient

Acosta, Alex (USAFLS)

Lee, Dexter (USAFLS)

Sloman, Jeff (USAFLS)

Atkinson, Karen (USAFLS)

Read

Read: 7/9/2008 1:25 PM

Read: 7/9/2008 12:22 PM

Read: 7/9/2008 2:05 PM

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 09, 2008 12:22 PM
To: Acosta, Alex (USAFLS); Lee, Dexter (USAFLS)
Cc: Sloman, Jeff (USAFLS); Atkinson, Karen (USAFLS)
Subject: Revised Declaration

I removed the sentence about why the Palm Beach Police contacted FBI for assistance. I notice that the language regarding my securing pro bono counsel for C.W. was removed. I think it shows how far we went out of our way to protect the victims, especially Mr. Edwards' clients. Is it alright to put it back in?

A. Marie Villafana
Assistant U.S. Attorney
561 209-1047

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO	0708	
CONNECTION TEL		19549241530
SUBADDRESS		
CONNECTION ID		
ST. TIME	07/09 14:59	
USAGE T	01'11	
PGS. SENT	5	
RESULT	OK	

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



DATE: 7/9/05

TO: Brad Edwards

ORGANIZATION: _____

FAX #: _____

SUBJECT: _____

FROM: Marie Villafane
 (561) 820-8711
 (561) 820-8777 (Fax)

NUMBER OF PAGES, INCLUDING THIS PAGE: 5

COMMENTS:

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO	0708	
CONNECTION TEL		19549241530
SUBADDRESS		
CONNECTION ID		
ST. TIME	07/09 14:59	
USAGE T	01'11	
PGS. SENT	5	
RESULT	OK	

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



DATE 7/9/05
 TO Brad Edwards

ORGANIZATION: _____

FAX # _____

SUBJECT: _____

FROM: Marie Villafane
 (561) 820-8711
 (561) 820-8777 (Fax)

NUMBER OF PAGES, INCLUDING THIS PAGE: 5

COMMENTS:



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/[REDACTED] [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, [REDACTED] [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

EFTA00194405

BRAD EDWARDS, ESQ.

NOTIFICATION OF IDENTIFIED VICTIM [REDACTED] [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, [REDACTED] [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 Kuyrkendall and Richards for the health and well-being of Ms. [REDACTED].

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

By: 
A. MARIE VILLAFANA
ASSISTANT U.S. ATTORNEY

cc: Jack Goldberger, Esq.

EFTA00194406



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/[REDACTED] [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, [REDACTED] [REDACTED]

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EFTA00194407

BRAD EDWARDS, ESQ.
NOTIFICATION OF IDENTIFIED VICTIM ██████████ ██████████
JULY 9, 2008
PAGE 2 OF 2

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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 Kuyrkendall and Richards for the health and well-being of Ms. ██████████.

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

By: 
A. MARIE VILLAFÑA
ASSISTANT U.S. ATTORNEY

cc: Jack Goldberger, Esq.



U.S. Department of Justice

FILE COPY

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.

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BRAD EDWARDS, ESQ.

NOTIFICATION OF IDENTIFIED VICTIM ([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, [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 Kuyrkendall and Richards for the health and well-being of Ms. [REDACTED].

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

By: 
A. MARIE VILLAFAÑA
ASSISTANT U.S. ATTORNEY

cc: Jack Goldberger, Esq.

EFTA00194410



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, [REDACTED], [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, [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 [REDACTED] [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, [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 Kuyrkendall and Richards for the health and well-being of Ms. [REDACTED].

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

By: 
A. MARIE VILLAFAÑA
ASSISTANT U.S. ATTORNEY

cc: Jack Goldberger, Esq.

EFTA00194412

July 9, 2008

* JOSEPH R. ATTERBURY

**† JACK A. GOLDBERGER

JASON S. WEISS

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

A. Marie C. Villafana, Esq.
Assistant United States Attorney
United States Attorney's Office
500 South Australian Avenue
4th Floor, Suite 400
West Palm Beach, Florida 33401

SENT VIA E-MAIL & FACSIMILE
(561) 820-8777

Re: Jeffrey E. Epstein

Dear Ms. Villafana:

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. *Sée* 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.

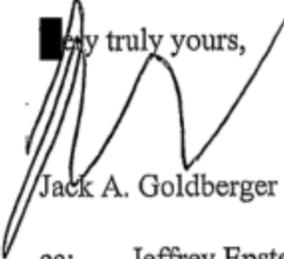
Our understanding of the Non-Prosecution Agreement is that it does not require Mr. Epstein to "acknowledge" anything not already contained within the four corners of the written agreement. The agreement certainly contains no written term obligating that he "waive any evidentiary challenge to the introduction 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



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

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: 
A. Marie Villafañá
Assistant United States Attorney

cc: Karen Atkinson, AUSA

EFTA00194416



U.S. Department of Justice

United States Attorney
Southern District of Florida

A. Marie Villafaña
500 S. Australian Ave, 4th Floor
West Palm Beach, Florida 33401
(561) 820-8711
Facsimile (561) 820-8777

FACSIMILE COVER SHEET

TO: Jack Alan Goldberger

DATE: July 9, 2008

FAX NO. 561-835-8691

OF PAGES: 3

PHONE NO. 561 659-8300

RE: Jeffrey Epstein

FROM: A. MARIE VILLAFANA, Assistant U.S. Attorney

PHONE NO. 561 209-1047

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	5618358691	TES	0'36"	P. 3	OK		412

: 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

Villafana, Ann Marie C. (USAFLS)

From: Schultz, Anne (USAFLS) <ASchultz@usa.doj.gov>
Sent: Tuesday, July 1, 2008 4:15 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Don't know if you saw

Alex told me this morning that Epstein had pled. That is wonderful. I never thought we'd see the day. You deserve all the credit for this. If it had not been for you, he would have gotten away with it.

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 01, 2008 11:31 AM
To: Schultz, Anne (USAFLS)
Subject: Don't know if you saw

But my nemesis Mr. Epstein finally pled. The first article is my favorite. Thank you, as always, for your help and support. I am still in a state of shock.

<< File: News Briefings 07 01 08.pdf >>

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

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS) <AVillafana@usa.doj.gov>
Sent: Tuesday, July 1, 2008 1:34 PM
To: Smachetti, Emily (USAFLS)
Subject: RE:

Yes, that was me – except that I didn't come up with the 18-month deal (that was Menchel's doing). I wanted him to get 18 years.

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

From: Smachetti, Emily (USAFLS)
Sent: Tuesday, July 01, 2008 1:32 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject:

Did you handle our office's part in Epstein? I am sitting her reading about the details in the NYT.

Villafana, Ann Marie C. (USAFLS)

From: Smachetti, Emily (USAFLS) <ESmachetti@usa.doj.gov>
Sent: Tuesday, July 1, 2008 1:45 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE:

What a dirtbag. Though I was glued to the details of the lifestyle. I love the tabloid aspects of these things. Well, congrats on having it over and thank god no appeal for us.

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, July 01, 2008 1:34 PM
To: Smachetti, Emily (USAFLS)
Subject: RE:

Yes, that was me – except that I didn't come up with the 18-month deal (that was Menchel's doing). I wanted him to get 18 years.

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: Smachetti, Emily (USAFLS)
Sent: Tuesday, July 01, 2008 1:32 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject:

Did you handle our office's part in Epstein? I am sitting her reading about the details in the NYT.

Villafana, Ann Marie C. (USAFLS)

From: Ted Leopold <TLeopold@riccilaw.com>
Sent: Wednesday, July 2, 2008 5:21 PM
To: Villafana, Ann Marie C. (USAFLS)
Cc: Spencer Kivin
Subject: RE: Epstein Investigation

I will get you the names tomorrow. Thanks

Spencer, please see me.

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

From: Villafana, Ann Marie C. (USAFLS) [mailto:Ann.Marie.C.Villafana@usdoj.gov]
Sent: Monday, June 30, 2008 5:00 PM
To: Ted Leopold
Subject: Epstein Investigation

Dear Ted: Here is my e-mail address and contact information.

Thank you for your assistance.

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

Villafana, Ann Marie C. (USAFLS)

From: Ted Leopold <TLeopold@riccilaw.com>
Sent: Thursday, July 3, 2008 4:25 PM
To: Villafana, Ann Marie C. (USAFLS)
Cc: Spencer Kivin
Subject: RE: Epstein Investigation

Ann Marie

Our two client names are:

1. Sage (██████████)
2. Brandi Brinson

if you need any other information please let me know.

Ted

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

From: Villafana, Ann Marie C. (USAFLS) [mailto:Ann.Marie.C.Villafana@usdoj.gov]
Sent: Monday, June 30, 2008 5:00 PM
To: Ted Leopold
Subject: Epstein Investigation

Dear Ted: Here is my e-mail address and contact information.

Thank you for your assistance.

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

Villafana, Ann Marie C. (USAFLS)

From: Sloman, Jeff (USAFLS) <JSloman@usa.doj.gov>
Sent: Thursday, July 3, 2008 1:12 PM
To: Villafana, Ann Marie C. (USAFLS)
Cc: Acosta, Alex (USAFLS)
Subject: Re: Epstein

Thanks

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

From: Villafana, Ann Marie C. (USAFLS)
To: Sloman, Jeff (USAFLS)
Sent: Thu Jul 03 11:36:42 2008
Subject: Epstein

Hi Jeff – I just got an earful from the last of the victims’ lawyers. He is a former Broward County ASA and he represents three victims. He says that his clients can name many more victims and wanted to know if we can get out of the deal. I told him that, at this time, assuming that Epstein performs the last piece of the agreement, we are bound. He asked that, if there is the slightest hesitation on Epstein’s part of completing his performance, that he and his clients be allowed to consult with our office before making a decision.

I also couldn’t remember if I told you about our meeting with the Sheriff’s Office about the jail. Epstein is out at the stockade, not the jail. Goldberger and some psychiatrist have already met with him and have told him that, if he receives any less favorable treatment than others, Ken Starr and the whole crew will sue. He also told me that Epstein was “brilliant” and that he has already offered to teach GED classes. I sort of cocked my head at the “brilliant” comment and said, you know he only has a high school diploma, right? (I used my best, “don’t believe the hype” voice. He was clearly shocked, and I explained that Epstein usually claims to have at least a master’s degree, but other than a few college courses, he had no education above a high school diploma, which I think makes him ineligible to teach a GED course.) He also told us that Epstein is eligible for work release and will be placed on work release – in direct contradiction to what he told the agents a few months ago.

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

Brad Edwards

AND ASSOCIATES

July 3, 2008

Ann Marie C. Villafana, AUSA
United States Attorney's Office
500 South Australian Avenue
West Palm Beach, Florida 33401

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7007 2680 0002 5519 8503

Dear Ms. Villafana:

As you are aware, we represent several of the young girls that were victimized and abused by Jeffrey Epstein. While we are aware of his recent guilty plea and conviction in his State Court case, the sentence imposed in that case is grossly inadequate for a sexual predator of this magnitude. The information and evidence that has come to our attention in this matter leads to a grave concern that justice will not be served in this cause if Mr. Epstein is not aggressively prosecuted and appropriately punished. Based on our investigation and knowledge of this case, it is apparent that he has sexually abused more than 100 underage girls, and the evidence against him is overwhelmingly strong.

As former Assistant State Attorneys with seven years' prosecution experience, we believe that the evidence against Mr. Epstein is both credible and deep and that he may be the most dangerous sexual predator of children that our country has ever seen. The evidence suggests that for at least 4 years he was sexually abusing as many as three to four girls a day. It is inevitable that if he is not confined to prison, he will continue to manipulate and sexually abuse children and destroy more lives. He is a sexual addict that focused all of his free time on sexually abusing children, and he uses his extraordinary wealth and power to lure in poor, underprivileged little girls and then also uses his wealth to shield himself from prosecution and liability. We are very concerned for the health and welfare of the girls he has already victimized, and concerned that if justice is not properly served now and he is not imprisoned for a very long time, he will get a free pass to sexually abuse children in the future. Future abuse and victimization is obvious to anyone who really reviews the evidence in this case, and future sexual abuse of minors is inevitable unless he is prosecuted, tried and appropriately sentenced. Money and power should not allow a man to make his own laws, and he has clearly received preferential treatment at every step up to this point. If he were a man of average wealth or the abused girls were from middle or upper class families, then this man would spend the rest of his life in prison. In a country of true, blind justice, those distinctions are irrelevant, and we really hope he does not prove the point that a man can commit heinous crimes against children and buy his way out of it.

If the Department of Justice's recent commitment to the protection of our children from child molesters is to be more than rhetoric, then this is the time and the case where the Department must step forward. We urge the Attorney General and our United States

2028 [REDACTED] STREET, SUITE 202, HOLLYWOOD, FLORIDA 33020

OFFICE: 954-414-8033/305-935-2011
FAX: 954-924-1530/305-935-4227
BE@BRADEDWARDSLAW.COM

Ann Marie C. Villafana, AUSA
United States Attorney's Office
Page Two

Attorney to consider the fundamental import of the vigorous enforcement of our Federal laws. We urge you to move forward with the traditional indictments and criminal prosecution commensurate with the crimes Mr. Epstein has committed, and we further urge you to take the steps necessary to protect our children from this very dangerous sexual perpetrator. We will help you to do this in any way possible to ensure that true Justice is served in this case.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brad Edwards', with a stylized flourish at the end.

Brad Edwards, Esquire
Jay Howell, Esquire

2028 [REDACTED] STREET, SUITE 202, HOLLYWOOD, FLORIDA 33020

OFFICE: 954-414-8033/305-935-2011
FAX: 954-924-1530/305-935-4227
BE@BRADEDWARDSLAW.COM

EFTA00194426

July 7, 2008

Mike Dutko re Haley Robson
954 764-2500

Brian Poulton, ASA re Clark
- state court disco
- 355-7390
- 352-5708

Ted Leopold --

Villafana, Ann Marie C. (USAFLS)

From: Acosta, Alex (USAFLS) <AAcosta@usa.doj.gov>
Sent: Tuesday, July 8, 2008 6:17 PM
To: Lee, Dexter (USAFLS); Sloman, Jeff (USAFLS)
Cc: Villafana, Ann Marie C. (USAFLS); Jacobus, Wendy (USAFLS)
Subject: RE: Draft Response in Jane Doe
Attachments: victim_resp.wpd

Here is a second draft, with small rewrites

I reduced the discussion of negotiations. The agreement has a confidentiality clause. I note this, because if we disclose too much, then we will be sued by the other side for breach of that clause.

In other words, we need to disclose and discuss without going too far – unless ordered to do so by the court.

<<victim_resp.wpd>> :

From: Lee, Dexter (USAFLS)
Sent: Tuesday, July 08, 2008 5:29 PM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS)
Cc: Villafana, Ann Marie C. (USAFLS); Jacobus, Wendy (USAFLS)
Subject: Draft Response in Jane Doe

Alex and Jeff,

Here is a draft response to the emergency petition filed by Jane Doe in the Epstein case. Our first argument is that Doe had no rights under 18 U.S.C. 3177(a)(5) since that provision does not apply where there are no "court proceedings" in federal court, and none were contemplated, as long as Epstein complied with the non-prosecution agreement. The second argument is that the government used its best efforts to comply, since the A/G guidelines permitted us to not notify victims of the proposed plea negotiations if the proposed plea involved confidential information or conditions, or there is another need for confidentiality. Article IV, Section B(2)(C)(3). The government exercised its discretion and determined that keeping the terms confidential was necessary in order to obtain the best agreement. In particular, the government wanted Epstein to make a significant concession on one of the elements in 18 U.S.C. 2255.

I am speaking with Kim Herd at EOUSA regarding the government's position. In particular, the first argument will have to be cleared by DOJ before I can assert it. Please feel free to make any comments. Thanks.

Dexter

<< File: victim_resp.wpd >>



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 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 Kuyrkendall 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. Marie Villafañe
Assistant United States Attorney

cc: Karen Atkinson, 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	5618358691	TES	0'34"	P. 3	OK		398

: BATCH
 # : SEND LATER
 # : STANDARD
 # : ASYNC MODE

C : CONFIDENTIAL
 @ : FORWARDING
 # : MODE

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

M : MEMORY
 > : REDUCTION

835-8691



U.S. Department of Justice

*United States Attorney
Southern District of Florida*

*A. Marie Villafaña
500 S. Australian Ave, 4th Floor
West Palm Beach, Florida 33401
(561) 820-8711
Facsimile (561) 820-8777*

FACSIMILE COVER SHEET

TO: Jack Alan Goldberger

DATE: July 8, 2008

FAX NO. 561-835-8691

OF PAGES: 3

PHONE NO. 561 659-8300

RE: Jeffrey Epstein

FROM: A. MARIE VILLAFANA, Assistant U.S. Attorney

PHONE NO. 561 209-1047

COMMENTS:

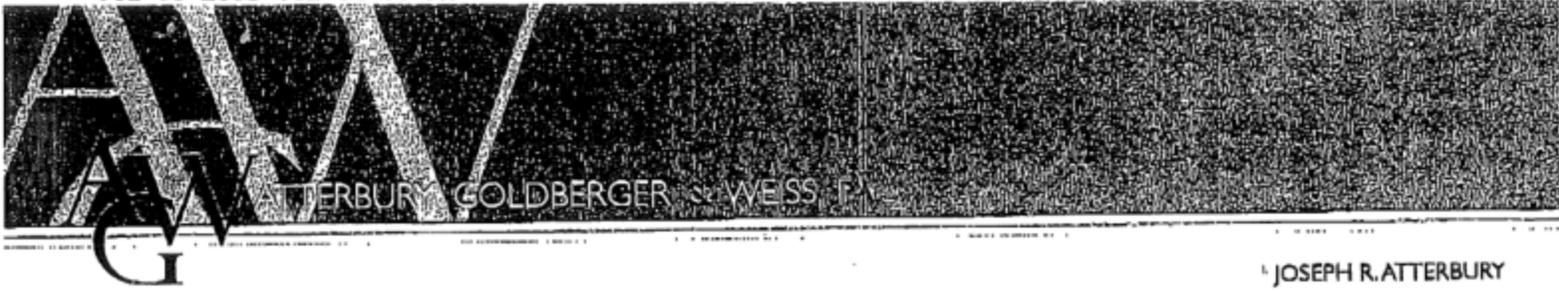
ATTERBURY, GOLDBERGER & WEISS, P.A.
250 Australian Avenue South
Suite 1400
West Palm Beach, Florida 33401
(561) 659-8300
Fax: (561) 835-8691

FAX TRANSMITTAL COVER SHEET

DATE: July 8, 2008
TO: A. Marie Villafana, Assistant U.S. Attorney
FAX NO.: 561-820-8777
FROM: Nayanira, Assistant to Jack A. Goldberger, Esquire
REMARKS: Jeffrey Epstein
TOTAL PAGES: 2, 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 8, 2008

A. Marie Villafana, 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

Villafana, Ann Marie C. (USAFLS)

From: Sloman, Jeff (USAFLS) <JSloman@usa.doj.gov>
Sent: Wednesday, July 9, 2008 9:57 AM
To: Lee, Dexter (USAFLS); Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS)
Cc: Atkinson, Karen (USAFLS); Jacobus, Wendy (USAFLS)
Subject: RE: Emailing: victim_resp_USArev corrected.wpd

Doesn't the confidentiality provision obligate us to file it under seal?

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

From: Lee, Dexter (USAFLS)
Sent: Wednesday, July 09, 2008 9:53 AM
To: Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS)
Cc: Atkinson, Karen (USAFLS); Sloman, Jeff (USAFLS); Jacobus, Wendy (USAFLS)
Subject: RE: Emailing: victim_resp_USArev corrected.wpd

Alex and Jeff,

Do you have any preference for filing under seal or a public filing? If we can protect the identities of the minor victims in a public filing, that is one less reason to file it under seal. The other considerations are the government's confirmation that Epstein was under federal investigation, and the confidentiality provision in the deferral of prosecution agreement with Epstein.

It's actually easier to file it electronically, and the general policy is that documents filed in court are public.

Dexter

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

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 09, 2008 9:23 AM
To: Lee, Dexter (USAFLS); Acosta, Alex (USAFLS)
Cc: Atkinson, Karen (USAFLS); Sloman, Jeff (USAFLS); Jacobus, Wendy (USAFLS)
Subject: RE: Emailing: victim_resp_USArev corrected.wpd

I was planning to redact all of that information prior to scanning it and attaching Exhibit Stickers. I think we should do so even if this is filed under seal.

A. Marie Villafaña
Assistant U.S. Attorney
561 209-1047

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

From: Lee, Dexter (USAFLS)
Sent: Wednesday, July 09, 2008 9:22 AM
To: Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS)
Cc: Atkinson, Karen (USAFLS); Sloman, Jeff (USAFLS); Jacobus, Wendy (USAFLS)
Subject: RE: Emailing: victim_resp_USArev corrected.wpd

Marie,

I will sign the response. Since this case involves girls who were minors when the crimes were committed, and there is a confidentiality provision in the deferral of prosecution agreement with Epstein, I believe this should be filed under seal. Otherwise, we'll have to go through each letter and excise the names, addresses, and other identifying information on the three girls.

Dexter

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

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, July 09, 2008 9:11 AM
To: Lee, Dexter (USAFLS); Acosta, Alex (USAFLS)
Cc: Atkinson, Karen (USAFLS); Sloman, Jeff (USAFLS)
Subject: Emailing: victim_resp_USArev corrected.wpd

Dexter and Alex -- I fixed a couple of typos and entered the correct information about the dates when the letters were sent. I also included the information about all three of Edwards' clients, T.M., C.W., and S.R.

At the end, I also corrected the information regarding the notifications of the victims about the change of plea. I called Edwards on Friday, but I'm not sure whether we spoke that day or if he called me over the weekend. And the agents and I didn't start making calls together until Monday after the hearing. So I notified Edwards to inform his three clients, and PBPD tried to notify six victims, I think. I didn't want the court to think that we tried to notify all 33 girls.

I will make similar changes to my declaration and send that to you shortly.

Also, I notice there is no signature block. Do you want me to sign and file? Or will you do that, Dexter? Thanks.

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

victim_resp_USArev corrected.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.

FLORIDA DEPARTMENT OF STATE DIVISION OF CORPORATIONS



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Florida Non Profit Corporation

THE FLORIDA SCIENCE FOUNDATION, INC.

Filing Information

Document Number N07000010684
FEI Number NONE
Date Filed 11/01/2007
State FL
Status ACTIVE

Principal Address

250 AUSTRALIAN AVENUE STE 1400
WEST PALM BEACH FL 33418

Mailing Address

250 AUSTRALIAN AVENUE STE 1400
WEST PALM BEACH FL 33418

Registered Agent Name & Address

C T CORPORATION SYSTEM
1200 SOUTH PINE ISLAND ROAD
PLANTATION FL 33324 US

Officer/Director Detail

Name & Address

NONE

Annual Reports

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Villafana, Ann Marie C. (USAFLS)

From: Sloman, Jeff (USAFLS) <JSloman@usa.doj.gov>
Sent: Saturday, June 28, 2008 7:38 AM
To: Villafana, Ann Marie C. (USAFLS)
Cc: Acosta, Alex (USAFLS); Senior, Robert (USAFLS)
Subject: Re: Agreement

I agree. Ask Jack to make that change.

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

From: Villafana, Ann Marie C. (USAFLS)
To: Sloman, Jeff (USAFLS)
Sent: Fri Jun 27 21:28:46 2008
Subject: Agreement

Hi Jeff – 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] Millian, 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 1 (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?

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

Villafana, Ann Marie C. (USAFLS)

From: Sloman, Jeff (USAFLS) <JSloman@usa.doj.gov>
Sent: Saturday, June 28, 2008 7:03 PM
To: Villafana, Ann Marie C. (USAFLS)
Cc: Acosta, Alex (USAFLS); Senior, Robert (USAFLS)
Subject: Re: Notice of Non-Compliance

Gr8

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

From: Villafana, Ann Marie C. (USAFLS)
To: Sloman, Jeff (USAFLS); Atkinson, Karen (USAFLS)
Sent: Sat Jun 28 17:14:01 2008
Subject: Fw: Notice of Non-Compliance

Jack Goldberger's response below.

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

From: Jack Goldberger <jgoldberger@agwpa.com>
To: Villafana, Ann Marie C. (USAFLS)
Sent: Sat Jun 28 15:38:23 2008
Subject: RE: Notice of Non-Compliance

Marie
not a problem.

From: Villafana, Ann Marie C. (USAFLS) [<mailto:Ann.Marie.C.Villafana@usdoj.gov>]
Sent: Sat 6/28/2008 11:31 AM
To: Jack Goldberger
Cc: Atkinson, Karen (USAFLS); RBlack@RoyBlack.com
Subject: Re: Notice of Non-Compliance

Dear Jack:

I have conferred with a state court practitioner who stated that there is nothing that prohibits you from agreeing to a consecutive six-month sentence of incarceration followed by one year of community control as specified in the non-prosecution agreement.

If you elect to proceed with the plea agreement as currently drafted, we ask that you insert the word "imprisoned" following the words "six months" in the second sentencing paragraph.

Please confirm that this change is acceptable. Thank you.

Marie

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

From: Jack Goldberger <jgoldberger@agwpa.com>
To: Villafana, Ann Marie C. (USAFLS)
Cc: Jack Goldberger <jgoldberger@agwpa.com>

Sent: Sat Jun 28 08:49:55 2008
Subject: RE: Notice of Non-Compliance

Dear Ms Villafana,

please allow this e-mail to confirm our telephone conference of 6:30 pm on June 27 wherein we discussed the Epstein plea agreement and we agreed that the Epstein state plea agreement was in compliance with the September 2007 non-prosecution agreement entered into between Mr. Epstein and the USAO for the Southern District of Florida.

Jack Goldberger

From: Villafana, Ann Marie C. (USAFLS) [<mailto:Ann.Marie.C.Villafana@usdoj.gov>]
Sent: Fri 6/27/2008 5:45 PM
To: Jack Goldberger; Roy BLACK
Cc: Atkinson, Karen (USAFLS)
Subject: Notice of Non-Compliance

Dear Messrs. Goldberger and Black:

Please see the attached Notification Letter.

<<080627 Goldberger Black notification ltr.pdf>>

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

Villafana, Ann Marie C. (USAFLS)

From: Roe, Susan (USAWAW) <SRoe@usa.doj.gov>
Sent: Monday, June 30, 2008 5:40 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: news article

Wow. Congratulations. This is a success for you.

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, June 30, 2008 2:21 PM
To: Roe, Susan (USAWAW)
Subject: RE: news article

Yes. The detail that wasn't included is that he has to pay damages to the girls -- a minimum of \$150,000 to each of 31 girls.

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

From: Roe, Susan (USAWAW)
Sent: Monday, June 30, 2008 5:02 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: news article

Does this resolve your case, too?

Billionaire pleads to Fla. prostitution charge

THE ASSOCIATED PRESS

WEST PALM BEACH, Fla. -- New York billionaire Jeffrey Epstein has pleaded guilty to soliciting prostitution from underage girls in South Florida.

Circuit Judge Deborah Dale Pucillo sentenced the 55-year-old money manager Monday to 18 months in the Palm Beach County jail, followed by a year of house arrest. He will also be designated a sex offender.

Epstein was arrested two years ago. Authorities allege he paid several girls under the age of 18 \$200 to \$300 each in return for naked massages at his Palm Beach home that sometimes became sexual.

He also faces state and federal lawsuits filed by several women over similar allegations.

Villafana, Ann Marie C. (USAFLS)

From: Braden, Myesha (CRT) <Myesha.Braden@usdoj.gov>
Sent: Monday, June 30, 2008 4:26 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Saw the Epstein news

I was happy about the offwnder registration, but I wondering about the damages, as the article that I read didn't mention them. Add that to the \$57 million he just lost in the Bear Stearns debacle and it may actually crimp his style. (Perhaps karma took care of what DOJ didn't. Perhaps this will hold true during the civil suits.)

Things in the Civil Rights Division are good. I jsut started a week ago, but they really seem to make a point of giving you every possible tool to be successful. The people here are really happy and seem amazingly stress free, considering all of the travel involved. (I'll get on a plane less often than with CEOS, but may possibly spend more time away.) The differences between the way things are managed at CEOS and the way they are managed here are downright starteling. I know that it has much to do with the fact that the section is significantly larger, older and better funded . . .but it's like a different world.

From: Villafana, Ann Marie C. (USAFLS) [mailto:Ann.Marie.C.Villafana@usdoj.gov]
Sent: Monday, June 30, 2008 4:09 PM
To: Braden, Myesha (CRT)
Subject: RE: Saw the Epstein news

So-so. After all the hell they put me through, I don't feel like celebrating 18 months. He should be spending 18 years in jail – with his lawyers in the cell next to him. But I did get to see him leaving the courtroom in handcuffs. And he will have to pay out a minimum of \$4,650,000 in damages.

So, how are you?

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

From: Braden, Myesha (CRT)
Sent: Monday, June 30, 2008 2:41 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Saw the Epstein news

Marie,

How are you doing?

Myesha

Myesha K. Braden
U.S. Department of Justice

Civil Rights Division - Criminal Section
(202) 305-1483

Villafana, Ann Marie C. (USAFLS)

From: Braden, Myesha (CRT) <Myesha.Braden@usdoj.gov>
Sent: Monday, June 30, 2008 4:47 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Saw the Epstein news

I officially left CEOS on June 21st, but I'd been on vacation since June 9th. It's something that I have wanted to do for years and I'm so happy that it finally worked out. (I applied to this section twice before going to CEOS, but didn't have enough prosecution experience for them to hire me.) I haven't met a Tammie Gregg, yet. Is she in the Criminal Section?

From: Villafana, Ann Marie C. (USAFLS) [mailto:Ann.Marie.C.Villafana@usdoj.gov]
Sent: Monday, June 30, 2008 4:41 PM
To: Braden, Myesha (CRT)
Subject: RE: Saw the Epstein news

Wait – when did you move to Civil Rights? Are you working with my friend Tammie Gregg?

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

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Subject: Saw the Epstein news

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Myesha

Myesha K. Braden
U.S. Department of Justice
Civil Rights Division - Criminal Section
(202) 305-1483

Villafana, Ann Marie C. (USAFLS)

From: Braden, Myesha (CRT) <Myesha.Braden@usdoj.gov>
Sent: Monday, June 30, 2008 5:33 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Saw the Epstein news

You are right. But for your tenancy, he'd be somewhere ruining another child's life.

From: Villafana, Ann Marie C. (USAFLS) [mailto:Ann.Marie.C.Villafana@usdoj.gov]
Sent: Monday, June 30, 2008 5:19 PM
To: Braden, Myesha (CRT)
Subject: RE: Saw the Epstein news

Hi Myesha – Congratulations. I have always heard that Criminal Civil Rights is the best place to be at DOJ.

Tammie is with “Special Programs” – they handle prisons, nursing homes, police departments. She is fabulous and you two would get along great. She and I worked together at the firm in Minneapolis, then she went to a firm in DC and then to DOJ. I think she has been there for around 7 years. She is a Deputy Chief now, I think.

Thank you for the vote of confidence with Epstein. I am trying to focus on the fact that he would have gotten a complete walk if I wasn't so hard-headed.

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

Myesha K. Braden
U.S. Department of Justice

Civil Rights Division - Criminal Section
(202) 305-1483

Villafana, Ann Marie C. (USAFLS)

From: Ted Leopold <TLeopold@riccilaw.com>
Sent: Monday, June 30, 2008 5:13 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Epstein Investigation

Thanks Ann Marie. I will get back to you.

p.s., Tell Janice LeClainche and Jeff Sloman hello for me. Both are good friends for mine.

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

From: Villafana, Ann Marie C. (USAFLS) [mailto:Ann.Marie.C.Villafana@usdoj.gov]
Sent: Monday, June 30, 2008 5:00 PM
To: Ted Leopold
Subject: Epstein Investigation

Dear Ted: Here is my e-mail address and contact information.

Thank you for your assistance.

A. Marie Villafaña

Assistant U.S. Attorney

500 S. Australian Ave, Suite 400

West Palm Beach, FL 33401

Phone 561 209-1047

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From: Ted Leopold <TLeopold@riccilaw.com>
Sent: Monday, June 30, 2008 5:22 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Epstein Investigation

Thanks

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

From: Villafana, Ann Marie C. (USAFLS) [mailto:Ann.Marie.C.Villafana@usdoj.gov]
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I will do so. Look forward to hearing from you.

A. Marie Villafaña
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From: Ted Leopold <TLeopold@riccilaw.com>
Sent: Monday, June 30, 2008 5:23 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Epstein Investigation

ps, great job of not letting this guy off.

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

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Sent: Monday, June 30, 2008 5:13 PM
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Villafana, Ann Marie C. (USAFLS)

From: Ted Leopold <TLeopold@riccilaw.com>
Sent: Monday, June 30, 2008 5:43 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Epstein Investigation

correct. Quite a story however. Makes you wonder what a guy like this is thinking.

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

From: Villafana, Ann Marie C. (USAFLS) [mailto:Ann.Marie.C.Villafana@usdoj.gov]
Sent: Monday, June 30, 2008 5:19 PM
To: Ted Leopold
Subject: RE: Epstein Investigation

I wish it had been more time, but this way the girls get some compensation without the horrors of a trial.

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

From: Ted Leopold [mailto:TLeopold@riccilaw.com]
Sent: Monday, June 30, 2008 5:23 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Epstein Investigation

ps, great job of not letting this guy off.

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

From: Villafana, Ann Marie C. (USAFLS) [mailto:Ann.Marie.C.Villafana@usdoj.gov]
Sent: Monday, June 30, 2008 5:13 PM
To: Ted Leopold
Subject: RE: Epstein Investigation

I will do so. Look forward to hearing from you.

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

From: Ted Leopold [mailto:TLeopold@riccilaw.com]
Sent: Monday, June 30, 2008 5:13 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: Epstein Investigation

Thanks Ann Marie. I will get back to you.

p.s., Tell Janice LeClainche and Jeff Sloman hello for me. Both are good friends for mine.

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

From: Villafana, Ann Marie C. (USAFLS) [mailto:Ann.Marie.C.Villafana@usdoj.gov]

Sent: Monday, June 30, 2008 5:00 PM

To: Ted Leopold

Subject: Epstein Investigation

Dear Ted: Here is my e-mail address and contact information.

Thank you for your assistance.

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

June 30 -

Michael Danchuk + Richard Willets

561 582-7600

Candlyn A

Jeff Herman 305 931-2200

305 409-7371 -

Vanessa Zalis

Michelle Licata

Antiqua Garcia

Yolanda Lopez

Brad Edwards 954 294-9544

- left msg

Ted Leopold ~~657 8300~~ 684-6500

561 371-1369 Leopold@riccilaw.com

561 697-2383

Mike Dutko 954 764-2500

Haley Robson - left msg

650.⁸²²⁻ 5111

Villafana, Ann Marie C. (USAFLS)

From: Sloman, Jeff (USAFLS) <JSloman@usa.doj.gov>
Sent: Wednesday, June 25, 2008 8:46 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Jeffrey Epstein Agreement

I have a dr's apptmt @ 10:45 in ftm laud so call me on my cell.

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

From: Villafana, Ann Marie C. (USAFLS)
To: Sloman, Jeff (USAFLS)
Sent: Wed Jun 25 08:39:31 2008
Subject: RE: Jeffrey Epstein Agreement

Hi Jeff -- I think I have designed a solution to the 2255 issue and I will call you to discuss the plea. I am still finishing up these search warrants. As soon as they are done, I will give you a call.

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

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

From: Sloman, Jeff (USAFLS)
Sent: Tuesday, June 24, 2008 9:14 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Jeffrey Epstein Agreement

Let's talk about going to the COP

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

From: Villafana, Ann Marie C. (USAFLS)
To: Roy BLACK <RBLACK@royblack.com>; Jack Goldberger <jgoldberger@agwpa.com>
Cc: Atkinson, Karen (USAFLS)
Sent: Tue Jun 24 16:04:55 2008
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.

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

Villafana, Ann Marie C. (USAFLS)

From: Sloman, Jeff (USAFLS) <JSloman@usa.doj.gov>
Sent: Wednesday, June 25, 2008 6:05 PM
Cc: Villafana, Ann Marie C. (USAFLS)
Subject: Fw: Revised Victim Notification
Attachments: U.wpd

This simplifies it. What do u think?

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

From: Acosta, Alex (USAFLS)
To: Sloman, Jeff (USAFLS)
Sent: Wed Jun 25 18:00:14 2008
Subject: RE: Revised Victim Notification

What do you think

<<U.wpd>>

<<U.wpd>>

From: Sloman, Jeff (USAFLS)
Sent: Wednesday, June 25, 2008 5:43 PM
To: Acosta, Alex (USAFLS)
Subject: FW: Revised Victim Notification

From: Villafana, Ann Marie C. (USAFLS)
Sent: Wednesday, June 25, 2008 5:25 PM
To: Sloman, Jeff (USAFLS); Senior, Robert (USAFLS); Atkinson, Karen (USAFLS)
Subject: Revised Victim Notification

Hi Jeff – I have tried to phrase it in a way that suggests that, since Epstein has performed certain provisions, it is now our turn to perform.

<< File: Revised Victim Notification.wpd >>

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

Villafana, Ann Marie C. (USAFLS)

From: Sloman, Jeff (USAFLS) <JSloman@usa.doj.gov>
Sent: Thursday, June 26, 2008 11:48 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Jeffrey Epstein

Gr8. BTW what about a factual proffer?

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

From: Villafana, Ann Marie C. (USAFLS)
To: Roy BLACK <RBLACK@royblack.com>; Jack Goldberger <jgoldberger@agwpa.com>
Cc: Atkinson, Karen (USAFLS)
Sent: Thu Jun 26 11:16:04 2008
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.

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

6/25/08 AMN [redacted] e-mail to Black-
Goldberg

Villafana, Ann Marie C. (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, June 26, 2008 11:16 AM
To: Roy BLACK; Jack Goldberger
Cc: Atkinson, Karen (USAFLS)
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.

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

Tracking:



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 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:



A. Marie Villafaña
Assistant United States Attorney

cc: Jack Goldberger, Esq.
Karen Atkinson, Esq.



U.S. Department of Justice

United States Attorney
Southern District of Florida

A. Marie Villafaña
500 S. Australian Ave, 4th Floor
West Palm Beach, Florida 33401
(561) 820-8711
Facsimile (561) 820-8777

FACSIMILE COVER SHEET

TO: Michael R. Tein

FAX NO. 305-442-6744

PHONE NO. 305-442-1101

TO: Jack Alan Goldberger

FAX NO. 561-835-8691

PHONE NO. 561 659-8300

DATE: July 17, 2008 # OF PAGES: 3

RE: Jeffrey Epstein

FROM: A. MARIE VILLAFANA, Assistant U.S. Attorney

PHONE NO. 561 209-1047

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

A. Marie Villafaña
500 S. Australian Ave, 4th Floor
West Palm Beach, Florida 33401
(561) 820-8711
Facsimile (561) 820-8777

FACSIMILE COVER SHEET

TO: Michael R. Tein

FAX NO. 305-442-6744 PHONE NO. 305-442-1101

TO: Jack Alan Goldberger

FAX NO. 561-835-8691 PHONE NO. 561 659-8300

DATE: July 17, 2008 # OF PAGES: 3

RE: Jeffrey Epstein

FROM: A. MARIE VILLAFANA, Assistant U.S. Attorney

PHONE NO. 561 209-1047

*** 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

A. Marie Villafaña
500 S. Australian Ave, 4th Floor
West Palm Beach, Florida 33401
(561) 820-8711
Facsimile (561) 820-8777

FACSIMILE COVER SHEET

TO: Michael R. Tein

FAX NO. 305-442-6744 PHONE NO. 305-442-1101

TO: Jack Alan Goldberger

FAX NO. 561-835-8691 PHONE NO. 561 659-8300

DATE: July 17, 2008 # OF PAGES: 3

RE: Jeffrey Epstein

FROM: A. MARIE VILLAFANA, Assistant U.S. Attorney

PHONE NO. 561 209-1047

Villafana, Ann Marie C. (USAFLS)

From: Levy, Mike (USAPAE)
Sent: Thursday, July 19, 2007 6:42 PM
To: King, Damon; Corbet, [REDACTED] (USACAC); USAEO-PSC-Coordinators
Subject: RE: Disclosing identifying information about victims

Take a look at the comments to Rule 16. In the mid-1970s Congress rejected an attempt by the Rules Committee to require disclosure of witnesses' names and addresses. The congressional material with the rules may prove helpful.

From: King, Damon
Sent: Thursday, July 19, 2007 2:37 PM
To: Corbet, [REDACTED] (USACAC); USAEO-PSC-Coordinators
Subject: RE: Disclosing identifying information about victims

Jen: We're not aware of any rule that requires the Government to provide the address of a victim, child or not. Of course, the defendant is entitled to conduct his own investigation which may reveal victim address information and in the age of public databases (ChoicePoint, Lexis/Nexis, etc.), it is prudent to assume that through the defendant's own investigation this information will be obtained. We've had good experiences/results by getting a Guardian ad Litem GAL appointed under 3509 (along w/employing the other provisions in the sections) and found it to be a very helpful in legal mechanism to employ to protect the child victims from harassment and intimidation, with the additional benefits and ensuring appropriate services are provided to the child and facilitating the child's testimony. I've attached some samples from In a sex trafficking case involving a wealthy defendant and 3 minor victims which the court granted over defense objections/opposition. Of note, intimidation and harassment of the child victim can be discouraged to some degree through this mechanism without necessity of obtaining a protective order because once a GAL is appointed to represent a child, the child would be a "person represented by counsel" under the Rule 4.2 of the ABA Model Rules of Professional Conduct precluding the defense attorney (or person on the atty's behalf) from speaking with the child victim w/o permission from the GAL (of course, the prosecutor would need to get the same permission). As note 2 to the rule states, "This Rule applies to communications with any person who is represented by counsel concerning the matter to which the communication relates." Some additional resources that may be helpful are attached such as the Attorney General Guidelines on Victim and Witness Assistance 2005 Article VI (Guidelines for Child Victims and Child Witnesses), USA Bulletin articles, and the ABA Guidelines for GALs.

- dak

Damon A. King
Deputy Chief
Child Exploitation and Obscenity Section
Criminal Division
United States Department of Justice
1400 New York Ave. N.W. Suite 6400
Washington, DC 20005
(w) 202-353-7304
(f) 202-514-1793

From: Corbet, [REDACTED] (USACAC) [mailto:[REDACTED]]
Sent: Wednesday, July 18, 2007 9:15 PM
To: USAEO-PSC-Coordinators
Subject: Disclosing identifying information about victims

Defense counsel in our district have been getting very aggressive about attempting to interview minor victims in production and trafficking/prostitution cases. Their current m.o. is to demand early in the case that we provide the victim's address or they threaten to file a motion to compel disclosure of the information. Has anyone responded to such a motion, or have any advice about how to respond?

Jen Corbet, CDCA

Certified to be a true and correct copy of the original,
Carlos Juenke, Clerk
U.S. District Court
Southern District of Florida
Carlos Juenke
Deputy Clerk
Date 2-3-06

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 06-80020-CR-HURLEY/VITUNAC

FILED by *[Signature]* D.C.
FEB - 3 2006
CLARENCE MADDOX
CLERK U.S. DIST. CT.
S.D. OF FLA. - W.P.B.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSEPH SUTERA,
ERIC RESSNER,
AUGUSTIN CASTELLANOS,
ROBERT CATANESE, and
STEPHANIE MIRANTE,

Defendants.

UNITED STATES EX PARTE APPLICATION FOR ENTRY OF
POST-INDICTMENT PROTECTIVE ORDER AND MEMORANDUM OF LAW

The United States of America, makes application to this court, pursuant to 18 U.S.C. § 982(b)(1) and 21 U.S.C. § 853(e)(1)(A), for a restraining order to preserve the availability of certain property that is subject to forfeiture in the above-styled criminal action. The United States requests that this Court enter an order restraining and prohibiting the following from alienating the assets identified in this motion or from engaging in any conduct that would depreciate, damage or in any way diminish the value of the assets:

a. The defendant JOSEPH SUTERA ("Defendant"), individually, and as an officer and/or beneficial owner of any corporate entity, his agents, servants, employees, attorneys, family members, heirs, and those persons in concert or participation with him;

b. All those persons who may be entitled to possession of any portion of the properties restrained herein, whether by virtue of a claim of title, security interest, lien, judgment, contract, or any other legal or equitable basis, including but not limited to the defendant's wife, Evelise B. Sutera; and

c. All financial institutions, holding any accounts subject to this order. It is also requested that the financial institutions be prohibited from taking offsets against such accounts, and that they continue to credit any deposits, interest, dividends, or other credits to such accounts in the normal course of business, and such deposits, interest, dividends, and other credits shall be subject to this order.

I. INTRODUCTION

On February 2, 2006, a federal grand jury in the Southern District of Florida returned an eighty-four count indictment against defendant, JOSEPH SUTERA, and others. The defendant is charged with violations of 18 U.S.C. §§ 371, 1347, 1001, involving health care fraud and 18 U.S.C. § 1957, involving money laundering. A copy of the Indictment is attached hereto as Exhibit "A" and incorporated herein. As part of said indictment, the United States

is seeking criminal forfeiture pursuant to 18 U.S.C. §§ 982(a) (1) and (a) (7) of the following assets:

a. The CONTENTS of the defendant's residence located at 912 Mill Creek Drive, Palm Beach Gardens, Florida, including but not limited to a grand piano, consumer electronic equipment, including stereo systems and television sets, artwork, fixtures, decorator items, and furniture.

b. Contents of IDS Life Insurance Company IRA Account number 93-107241382-2-004 in the name of Joseph Sutera.

c. Contents of IDS Life Insurance Company IRA Account number 93-107241388-9-004 in the name of Joseph Sutera's wife.

d. IDS Life Insurance Company life insurance policy number 9090-6909552-1-004 in the name of defendant Joseph Sutera and his wife.

e. IDS Life Insurance Company life insurance policy number 9090-7233747-2-004 in the name of defendant Joseph Sutera's wife.

f. Wachovia Bank account number 1010110078678 in the name of defendant Joseph Sutera.

g. Wachovia Bank account number 2000021128710 in the name of MRF Inc., d/b/a The Medicine Shoppe Pharmacy.

h. Wachovia Bank account number 1010055623793 in the name of defendant Joseph Sutera's wife.

By this motion, the United States seeks an order restraining the transfer, alienation or dissipation of the above listed assets.

FILED by *[Signature]* D.C.
FEB - 3 2006
CLARENCE MADDOX
CLERK U.S. DIST. CT.
S.D. OF FLA.

AFFIDAVIT OF JAY CURTIS SCHEURER

JAY CURTIS SCHEURER, being first duly sworn on oath, hereby swear and affirm as follows:

A. INTRODUCTION

1. I am currently employed by the United States Food and Drug Administration, Office of Criminal Investigations (FDA/OCI) as a Special Agent and have been so-employed since May, 2002. I have approximately nine years of prior law enforcement experience as a Special Agent with the United States Department of Education, Office of Inspector General. I am currently assigned to the FDA/OCI Miami Field Office, Plantation, Florida, with the responsibility of investigating violations of the Federal Food, Drug, and Cosmetic Act, (hereinafter "FD&C Act"), distribution of controlled substances under Title 21, and related crimes, including financial fraud and money laundering. I have received training from the United States Food and Drug Administration (FDA) in conducting investigations regarding the illegal distribution of controlled substances and other pharmaceuticals as well as training in the investigation of fraud and money laundering schemes.
2. I am part of an investigative team which includes law enforcement officers from FDA/OCI, the Federal Bureau of Investigation, Postal Inspection Service Inspectors, and Inspectors from Drug Enforcement Administration's (DEA) Diversion unit. Members of the team have significant experience and training in the investigation of both pharmaceutical drug violations and financial crimes. Members of the team have also consulted with numerous experts, including those in the fields of accounting, forensic chemistry and insurance claims.

PERGAD 800-871-8888
GOVERNMENT EXHIBIT
B

Certified to be a true and correct copy of the original.
Carlos Juenke, Clerk
U.S. District Court
Southern District of Florida
[Signature]
Deputy Clerk
Date 2-3-06

3. Since approximately March, 2004, we have been working an investigation of a number of individuals including Joseph Sutera, a licensed pharmacist who, from approximately June, 2001 to September, 2005, owned of The Medicine Shoppe, a retail pharmacy located at 3365 Burns Road, Suite 104, in Palm Beach Gardens, Florida.
4. On February 2, 2006, a federal grand jury in the Southern District of Florida indicted Joseph Sutera and others for conspiracy to commit health care fraud, in violation of 18 U.S.C. § 371; health care fraud in violation of 18 U.S.C. §1347; false statements to law enforcement, in violation of 18 U.S.C. §1001; and money laundering, in violation of 18 U.S.C. § 1957. The indictment also included the forfeiture of the following assets associated with Sutera:
 - A. A sum of \$9,941,761.44 in United States currency representing the gross proceeds obtained as a result of the offense.
 - B. The contents of his residence located at 912 Mill Creek Drive, Palm Beach Gardens, Florida, including but not limited to a grand piano, consumer electronic equipment, including stereo systems and television sets, artwork, fixtures, and decorator items, and furniture.
 - C. Proceeds in the amount of approximately \$362,083.32 from the sale of a parcel of real estate formerly deeded to defendant **JOSEPH SUTERA** located at Nature Court, Palm Beach Gardens, Florida.
 - D. Proceeds in the amount of approximately \$396,793.25 from the sale of a parcel of real estate formerly deeded to defendant **JOSEPH SUTERA** located at Palm Bay, Palm Beach Gardens, Florida.
 - E. Proceeds in the amount of approximately \$150,275.98 from the sale of a parcel of

real estate formerly deeded to Sucalo, Inc., a company associated with defendant **JOSEPH SUTERA**, located at Indiantown Road, Jupiter, Florida.

- F. Proceeds in the amount of approximately \$34,023.58 from the sale of a parcel of real estate formerly deeded to defendant **JOSEPH SUTERA** located at Santa Barbara Way, Palm Beach Gardens, Florida.
- G. Proceeds received from a Mortgage in the amount of approximately \$20,000.00 recorded on a parcel of real estate formerly deeded to defendant **JOSEPH SUTERA** located at Santa Barbara Way, Palm Beach Gardens, Florida. Said mortgage was recorded on August 20, 2004, at Book 17424, Page 201 of the records of Palm Beach County, Florida.
- H. Contents of IDS Life Insurance Company IRA Account number 93-107241382-2-004 in the name of defendant **JOSEPH SUTERA**.
- I. Contents of IDS Life Insurance Company IRA Account number 93-107241388-9-004 in the name of defendant **JOSEPH SUTERA's** wife.
- J. IDS Life Insurance Company life insurance policy number 9090-6909552-1-004 in the name of defendant **JOSEPH SUTERA** and his wife.
- K. IDS Life Insurance Company life insurance policy number 9090-7233747-2-004 in the name of defendant **JOSEPH SUTERA's** wife.
- L. Wachovia Bank account number 1010110078678 in the name of defendant **JOSEPH SUTERA**.
- M. Wachovia Bank account number 20000211287710 in the name of MRF Inc., d/b/a The Medicine Shoppe pharmacy.
- N. Wachovia Bank account number 1010055623793 in the name of defendant

JOSEPH SUTERA's wife.

- O. One Presidential Rolex Watch with diamonds, acquired on or about January 12, 2003 for approximately \$15,875.00, from Raineri Jewelers.
5. Private health insurance companies pay on pharmaceutical claims based upon information received from pharmacies about prescriptions that they have been asked to fill by physicians. In most cases, payment is made directly to the subscribing pharmacy. These claims, and payments made on these claims, are most often transmitted by interstate wire or by private or public mail. The claim information submitted by the pharmacy includes, among other things, the name of the patient, the name of the prescribing physician, and the type and quantity of medication prescribed. Insurance companies rely on the information in the claim to be true and accurate, and do not regularly conduct independent audits of claims prior to payment. Materially false and fraudulent claims for payment include claims for drugs that were not prescribed, were not delivered to patients named on the claims. A substantial number of the claims were for Ketamine, a schedule III controlled substance with a reimbursement to the pharmacy of approximately \$1,000 per claim.
6. Evidence of the scheme includes the pharmacy's database, taken in a search on August 26, 2004, which shows more than \$17 million in claims submitted to various insurance companies, backed up by the insurance companies' records.
7. Proof of the falsity of a substantial number of the claims includes the statements of numerous doctors who were interviewed as part of the investigation, a substantial number of whom stated that they never prescribed Ketamine or most of the other drugs for which claims were submitted under their names. Patient records from these doctors corroborate

their statements as, in many instances, the names of the patients for whom claims were associated with their names were not even patients of that doctor.

8. At least two physicians have admitted to conspiring with Sutera to falsely substantiate prescriptions for the prescription drug claims submitted through the Medicine Shoppe to private insurance companies for his compounded cream containing Ketamine or Bupivacaine.
9. In addition, numerous patients were interviewed. Most of them stated that they did not know their names were being used for the claims and that they either never received the medications, including the Ketamine cream, for which claims were submitted in their names, or never requested or received prescriptions for drugs which were sent to them.
10. Further, at the time of the search, Sutera admitted to one of the agents that he had been submitting false claims.
11. All known insurance payments for false and fraudulent prescription drug claims from the private insurance companies were deposited into the accounts of The Medicine Shoppe and commingled with insurance payments for legitimate claims.
12. An analysis was conducted of the bank records for successive operating business bank accounts maintained by The Medicine Shoppe, including the last known account, Wachovia account number 2000021128710. This analysis revealed that from July 2001 through May 2005 approximately \$9,941,761.00 was deposited into these accounts from private insurance companies. Inspection of copies of the deposited checks indicated that these funds represented payments for claims filed by The Medicine Shoppe.
13. An analysis was conducted of the bank records for the personal bank accounts maintained by Joseph Sutera, including Wachovia account number 1010110078678.

This analysis revealed that from July 2001 through May 2005 approximately \$4,306,129.00 was deposited into these accounts.

14. Affiant interviewed Martin Fields, who owned The Medicine Shoppe pharmacy from December 1999 through approximately June 2001 when he sold it to Joseph Sutera. Martin Fields advised that during the approximately 18 months that he owned The Medicine Shoppe pharmacy it lost between \$70,000 and \$80,000. Martin Fields sold The Medicine Shoppe pharmacy to Joseph Sutera in exchange for Sutera taking over Fields' franchise payments to Medicine Shoppe International. At the time of this transaction Fields owed Medicine Shoppe International approximately \$170,000.
15. My investigation has revealed that Joseph Sutera filed a voluntary petition for bankruptcy bearing Docket # 97-32416 on 5/16/97. In the petition Joseph Sutera listed his address as 1420 Ocean Way, Bldg 8B, Jupiter, Florida a property belonging to his sister, Susan Sutera. At the time of filing, Joseph Sutera claimed \$125 in assets and \$1,594,726 in liabilities and listed himself as unemployed with \$1,750 in monthly income in the form of friends and family paying his expenses. Sutera received a discharge as of 10/8/97.
16. I also interviewed individuals who advised me that Sutera told them he had no assets at the time he purchased the pharmacy, and that Sutera had to borrow approximately \$80,000 in order to purchase the pharmacy in 2001. In a personal financial statement submitted in 2003 as part of a loan application, Sutera indicated that he received salary payments in excess of \$500,000 per year from the Medicine Shoppe and only \$800 per month from investments.

ASSETS TO BE RESTRAINED

17. The contents of the property located at 912 Mill Creek Drive, Palm Beach Gardens,

Florida, the personal residence of Joseph Sutera, including but not limited to the grand piano, stereo and video equipment, furniture, fixtures, artwork and decorator items. An analysis of the bank records of Joseph Sutera and MRF Inc. has revealed that from shortly before the date of the closing on the purchase of the residence through August 27, 2004 Joseph Sutera paid Dominique Marriano Interiors a total of \$292,093.11 for interior design, furniture and other improvements. Records provided by Carl's Patio and Furniture Companies indicate that between August 2003 and April 2005 \$31,758.65 worth of furniture was purchased by Joseph Sutera and delivered to 912 Mill Creek Drive, Palm Beach Gardens, Florida. Records provided by Showplace Interiors, a furniture and interior design business located in Palm Beach Gardens, Florida indicates that between November 2002 and December 2003 Joseph Sutera purchased \$50,915.86 worth of furniture and decorator improvements for 912 Mill Creek Drive, Palm Beach Gardens, Florida. Records provided by Skeffington Furniture Company of Jupiter, Florida indicates that on or about July 14, 2003 \$14,671.92 worth of furniture was purchased by Joseph Sutera and delivered to 912 Mill Creek Drive, Palm Beach Gardens, Florida. Records provided by Mark Gregory Piano Gallery of Lake Park, Florida indicate that on or about September 13, 2003 Joseph Sutera purchased a grand piano for \$55,120 that was delivered to 912 Mill Creek Drive, Palm Beach Gardens, Florida. Records and testimony provided by Sound Advice a Dania Beach, Florida based stereo and television retail store indicate that between June 2001 and June 2005 approximately \$492,892.64 worth of consumer audio/visual equipment including numerous flat panel LCD television sets were purchased by Joseph Sutera. Sound Advice records and testimony from the primary sales representative for these purchases indicate that the items were delivered to and/or installed at 912 Mill Creek

Drive, Palm Beach Gardens, Florida.

18. Contents of Wachovia Bank Account #1010110078678 in the name of Joseph J. Sutera.

Evidence secured during my investigation indicates that as of at least May 2005 Joseph Sutera maintained this personal bank account at Wachovia Bank into which payroll checks from The Medicine Shoppe pharmacy were automatically deposited. The last known balance in this account as of January 17, 2006 was \$252.68.

19. Contents of Wachovia Bank Account #2000021128710 in the name of MRF Inc. DBA

Medicine Shoppe Pharmacy. Evidence secured during my investigation indicates that as of at least May 2005 Joseph Sutera maintained this business bank account in the name of MRF Inc. DBA Medicine Shoppe Pharmacy at Wachovia Bank into which both fraudulent and legitimate receipts were being deposited. Deposits in May 2005 totaled \$60,753.48. The last known balance in this account as of January 17, 2006 was \$6.38.

20. Contents of Wachovia Bank Account #1010055623793 in the name of Evelise B. Sutera.

Evidence secured during my investigation indicates that as of at least May 2005 Evelise Sutera, wife of Joseph Sutera maintained this personal bank account at Wachovia Bank into which payroll checks from The Medicine Shoppe pharmacy were automatically deposited. The last known balance in this account as of January 18, 2006 was \$1420.15.

21. Contents of IDS Life Insurance Company SEP IRA Account #93-107241382-2-004 in the

name of Joseph J. Sutera. On or about October 27, 2003 Joseph Sutera arranged for MRF Inc. DBA Medicine Shoppe Pharmacy to provide employer funded SEP IRA accounts for employees of MRF Inc. including himself. These account were established with IDS Life Insurance Company, an affiliate of American Express Corporation. Funding for these SEP IRAs came exclusively from the operating account of MRF Inc. The latest reported

balance in the SEP IRA account in the name of Joseph Sutera as of October 27, 2005 was \$47,041.20.

22. Contents of IDS Life Insurance Company SEP IRA Account #93-107241388-9-004 in the name of Evelise B. Sutera. On or about October 27, 2003 Joseph Sutera arranged for MRF Inc. DBA Medicine Shoppe Pharmacy to provide employer funded SEP IRA accounts for employees of MRF Inc. including his wife, Evelise Sutera. These accounts were established with IDS Life Insurance Company, an affiliate of American Express Corporation. Funding for these SEP IRAs came exclusively from the operating account of MRF Inc. My investigation has revealed that Evelise Sutera did not work at The Medicine Shoppe pharmacy and was not a bona fide employee. The latest reported balance in the SEP IRA account in the name of Evelise Sutera as of October 27, 2005 was \$15,922.03
23. IDS Life Insurance Company Life Insurance Policy #9090-6909552-1-004 in the name of Evelise B. and Joseph J. Sutera. On or about February 12, 2002 Joseph and Evelise Sutera secured a joint \$250,000 variable universal life insurance policy from IDS Life Insurance Company, an affiliate of American Express Corporation. This policy required quarterly premium payments of \$5,255.28. Between February 2002 and March 2005 a total of \$68,318.64 in premium payments were made by Joseph Sutera from either the operating account of MRF Inc. or from his personal bank account at Bank of America. The reported cash surrender value of this policy as of June 21, 2005 was \$54,516.34.
24. IDS Life Insurance Company Life Insurance Policy #9090-7233747-2-004 in the name of Evelise B. Sutera. On or about February 11, 2002 Joseph Sutera secured a \$300,000 20-year term life insurance policy on his wife, Evelise Sutera for which Joseph Sutera was the primary beneficiary. On or about 10/7/03 this policy was converted to a \$300,000 variable

universal life policy. A new policy number of 90907233747 was assigned at this time. Between February 2002 and April 2005 a total of \$21,852.62 in premium payments were made on this policy. With the exception of one payment of \$312 made from an account in the name of Evelise Sutera in March 2003, Joseph Sutera made all payments from either the operating account of MRF Inc. or from his personal bank account at Bank of America. The reported cash surrender value of this policy as of June 21, 2005 was \$18,583.16.

I declare under penalty of perjury that the information contained herein is true and correct.

FURTHER YOUR AFFIANT SAYETH NAUGHT



JAY SCHEURER, SPECIAL AGENT,

U.S. FOOD AND DRUG ADMINISTRATION

Sworn to and subscribed before me

this 3RD day of February, 2006



AFFIDAVIT

E. Nesbitt Kuyrkendall,
I, Seth M. Berger, being duly sworn, depose and state:

1. I am a Special Agent (S/A) with the ~~Bureau of Alcohol, Tobacco, Firearms~~ *Federal Bureau of Investigation*
~~(ATF)~~ *(FBI)* and have been so employed since July of 2001. *the fall of 1997. I am* Prior to being an
currently assigned to a violent crime squad in the West Palm
ATF agent, I served as a Police Officer for approximately three and a half years for the
Beach Field Office
~~city of Delray Beach, Florida, Police Department.~~ I have received specialized training
child exploitation
regarding the investigation and enforcement of federal firearms violations and have
engaging in sexual activity
investigated subjects who are unlawfully dealing in firearms, who provide firearms to
with minors.
~~convicted felons, and who unlawfully possess or transfer certain types of firearms, i.e.,~~
~~silencers, machine guns, short-barreled rifles or shotguns, destructive devices, or "any~~
~~other weapons" in violation of the National Firearms Act (NFA).~~

2. The facts contained in this affidavit are based on my own personal knowledge as well as information provided to me by other law enforcement officers and witnesses.

Because this affidavit is made for the limited purpose of securing the issuance of a search warrant pursuant to 26 U.S.C. § 7302 to seize a *Boeing 727 aircraft bearing*
2004 silver Mercedes sedan VIN-
FAA Tail Number N908JE,
~~WDBUE76114A451154,~~ it does not contain all the details of this investigation.

3. On August 30, 2005, your affiant was contacted for assistance by West Palm Beach Police Department (WPBPD) Vice Agent Rich Birch regarding JOSEPH E. PELUSO, III, (hereinafter "PELUSO"), a W/M, DOB: 09-02-1968, Florida DL# P420-485-68-322-0, who was alleged to be in possession of machine guns. Agent Birch had received information from a WPBPD confidential informant (hereinafter "CI") who had previously provided reliable information to Agent Birch that PELUSO had offered to sell

the CI machineguns, firearm silencers, and grenades in the past and still had some available for purchase. Your affiant documented the CI as an ATF informant. The CI has a pending criminal case and hopes that if he/she assists the government it may ultimately lead to a reduction of the CI's sentence.

4. Your affiant ran a criminal check on PELUSO and learned that PELUSO did not have any felony or domestic violence convictions and was therefore not prohibited under the law from possessing firearms or ammunition. A criminal history check revealed that PELUSO was arrested in 2002 by the Riviera Beach Police Department for aggravated assault with a deadly weapon without intent to kill, but court records show that the case was dropped.

5. The CI identified PELUSO from a photograph. The CI also stated that PELUSO has tattoos from the bottom of his neck to his wrists and has one on his chest that says "only God can judge me." The CI also told your affiant that PELUSO drove a black colored Hummer with a Florida personalized tag of SPEEEED. A Department of Motor Vehicles records check revealed that PELUSO resided at 244 East 25th Street, Riviera Beach, FL 33404 and had a black Hummer with the Florida tag SPEEEED registered to him at that address. Your affiant also learned that PELUSO has a current concealed weapons permit in the State of Florida.

6. On November 21, 2005, the CI provided your affiant with PELUSO's home telephone number of (561) 882-1392 and a cell phone number of (561) 779-5644.

7. On the morning of November 22, 2005, the CI made a series of controlled calls to PELUSO and left messages for PELUSO to return the call. At approximately 12:16 pm, your affiant, S/A Vincent Holmes, and the CI, went to the Steelworks,

Piercing, and Tattoo parlor, located at 4246 Okeechobee Boulevard, in West Palm Beach, Florida, because the CI said that PELUSO frequented that tattoo parlor. Your affiant observed PELUSO driving his black Hummer with the tag SPEEEED in the parking lot of the tattoo parlor.

8. Several minutes later, at approximately 12:19 pm, the CI's cell phone rang and the telephone number on the CI's cell phone's caller identification was (561) 682-9111, which was the telephone number for the tattoo parlor. The CI repeatedly received calls on his cell phone from the tattoo parlor between 12:19pm and 1:01pm. During one of the calls your affiant instructed the CI to answer the phone, and it was PELUSO. At your affiant's direction, the CI told PELUSO that the CI would have to call him right back. This call was not recorded.

9. At approximately 1:01 pm, CI made a recorded call to (561) 682-9111. During the call, the CI spoke to PELUSO, who said that he had been trying to call the CI because he had eight triple x vests (which is street terminology for bullet proof vests). PELUSO went on to say that he had already sold the vests, but that he had a couple of "toys" (which is street terminology for guns), and wanted the CI to stop by the tattoo parlor. After that call, ATF agents went to the tattoo parlor and observed PELUSO's Hummer parked outside.

10. In preparation for the CI's meeting with PELUSO at the tattoo parlor, your affiant searched the CI and the CI's vehicle, and no contraband was found. Your affiant then provided the CI with a recording device which the CI consented to wear. At approximately 1:31pm, CI went to the tattoo parlor at 4246 Okeechobee Blvd., West Palm Beach, Florida. ATF agents conducted a surveillance of the CI and the tattoo

parlor. At approximately 1:41 pm, the CI entered the tattoo parlor and met with PELUSO. Shortly thereafter, both the CI and PELUSO walked outside to PELUSO's Hummer.

11. The CI, who is a previously convicted felon, and PELUSO discussed the various guns that PELUSO was selling. PELUSO said that he had an HK pistol with a threaded barrel for a suppressor which he was getting ready to take to Stuart. When asked about the price of the pistol, PELUSO said that he had \$1,500 into it. According to PELUSO, the HK pistol was brand new. PELUSO then opened the fanny pack that he was wearing and showed the CI his HK pistols. PELUSO told the CI that one was a HK Socom and the other was an HK compact, and that SWAT teams used them.

12. During the November 22nd meeting, PELUSO also said that he had a .357 magnum revolver. CI told PELUSO that the CI wanted to buy the guns but didn't have the money with him/her. PELUSO then opened the door to his Hummer and showed the CI the HK pistol and the .357 revolver. When the CI asked PELUSO whether it was possible to put a silencer on the HK pistol, PELUSO said that's what why the gun had a threaded barrel. When the CI asked PELUSO whether he had a silencer for the pistol, PELUSO said that he could get them, and that one would cost about \$1,500. PELUSO also told the CI about the .357 magnum revolver which PELUSO was selling for \$400. The CI asked whether PELUSO had any "pineapples" (which is street terminology for grenades); however, PELUSO said that he couldn't get a hold of his supplier.

13. The CI arranged to meet with PELUSO the next day to buy the guns. The CI told PELUSO that a lot of people had been running their mouths and he/she was planning on taking care of them. The CI also explained to PELUSO that he/she had a criminal

record. The CI said that he/she had gone into a gun store to buy a gun. The employee had run the CI's record and wouldn't sell the gun to the CI. PELUSO replied, "Oh really." PELUSO and the CI agreed to meet at 4:00 p.m. the following day, to do the deal.

14. After the meeting, the CI left the tattoo parlor and was followed by ATF agents to a location where the CI and the CI's vehicle were searched. No contraband was found. Your affiant also placed the audio and video recordings of the meeting in evidence at ATF. It should also be noted that after CI departed the tattoo parlor, ATF agents remained in the area of the tattoo parlor and observed PELUSO and another male next to PELUSO's Hummer, and PELUSO was showing the male something inside the Hummer.

15. On November 23, 2005, at approximately 2:52 pm, surveillance was established at the tattoo parlor, located at 4246 Okeechobee Boulevard, in West Palm Beach, Florida. The CI called PELUSO's cell phone and left a series of messages for PELUSO to call the CI. At approximately 4:17 pm, PELUSO called the CI from (561) 616-3434. PELUSO told the CI that he was at the Planet Smoothie next to Kmart. It should be noted that Planet Smoothie is located at 4366 Okeechobee Boulevard, in West Palm Beach, Florida and has a listed telephone number of (561) 616-3434, the same number from which PELUSO had called the CI. The CI told PELUSO that the CI would take the "two things" (meaning the two guns) from yesterday and that the CI would meet PELUSO at the tattoo parlor. PELUSO changed the location of the meeting and told the CI not to meet him at the tattoo parlor because it was "hot" (which is street terminology

for police presence or surveillance). Instead, they agreed to meet at Planet Smoothie, which is located in the vicinity of the tattoo parlor.

16. Your affiant provided the CI with recording devices and \$2,000 in official ATF funds. The CI then consented to a search of the CI's person and vehicle with negative results. At approximately 4:41pm, CI, who was followed by ATF agents, drove to Planet Smoothie for the meeting with PELUSO.

17. At approximately 4:57 pm, the CI arrived in the parking lot of the Planet Smoothie and could not find PELUSO. After a series of phone calls, the CI met PELUSO a short time later in a nearby parking lot. PELUSO was driving a red convertible 2-door Saab bearing Florida tag V27NLQ. A records check revealed that this vehicle is registered to the defendant's girlfriend, Christine Ventimiglia, who resides at the same address as PELUSO. PELUSO got out of the Saab and greeted the CI. PELUSO was wearing a fanny pack around his waist.

18. PELUSO told the CI that he didn't want to meet at the tattoo parlor because Sheriff's deputies had been watching the shop all morning, and PELUSO had seen them filming the tattoo shop with video cameras. The CI told PELUSO that somebody was probably dealing crack out of the tattoo parlor. The CI said that because he/she was a convicted felon, the CI didn't like being over there or bringing "shit" over there. PELUSO agreed and told the CI not to go to the tattoo parlor anymore.

19. PELUSO then opened the trunk of the Saab and showed the CI a Remington 12 gauge shotgun, a .357 Dan Wesson revolver, and a .45 caliber HK semi-automatic pistol. These were the same handguns that PELUSO had shown the CI the day before. The CI agreed to buy all three guns from PELUSO for \$2,300. Because the CI only had

\$2,000, PELUSO agreed that the CI could pay him the remaining \$300 at a later date.

The CI removed the three firearms from the trunk of PELUSO's Saab and placed them in the trunk of the CI's car.

20. PELUSO asked the CI if he was looking for anything else, and the CI said that he/she wanted something fully automatic. PELUSO said that he had just sold two of them. PELUSO stated that he can get the CI an Ingram 9 fully automatic machine gun. PELUSO said that he had a fully automatic M16 (rifle) suppressed. PELUSO further stated that the M16 is not the gun to own because "if you don't have the tax stamp, you go to jail for 10 years automatic." It should be noted that a check with the ATF National Firearm and Transfer Record (NFTR) Branch determined that PELUSO did have a lawfully registered short barreled AR-15 rifle, an Impulsiia .45 caliber silencer, and an M42000 5.56 caliber silencer registered to his company, Strategic Solutions Unlimited, Inc., at 244 East 25th Street, Riviera Beach. However, NFTR records did not show that PELUSO had a machine gun lawfully registered to him. Neither PELUSO, Strategic Solutions Unlimited Inc., or anyone else at 244 East 25th Street, Riviera Beach, Florida has any other registered NFA firearms or destructive devices. Furthermore, the ATF Licensing Center and the NFTR advised your affiant that neither PELUSO nor Strategic Solutions Unlimited Inc. held a federal firearm license (FFL) or was licensed to deal in firearms or NFA weapons, such as, short-barreled rifles, silencers or machineguns.

21. During the November 23rd transaction, PELUSO asked the CI if someone was hunting the CI down. PELUSO offered the CI a "safe house" in Abacoa, which is located in Jupiter, Florida. The CI declined PELUSO's offer. The CI said that he/she had tried to rent a house in the CI's name, but the landlord wouldn't rent it to the CI

because the CI was a convicted felon. The CI further stated that convicted felons can't buy guns or do anything. PELUSO agreed and said, "they try to suppress you and all they want is money, the state, supervision, probation, all kinds of shit." PELUSO told the CI that if he/she needed a place to hang out for a week or so, if it got hot around here, that PELUSO had a buddy in North Carolina. The CI said that he/she was worried about getting pulled over with the firearms because "they'll see my record and see this shit, and I'm done."

22. After the transaction ended, the CI and PELUSO left in their respective vehicles and were both followed by ATF agents. Your affiant met the CI at a predetermined location and searched the CI and the CI's vehicle. The CI no longer possessed the \$2,000 in official funds. Your affiant photographed the firearms which the CI had purchased from PELUSO, removed the Remington shotgun, the Dan Wesson Arms .357 revolver, and the HK .45 semi-automatic pistol from the CI's trunk, and placed them into evidence at ATF. The video and audio recordings of the transaction were also placed in evidence.

23. On December 2, 2005, at approximately 1:18 pm, your affiant instructed the CI to call PELUSO. The CI called PELUSO's home, and PELUSO answered the phone. PELUSO agreed to meet with CI later that day. The CI said that he/she had the \$300 which was owed to PELUSO for the Remington shotgun and asked PELUSO if he had the "Ingram" (referring to the Ingram machine gun). PELUSO said that he didn't have it in his possession but he could get it. The CI asked PELUSO how much he wanted for it, and PELUSO said he had to get \$1500 for it and that was a good deal. PELUSO said they normally go for \$2500. The CI asked PELUSO if it (the Ingram machine gun) was

“full” (referring to fully automatic), and PELUSO confirmed that it was. PELUSO told the CI that he was at his house, but that he would be in and out, and PELUSO gave the CI his cell phone number for the CI to call him.

24. Shortly after the call to PELUSO around 1:50 pm, your affiant drove by PELUSO’s residence at 244 East 25th Street, Riviera Beach, Florida. According to the Palm Beach County Property Appraiser’s Office, PELUSO is the listed owner of the residence. There was a for sale sign posted at the residence with the number (561) 882-1392, which is the same number the CI had used to call and speak to PELUSO at home. Your affiant observed a white female and recognized the person to be Christine Ventimiglia from her driver’s license photograph. Later, your affiant observed Ventimiglia opening the door of a tall fence that is west of PELUSO’s residence. Your affiant observed PELUSO’s black Hummer parked in the fenced area.

25. Later on December 2, 2005, the CI made a series of consensually recorded telephone calls to PELUSO. At approximately 4:54 pm, the CI called PELUSO’s cell phone and spoke to PELUSO. PELUSO told the CI that they should meet in about an hour in the vicinity of the Bonefish Creek restaurant located at 2024 North Military Trail, in West Palm Beach, Florida.

26. On December 2, 2005, at approximately 6:26 pm, surveillance was established in the area of the Bonefish Creek restaurant. Your affiant searched the CI and the CI’s vehicle with negative results. S/A Berger then provided the CI with \$2,000 in official ATF funds. The CI was also provided with recording devices.

27. On December 2, 2005, at approximately 6:56 pm, PELUSO met with the CI in the vicinity of Bonefish Creek. PELUSO arrived at the location in his girlfriend’s red

Saab and then got into the CI's vehicle. PELUSO told the CI that he didn't have "it" in his car and that a guy was coming to meet them from Stuart (Florida) with the two Mac10 firearms. PELUSO said that he and two other guys had shot the guns to make sure they were what they were supposed to be. PELUSO said it was fully automatic with a threaded barrel. PELUSO said that he had shot the gun and it jammed four times, and he thought there was something wrong with the feed ramp. One of the guys who was with PELUSO offered to take it back to the shop and fix it, however, the other guy who was there had agreed to buy the firearm as is. PELUSO said he didn't want to sell the CI a gun that would jam and so he sold it to the guy for \$1,800 right there. PELUSO said it wasn't worth it to sell it to the CI for \$1,500 and have him return it to PELUSO.

28. PELUSO said that he told his associate that he needed something else and that the guy was on his way down right now with two Mac10s for a good price. The CI inquired about whether the firearms were fully automatic and their price. PELUSO confirmed that they were fully automatic with a threaded barrel (for a silencer). The CI asked PELUSO for instructions on shooting the firearms. PELUSO said that there was a switch marked "F" for fire and "S" for safe. PELUSO said there was no full, semi, and safe, just fully automatic and safe. PELUSO also told the CI that when the trigger was pulled thirty rounds were going to fly out.

29. During the meeting on December 2, 2005, the CI said that the CI knew who had shot at the CI's residence and that the CI was going to get them. PELUSO asked if the CI was planning to get them. The CI responded, "I'm gonna bust them," and then asked PELUSO how many rounds the Mac shot. PELUSO said thirty rounds. PELUSO told the CI that if that's what the CI was planning on doing, the CI needed something

better than the Mac10, that is, an AR-15 with a Beta C mag (magazine) which would shoot one hundred rounds. PELUSO explained that the CI should use an AR-15 because it was a .223 (caliber) and that the rounds would go through a door and even a building.

30. The CI told PELUSO that the CI was going to "catch" the dude when he was in his car. PELUSO advised the CI to hit the guy with the 12 gauge (shotgun) that PELUSO had already sold the CI. PELUSO also told the CI that all of his "shit" was top of the line; that he sells his firearms for \$300-\$400 less than at the gun shows because he buys them in bulk; and that he has partners who buy multiple firearms at one time which allows for a better deal.

31. While PELUSO and the CI were together in the vicinity of Boston Market, which is next to Bonefish Creek, PELUSO told the CI that his partner was coming from Stuart to meet them. While they were waiting, PELUSO asked the CI for the \$300 that the CI owed from the November 23rd transaction.

32. While waiting, PELUSO told the CI that he had a guy who made silencers for Mac10s. When the CI asked PELUSO how much the silencers cost, PELUSO said he didn't know and he would check to see if he could get a better price by buying six of them. PELUSO said he would keep one for himself, sell one to the CI, and dump the other four.

33. PELUSO asked when the CI was going to do the hit on the Mexicans. The CI told PELUSO he would see it on the news. PELUSO asked the CI specifics about how many persons he was going after and where they lived. The CI said that he/she would do his/her own dirty work. PELUSO asked the CI whether he wanted to hire a professional to take care of it. When the CI asked PELUSO what he meant, PELUSO

asked, "Do you want me to whack them?" The CI declined PELUSO's offer. PELUSO told the CI that he had done it for 10 years, that was his life, and "not even here where you could, where everyone speaks the same language and you could see street signs and there's road maps." PELUSO explained that he would get a picture with a name in Hebrew and then had to go after the guy and find him. According to PELUSO, he was in the "special forces, marine recon. Marine force recon, they would drop us in either parachute in, swim in, come in by helicopter, do recon, get all the information on the area, find out depending on what the operation was, who's there, who's a captive, who's in charge, who the leaders are, who are the primary targets, that's what we did."

34. PELUSO told the CI that he didn't go by the tattoo shop anymore. PELUSO said he was talking to Julio from the tattoo parlor and that Julio said that PELUSO was hanging out with a "fucking rat" (the CI). Julio told PELUSO that he didn't want the CI around the shop any more and told PELUSO not to do any deals around the shop. PELUSO said that he had told Julio that if the CI crossed him PELUSO would "kill [the CI] because no one crosses me and walks." PELUSO and the CI then talked about how the other subjects are dealing drugs out of the shop, and how the guys in the shop had been talking about CI. PELUSO said the guys in the shop talked about him; his Saab and his Hummer; and how he doesn't work. PELUSO said that he had a pension after working for fifteen years, and he didn't have to work anymore.

35. PELUSO said that he had heard the CI was looking at fifteen years (imprisonment) because the CI was a convicted felon. The CI explained to PELUSO that the CI was out on bond. When PELUSO asked the CI if the CI was going to beat the case, the CI responded in the affirmative. PELUSO told the CI about Marc Shiner who

PELUSO said was his lawyer. PELUSO stated that all of the circuit judges were at Shiner's wedding. PELUSO said that Marc Shiner had gotten him out of his shit. PELUSO said that he had shot at two black guys and a girl. PELUSO said, "I'm not prejudice, I shoot at bitches, too."

36. PELUSO said that he had been in the military from 1986-1996. After that, PELUSO said that he had worked as a police officer in New Jersey and earned \$70,000 a year. PELUSO said that he was offered a job as a police officer in Riviera Beach but he turned it down. PELUSO said that his plan to become a sky marshal was on hold because they weren't hiring right now.

37. PELUSO said that his associate for whom they were waiting had never let him down. According to PELUSO, his associate and he usually met at Markham Park (in Broward County, Florida) on Tuesday nights. PELUSO said that on Tuesday nights all the gun dealers "everyone that's an FFL class III dealer" went there for a machine gun shoot. PELUSO said that "as long as you have your tax stamp" individuals could possess fully automatic machine guns, suppressors, and short-barreled rifles. It should be noted that it is unlawful for a person to possess a firearm defined in Title 26, United States Code, 5845, including a rifle having a barrel or barrels of less than 16 inches in length, a machinegun, or a silencer, without first being registered with ATF's NFTR and paying the required tax for said firearm. According to PELUSO, ATF agents would also be present at Markham Park to see whether individuals possessed the necessary paperwork for the firearms. PELUSO said that he and his boys had paperwork that wasn't real, but as long as they had the paperwork they could shoot the gun.

38. PELUSO discussed the Remington shotgun that he had sold the CI on November 23, 2005. PELUSO said that he had sold the CI a Remington magnum. PELUSO said that the shotgun would shoot 2 1/4" slugs, double O buck, and that one shot of double O buck was equivalent to nine 9mm rounds.

39. PELUSO and the CI waited a while longer; however, PELUSO's associate did not show up with the Mac 10 firearms. PELUSO told the CI that when he received it (the machine guns) he'd call the CI. PELUSO got out of CI's vehicle, and they left the location separately.

40. After the CI and PELUSO ended their meeting, the CI was followed by law enforcement to a safe location where your affiant met with the CI. The CI's person and vehicle were searched by your affiant and the remaining ATF funds which had been previously provided to the CI were returned as the CI had not made any firearms purchases. The audio and video recordings of the meeting were taken into custody by your affiant and placed in evidence. The video recording was of poor quality.

41. On December 19, 2005, at approximately 10:26 am, your affiant instructed the CI to make a recorded call to PELUSO's cell phone at (561) 779-5644. PELUSO answered the phone and said that he had been sick and that he was out of the game until after the new year. PELUSO told the CI to call him the first week in January.

42. On January 10, 2006, at approximately 6:30 am, S/A Kunz conducted a surveillance at PELUSO's residence, and he observed Ventimiglia's Saab parked by the front door of the residence. S/A Kunz did not see PELUSO's Hummer. Around 3:07 pm that day, the CI made a consensually recorded call to PELUSO's cell phone at (561) 779-5644. PELUSO answered the phone and said he hadn't been out of the house in awhile,

but he would talk to a few people and call the CI by the weekend to "hook up" the CI. In another recorded call on January 12, 2006, PELUSO told the CI that he had spoken with some people and there's stuff out there, but it was a little pricey, and he was doing some price shopping.

43. On January 13, 2006, at approximately 12:51 pm, the CI made a controlled call to PELUSO's cell phone at (561) 779-5644 which was consensually recorded by the CI. PELUSO answered the phone and said he had a Glock 9mm high capacity, in the box, and another gun for \$2200 and that PELUSO could deliver them to the CI that afternoon. According to PELUSO, one was a .223 caliber subgun and the other one was a 9mm handgun. PELUSO said the .223 was a rifle that held thirty rounds which would go for a mile. When the CI questioned PELUSO about whether the gun was fully automatic, PELUSO said "it could be that way" or the CI could keep pulling the trigger and fire thirty rounds. PELUSO told the CI he would call when he had the guns. In a call later that day, the CI told PELUSO that the CI didn't really want the Glock, but so as not to disrespect PELUSO, the CI would take it. PELUSO said not to worry about it because he had other people who wanted it, but he figured that it was better for the CI to have both guns. In a third call later that day, the CI asked PELUSO whether he could get his hands on something fully automatic. Although PELUSO said that he couldn't, he told the CI that if the CI takes this gun, the following week PELUSO would get a kit for about \$90 and make the gun full auto for the CI. PELUSO said that the .223 caliber M16 rifle was the same type of gun he had carried in the Marines; that the gun he had for sale was brand new; and that PELUSO's supplier was bringing it from Miami. PELUSO also told the CI that he had not been able to find anything to the CI's gun with the

a subscriber to or customer of such service (not including the contents of communications) only when the governmental entity –

* * *

(B) obtains a court order for such disclosure under subsection (d) of this section;

18 U.S.C. § 2703(c)(1)(B). Thus a court order is one permitted way to recover transactional data but not content from an electronic communications service. Subsection (d) states:

(d) Requirements for a court order -- A court order for disclosure under subsection (b) or (c) may be issued by any court that is a court of competent jurisdiction described in section 3127(2)(A) and shall issue only if the government entity offers specific and articulable facts showing that there are reasonable grounds to believe that the contents of a wire or electronic communication, or the records or other information sought, are relevant and material to an ongoing criminal investigation.

18 U.S.C. § 2703(d). Thus the burden on the United States in obtaining such an order is to present specific facts showing reasonable grounds to believe the material sought is relevant to a criminal investigation.

4. This court is a “court of competent jurisdiction” because it is “a district court of the United States (including a magistrate of such court) . . .” 18 U.S.C. § 3127(2)(A).

5. As further described below, the Federal Bureau of Investigation is investigating violations of Title 18, United States Code, Sections 2422 and 2423, which outlaw the use of “any facility or means of interstate or foreign commerce” to persuade, induce, or entice any individual under the age of 18 to engage in prostitution or sexual activity (§ 2422), and the travel in interstate commerce for the purpose of engaging in illicit sexual conduct (§ 2423).

6. Beginning in October 2005, the City of Palm Beach Police Department (“PBPD”) began investigating Jeffrey Epstein, a part-time resident of the City of Palm Beach, along with his personal assistant, Sarah Kellen. PBPD obtained information from a fourteen-year-old girl who lives in Loxahatchee, Florida, in the Southern District of Florida, and who attended Royal Palm

Beach High School, also in the Southern District of Florida. The fourteen-year-old girl informed PBPD that she had been paid \$300 by Jeffrey Epstein to perform a "sexual massage," which entailed providing a massage to Jeffrey Epstein while Epstein was naked and the fourteen-year-old was wearing only her thong panties. During the massage, Jeffrey Epstein masturbated himself and touched the fourteen-year-old's vagina ~~over her thong panties~~ both with his hand and with a vibrator/massager, *and digitally penetrated her.*

7. Following the receipt of the information from the fourteen-year-old, PBPD began interviewing a series of girls, ranging in age from fourteen through mid-twenties, who reported a similar series of events.² In particular, the girls described how they were contacted via telephone, primarily by Sarah Kellen, Epstein's assistant, to arrange times for the girls to "work" at Epstein's home in Palm Beach. The girls would travel to Epstein's home, usually in the company of another girl. The girls would enter Epstein's home via the kitchen, where they would be met by Epstein and/or Kellen. The girls would be escorted up to Epstein's bedroom where a massage table ^{would} ~~usually~~ _{be} ~~was already~~ set up. The girls were told to undress – some undressed only partially and some undressed completely. Epstein would enter the room partially dressed, usually wearing only a towel. Epstein often would remove the towel and get onto the massage table face down. While lying face down, Epstein instructed the girl how to massage him, including in some instances "straddling him" so that Epstein's buttocks and the girl's buttocks touched. After a period of time when the girl massaged Epstein's back, he would turn over and lie face up. While lying face up, Epstein would continue to instruct the girl how to conduct the massage. Epstein also would masturbate himself and occasionally would manually fondle the vaginal area of the girl – sometimes over the panties,

²All of the girls did not report identical events. This summary includes the most common occurrences from the girls' interviews.

sometimes under the panties, and sometimes penetrating the girl's vagina. ^{many} On-most instances, Epstein also used a vibrator or massager on the girl's vaginal area, again sometimes over the panties and sometimes under the panties. When Epstein ejaculated, the "massage" was over and the girl was instructed to get dressed and to return to the downstairs area of the home. The girls received between \$200 and \$300 for the sexual massage.

8. In addition to these sexual massages, some of the girls were paid additional sums to perform more sexual activity, including, for example, engaging in sexual activity with another female Epstein employee, Nadia Marcinkova, while Epstein watched.

9. During the course of PBPD's investigation, a search warrant for Epstein's home was obtained and executed. Many of Epstein's belongings were removed from the home prior to the execution of the search warrant – for example, the computer processing units ("CPU's") were removed from the house but the computer screens, keyboards, cords, etc. were left behind. The missing CPU's were never recovered. ~~As set forth below, this suggests that, if the targets were to learn of the existence of this Motion and Order, they may destroy evidence.~~

10. During the search, several telephone message pads were recovered. These message pads show messages taken from several of the girls who were interviewed and who admitted to engaging in sexual massages or other sexual activity with Epstein. The messages contained text such as "I have a female for him" and "has girl for tonight." Some of the messages from the girls were addressed to Epstein and others were addressed to Sarah Kellen, Epstein's assistant. Additional messages recovered during the search contained text such as "[redacted] confirmed at 11 am and [A] 4 pm."³

³[redacted] and [A] refer to two of the girls who were interviewed and admitted to engaging in sexual massages and other activity with Epstein.

11. During the FBI's investigation, some of the girls interviewed by PBPD were re-interviewed and additional girls were interviewed for the first time. During those interviews, the girls related that ~~Sarah Kellen~~ ^{Adriana Ross}, Epstein's assistant, would contact the girls while ~~Kellen and Epstein~~ ^{either Sarah Kellen, Adriana Ross, or Nadia Marcinko} ~~was~~ ^{was} still in New York or elsewhere,⁴ in order to arrange "massage" times upon his arrival in Palm Beach. The FBI ~~also~~ ^{has} collected the flight manifests for Epstein's two private planes during the period of January 2004 through December 2005 as well as cell phone records for Kellen, Epstein, and some of the girls. The investigation revealed that, prior to flights to Palm Beach, Kellen ^{or another assistant} would contact some of the girls via cell phone. The message pads show evidence that the girls responded to those telephone calls and left messages confirming their "appointments."

12. ~~The investigation has revealed two relevant cell phone numbers operated by Cingular Wireless: (917) 601-4143, which is assigned to Jeffrey Epstein, and (917) 855-3363, which is assigned to Sarah Kellen.~~

13. ~~Based on the foregoing, there is reason to believe that the items listed in Attachment A for Jeffrey Epstein and Sarah Kellen would yield information relevant and material to the ongoing criminal investigation and will assist in establishing the use of a facility and means of interstate commerce and the travel in interstate commerce to engage in illicit sexual conduct and prostitution, as well as information pertaining to the location from which the telephone calls were made.~~

14. The United States requests that the Court issue an order authorizing the disclosure of the items listed in Attachment A for Jeffrey Epstein and Sarah Kellen for the dates shown thereon.

⁴In addition to a home in New York, Epstein also maintains a residence in the U.S. Virgin Islands. Epstein has at least two personal planes and has been known to travel overseas on those planes. Epstein has access to virtually unlimited assets. Given the seriousness of the potential charges in this case, there is reason to believe that, if Epstein and his assistant were to learn of the existence of this Motion and Order, they may flee the United States.

#. Based upon this investigation, an indictment was returned by a federal grand jury sitting in West Palm Beach, Florida. The indictment ~~is~~ contains 60 counts charging, in Count 1, a conspiracy between Epstein, Kellen, Ross, Marcinkova, JEGG, Inc., and Hyperion Air, Inc., ^{use a facility of interstate commerce to} to entice minors to engage in prostitution, ^{in violation of 18 USC § 371.} Count 2 charges all of the defendants with conspiring to travel in interstate commerce for the ~~purpose~~ purpose of engaging in illicit sexual conduct, ^{with minors} in violation of 18 USC § 2423(e). Counts 5 through 16 charge Epstein with ~~enticing~~ using a ~~facility~~ facility of interstate commerce to entice a minor to engage in prostitution. ^{Each} Counts 17 through 50 charge Epstein and either JEGG, Inc., or ~~the~~ Hyperion Air, Inc. with substantive counts of traveling in interstate commerce for the purpose of engaging in illicit sexual conduct with minors, in violation of 18 USC § 2423(b). Counts

threaded barrel "quiet." PELUSO said he hadn't been able to find it because the last gun show (in West Palm Beach) was cancelled so he couldn't meet his supplier.

In a final call later that day, PELUSO spoke again about getting a kit to convert the M16 to fully automatic; that he would sell the M16 without the Glock for \$1,500 or with the Glock for \$2,200; that both the Glock and the M16 were brand new with paperwork; and that his supplier had the guns right now. PELUSO told the CI to let him know by 3:00 pm whether the CI wanted the guns.

44. Your affiant obtained records from the State of Florida Department of Motor Vehicles which indicate that on February 6, 2006, PELUSO traded his black Hummer vehicle for a 2004 silver Mercedes sedan, VIN: WDBUF76J14A451154. According to the records, JOSEPH E. PELUSO, III, is the owner of record. There were no recorded liens on the Mercedes.

45. On February 10, 2006, at approximately 1:20 pm, PELUSO called the CI and said that one person had a silencer but wanted \$3000 for it and that the CI would have to do the paperwork for it, which would involve paying a \$200 tax stamp to ATF, as well as having a corporation or being a class III license holder, firearms dealer, or law enforcement officer. PELUSO said that the silencer should cost \$1500 but the guy wanted \$3000. Also, PELUSO said there was a thirty day waiting period. When the CI asked PELUSO about the "full thing" referring to the machine gun, PELUSO said he had offered one guy \$7500 for it, but the guy didn't want to part with it. PELUSO told the CI that he has contacted all of his resources, and called everyone he knew in the game. PELUSO said he had been staying away from legitimate class III dealers because their stuff was way overpriced. PELUSO said he had a couple of Glocks and wanted \$700 a

piece for them and that he also had a bullet proof vest. The CI agreed to call PELUSO later.

46. On February 13, 2006 at approximately 1:40 pm, the CI made a controlled call, which was consensually recorded by the CI, and PELUSO and he agreed to meet the next day so the CI could buy the Glock firearm from him.

47. On February 14, 2006 at approximately 11:30 am, surveillance was established in the area of the Pollo Tropical parking at Okeechobee Boulevard and Spencer in West Palm Beach, Florida. Prior to the CI's meeting with PELUSO, your affiant searched the CI and the CI's vehicle with negative results and provided the CI with \$700 in official ATF funds and recording equipment. At approximately 12:09 pm, agents observed PELUSO arriving at the Pollo Tropical parking lot; he was driving his 2004 silver Mercedes sedan, bearing the Florida tag SPEEEED. The CI arrived at the parking lot and met with PELUSO, who was standing by his new silver Mercedes. PELUSO opened the trunk of his Mercedes and showed the CI a black zippered case which contained an AR15-type short-barreled rifle. PELUSO said that the AR15 had the capability of firing thirty rounds as fast as the pull of the trigger. The CI asked PELUSO whether he had the other firearm, and PELUSO showed the CI a brand new Glock 9mm firearm. During this deal, the CI asked PELUSO about the silenced M16 machine gun that PELUSO had bragged about owning. PELUSO said it was a dealer's class III weapon and that he didn't have it anymore. PELUSO said those guns were rare because they have been banned and require a tax stamp. The CI asked PELUSO what a tax stamp was. PELUSO said that he owned a corporation and that he had suppressed weapons in his corporation's name. PELUSO said that he had applied to ATF about possessing

certain firearms and that after the agency had conducted a background check on him, ATF had allowed him to possess suppressed firearms.

48. During the transaction, PELUSO advised the CI that the Glock firearm cost \$700 and the AR15 cost \$1,500. PELUSO said that the AR15 was brand new. PELUSO also demonstrated for the CI how to put the AR15 together because it was in two pieces inside of a rifle bag. PELUSO told the CI that when the AR15 was assembled it's only this big overall and "it's a 10 year felony." When the CI asked PELUSO about a kit to convert the AR15 to full auto, PELUSO said that no one was selling them because ATF agents have been attending the gun shows.

49. Because the CI had only enough money to buy the Glock firearm, the CI called your affiant about the purchase of the AR15. While your affiant was speaking to the CI on the phone, your affiant heard PELUSO telling the CI "it's only this big," "it's only 14 inches," and it costs \$1,500. When the CI told your affiant that the AR15 was not fully automatic, your affiant heard PELUSO saying that he was still trying to get the part to make it fully automatic and that if he got it, it would take two seconds to install.

50. The CI asked PELUSO if he could hold the AR15 for a day or two for the CI. PELUSO said that he was going to get rid of it and that he had picked up the AR15 from a guy's house and doesn't even like having it on him. PELUSO said that he was selling the AR15 for somebody. PELUSO said that he didn't even keep the AR15 at his house. Finally, PELUSO agreed to hold the AR15 for the CI until the next day. PELUSO also said that the AR15 was "taboo" and that he had wanted to get rid of it because it was a big problem. The CI said that he still wanted the Glock. PELUSO asked the CI if the CI needed the paperwork for the Glock, and the CI said no. PELUSO said that he had the

paperwork for the Glock and the Bushmaster (referring to the AR15). PELUSO then read from the papers calling the AR15 a "Bushmaster XM15 E25 configuration," which PELUSO said was a law enforcement configuration. PELUSO also said that the AR15 "came from a strange place, you know what I'm saying?"

51. During the February 14, 2006 transaction, PELUSO sold the 9 mm Glock semi-automatic pistol, serial no. HFU033, to the CI for \$700. Before leaving the location, the CI arranged to meet PELUSO the next day to buy the AR15. PELUSO said that he would bring the AR15 back, and that it would be kept about 15 minutes away. (It should be noted that PELUSO's Riviera Beach residence is located approximately fifteen minutes by car from Pollo Tropical on Okeechobee Boulevard.) After the meeting was concluded, agents followed PELUSO directly back to his residence located at 244 East 25th Street, in Riviera Beach, Florida. Agents observed PELUSO pulling into his residence. Then another agent observed PELUSO coming out of the front door of the residence and looking inside of his Mercedes.

52. Meanwhile, after the deal, ATF agents followed the CI to a predetermined location where your affiant searched the CI and the CI's vehicle and determined that the CI no longer had the \$700 in official ATF funds. Your affiant took custody of the brand new Glock 9mm, model 17L, semi-automatic pistol, serial no. HFU033, which was still in the manufacturer's box along with two magazines, a magazine loader, a gun lock, a cleaning brush, and some miscellaneous firearm paperwork. These items were placed into evidence at ATF along with the audio and video recordings.

53. On February 15, 2006, at approximately 11:34 am, the CI received an incoming call from PELUSO's cell phone at (561) 779-5644. The CI answered the

phone, and PELUSO asked the CI if he/she definitely wanted the thing, referring to the Bushmaster short-barreled rifle. PELUSO said that his buddy was going out of town and he would not be able to get the rifle from him, so he needed to know what the CI wanted to do. The CI asked PELUSO if they could meet around the same time tomorrow so that the CI could buy the rifle and bullet proof vest from PELUSO. PELUSO said that he was going to his buddy's house to get it because his buddy was heading to Orlando. PELUSO said that he would meet the CI the following day to conduct the sale.

54. On February 16, 2006, at approximately 11:06 am, surveillance was established at the parking lot of Pollo Tropical, located at 2611 Okeechobee Boulevard, in West Palm Beach, Florida. After the CI made several calls to PELUSO, PELUSO returned the calls and said that he would be arriving at the same spot, that is, the Pollo Tropical parking lot, at 12:30 pm.

55. Your affiant then searched the CI and the CI's vehicle with negative results. Your affiant then provided the CI with \$1,500 in official ATF funds and recording equipment. At approximately 12:29 pm, CI was followed by ATF agents to the Pollo Tropical parking lot. At approximately 12:48 pm, PELUSO arrived in the parking lot in his 2004 silver Mercedes sedan. PELUSO parked next to the CI's vehicle and they met at the trunk of PELUSO's silver Mercedes. The CI he saw a bullet proof vest in PELUSO's trunk and discussed it with PELUSO. The CI also observed another vest in PELUSO's trunk, which was black with numerous compartments, which is the type of vest worn by special weapons and tactics (SWAT) officers. PELUSO explained that this was not a bullet proof vest but rather something he wore over his bullet proof vest.

56. The CI and PELUSO then began talking about the Bushmaster short-barreled rifle, which PELUSO had called an AR15 during the February 14th meeting and which the CI had seen in PELUSO's possession on February 14, 2006. The rifle was inside of a black colored, soft zippered rifle bag in the trunk of PELUSO's Mercedes. PELUSO again demonstrated how to assemble the AR15, which was completed in seconds. Also included with the short-barreled rifle was an empty thirty round magazine. When the CI asked PELUSO whether he still had the paperwork for the firearms, PELUSO said he did not. PELUSO also demonstrated for the CI how to operate the Bushmaster rifle, how to load it, and how to chamber a round. The CI then counted the \$1,500 in official ATF funds and handed the cash to PELUSO as payment for the rifle. PELUSO said, "done deal." At approximately 12:53 pm, agents observed the CI placing the black rifle bag into the CI's vehicle.

57. PELUSO then said that he might be getting some Glocks and some other things in the next couple of days. PELUSO said that his contact might be able to get a silencer for \$2,500 for the HK .45 firearm which the CI had purchased from PELUSO. PELUSO said that the guy would call him when the guy returned from a gun show in Las Vegas. The CI told PELUSO that he would take it.

58. The CI asked PELUSO where he had gotten his Mercedes. PELUSO said that he had bought it from Luxury Motors. PELUSO said that he had ordered a new 600S Mercedes from Arizona.

59. After the transaction, PELUSO got into his Mercedes and headed westbound. The CI also drove from the parking lot and was followed by agents to a predetermined location where your affiant searched the CI and the CI's vehicle. The CI no longer had

the \$1,500. Instead, the CI had a brand new Bushmaster .223 caliber short-barreled rifle, model no. XM15-E2S, serial no. L159589, with one thirty round magazine in a black colored, soft zippered rifle case. Your affiant placed the rifle and the audio and video recordings into evidence at ATF.

60. The Bushmaster .223 caliber rifle was examined by S/A Stephen Barborini, who is a firearms expert with ATF. Agent Barborini measured the barrel of this firearm and determined that the barrel was 11 ¼ inches long. Because the barrel was less than 16 inches in length, the firearm constituted a short-barreled rifle, which is an NFA weapon, and must be registered with ATF. Your affiant requested that ATF's National Firearms Act (NFA) branch conduct a records check of ATF's NFTR records to determine whether the Bushmaster .223 caliber short barreled rifle bearing serial no. L159589 had been properly registered with ATF as required by federal law. On February 17, 2006, your affiant was advised by ATF's NFA branch that the Bushmaster short-barreled rifle was not registered to any person. Therefore, the rifle could not be lawfully possessed or transferred under federal law. A check with the ATF licensing center along with the NFA branch revealed that neither Joseph PELUSO nor his corporation Strategic Solutions Unlimited Inc., was a licensed firearms dealer or a federal firearms licensee eligible to possess or transfer NFA firearms, such as short-barreled rifles, machineguns, or silencers.

61. On March 2, 2006, your affiant conducted a surveillance of PELUSO's residence and observed PELUSO's 2004 silver Mercedes parked in front of his residence.

62. A records check with the Department of State Division of Corporations in

Tallahassee, Florida, revealed that Joseph E. PELUSO, III is the owner and president of a corporation named Strategic Solutions Unlimited, Inc., for which the principal place of business is PELUSO's residence located at 244 East 25th Street, Riviera Beach, Florida. The telephone number for the corporation is (561) 882-1392 which is PELUSO's home telephone number.

Based on the foregoing, there is probable cause to believe that the 2004 silver Mercedes sedan VIN WDBUF76J14A451154 is property intended for use, or has been used, in violating the provisions of 26 U.S.C. §5861(d) which makes it a federal crime to unlawfully possess a short-barreled rifle which is not registered in the National Firearms Registration and Transfer Record and 26 U.S.C. §5861(e) which makes it a federal crime to unlawfully transfer a short-barreled rifle which is not registered in the National Firearms Registration and Transfer Record, and is therefore forfeitable to the United States pursuant to 26 U.S.C. § 7302.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

SETH M. BERGER, SPECIAL AGENT
BUREAU OF ALCOHOL, TOBACCO,
FIREARMS AND EXPLOSIVES

Subscribed to and sworn before
me this ____ day of March, 2006,
in West Palm Beach, Florida.

JAMES M. HOPKINS
UNITED STATES MAGISTRATE JUDGE



Ann Marie Villafana <[REDACTED]>

Fw: confidential communication

1 message

Villafana, Ann Marie C. (USAFLS) <Ann.Marie.C.Villafana@usdoj.gov>

Thu, May 22, 2008 at 3:38 AM

[REDACTED]

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

From: Acosta, Alex (USAFLS)
To: Sloman, Jeff (USAFLS); Campos, Cyndee (USAFLS); Villafana, Ann Marie C. (USAFLS)
Sent: Mon May 19 12:40:32 2008
Subject: FW: confidential communication

For your records.

From: Jay Lefkowitz [mailto:JLefkowitz@kirkland.com]
Sent: Monday, May 19, 2008 10:54 AM
To: Acosta, Alex (USAFLS)
Subject: confidential communication

Dear Alex:

I am writing to you because I have just received the attached letter from Drew Oosterbaan. In light of that letter, and given the critical new evidence discussed below, I would like to request a meeting with you, mindful of our July 8 deadline, at your earliest opportunity. Given your personal involvement in this matter to date, and the fact that at this juncture it is clear that CEOS has referred the matter back to you, I respectfully request that you not shunt me off to one of your staff. You and I have both spent a great deal of time on this matter, and I know that we both would like to resolve this matter in a way that bestows integrity both on the Department and the process.

In our prior discussions, you expressed that you were "not unsympathetic" to our various federalism concerns, but stated that because you serve within the "unitary Executive," you believed your hands were tied by Main Justice. You were also extremely gracious in stating that you did not want the United States to be "unfair". Although CEOS limited its assessment to the federal statutes your Office had brought forth and to the application of those laws to the facts as presented, it is abundantly clear from Drew's letter that Main Justice is not directing this prosecution. In fact, CEOS plainly acknowledged that a federal prosecution of Mr. Epstein would involve a "novel application" of federal statutes and that our arguments against federal involvement are "compelling." Moreover, the language used by Drew in his concluding

[REDACTED]

deliberately lied about their age because they knew Mr. Epstein did not want anyone under 18 in his house directly undercuts the claim that Mr. Epstein willfully blinded himself as to their ages. Willful blindness is not a substitute for evidence of knowledge nor is it a negligence standard. It requires proof beyond reasonable doubt of deliberate intent and specific action to hide one's knowledge. There is absolutely no such evidence of that here, so it is not even a jury issue. Furthermore, willful ignorance cannot constitute the required mens rea for a crime of conspiracy or aiding and abetting.

Through the recent witness statements, we have also discovered another serious issue that implicates the integrity of the federal investigation. We have learned that FBI Special Agent Kurkendayl attempted to convince these adult women, now in their twenties, that they were in fact "victims" even though the women themselves strongly disagreed with this characterization. This conduct, once again, goes to the heart of the integrity of the investigation. In a sworn statement, Ms. [REDACTED] was highly critical of the overreaching by federal law enforcement officers in this case. She testified—in no uncertain terms—that she does not, and never did, feel like a "victim," despite the fact that the FBI repeatedly tried to convince her otherwise.

I am mindful of the fact that we have a state court date of July 8 on which either to enter a plea or to commence trial. As I review the trial options with Mr. Epstein, I certainly want to make sure I do everything within my power to obviate a need for trial through a reasonable alternative resolution. Although it is clear that CEOS is not directing a prosecution here, and has stated only that you have the authority to commence such a prosecution, I am well aware that the decision whether to proceed, subject to any further process in Washington, is now within your discretion. I think the new facts should greatly influence your decision and accordingly, I hope you will agree to meet with me, both to discuss the new evidence and to discuss a resolution to this matter once and for all. I am available to meet with you at your earliest convenience subject to our mutual availability.

Respectfully,

Jay

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UNITED STATES DEPARTMENT OF JUSTICE

Criminal Division
Child Exploitation and Obscenity Section

1400 New York Avenue, NW
Suite 600
Washington, DC 20530-0001
20005

CEOS: (202) 514-5780

FAX: (202) 514-1793



TO: R. Alexander Acosta, Esq.
Jay Lefkowitz, Esq.

OFFICE NUMBER:

FAX NUMBER: 305/530-7087

FROM: [REDACTED] Galber

DATE/TIME: May 16, 2008

OFFICE NUMBER: (202) 514-5780

NUMBER OF PAGES, EXCLUDING THIS SHEET: 5

SPECIAL INSTRUCTIONS:

As was made clear at the outset, we did not review the facts, circumstances, or terms included in the plea offer, nor any allegations that individuals involved in the investigation engaged in misconduct. Despite that agreement, we note that your letters of April 8, April 28, and May 14 focus in large part on accusations of investigative or prosecutorial misconduct. Not only do allegations of prosecutorial misconduct fall outside the boundary of our agreed review, they also fall outside the authority of the Criminal Division in the first instance. Simply, the Criminal Division does not investigate or resolve allegations of professional misconduct by federal prosecutors. For these reasons, we do not respond to the portion of those letters that discuss alleged misconduct.

Based on our review of all of these materials, and after careful consideration of the issues, we conclude that U.S. Attorney Acosta could properly use his discretion to authorize prosecution in this case. We will briefly address each of the issues that you have raised.

Knowledge of age. Federal child exploitation statutes differ as to whether there must be proof that the defendant was aware that the children were under the age of 18. However, even for those statutes where knowledge of age is an element of the offense, it is possible to satisfy that element with proof that the defendant was deliberately ignorant of facts which would suggest that the person was a minor. For that reason, the fact that some of the individuals allegedly lied to Mr. Epstein about their age is not dispositive of the issue. While there may be an open factual issue as to Mr. Epstein's knowledge, we cannot say that it would be impossible to prove knowledge of age for any such charges which require it. Therefore, Mr. Acosta could rightfully conclude that this factual issue is best resolved by a jury.

Travel for the purpose. In the materials you prepared, you suggest that Mr. Epstein should not be charged with violating 18 U.S.C. § 2423(b) because his dominant purpose in going to Florida was not to engage in illegal sexual activity, but rather to return to one of his residences. While we fully understand your argument, we also find that the U.S. Attorney's office has a good faith basis fully to develop the facts on this issue and brief the law to permit a court to decide whether the law properly reaches such conduct. Mr. Acosta would not be abusing his discretion if he decided to pursue such a course of action.

Intent to engage in the conduct at the time of travel. Based on our review of the facts of this case, we respectfully disagree that there is no evidence concerning Mr. Epstein's intent when he traveled, and when that intent was formed. Should Mr. Acosta elect to let the case proceed so that a jury can resolve this factual issue, he would be within his discretion to do so.

Use of a facility or means of interstate or foreign commerce. Much of the materials you have prepared and much of the meeting we had focused on 18 U.S.C. § 2422(b), specifically your contention that Mr. Epstein did not use the phone to coerce anyone to engage in illegal sexual activity. We understand the issue you raise concerning the statutory interpretation. As before, however, we cannot agree that there is no evidence that would support a charge under Section 2422(b), nor can we agree that there is no argument in support of the application of that statute to this case. Finally, our assessment is that the application of that statute to these facts would not be

the case on the merits after jeopardy has attached." USAM 9-2.031(C). Our understanding is that the state case is still pending. As such, the procedural posture of the state case does not implicate the petite policy.

We recognize that the petite policy could be triggered if the state case concluded after a federal indictment was issued but prior to the commencement of any federal trial. *Id.* However, the policy "does not apply ... where the [state] prosecution involved only a minor part of the contemplated federal charges." USAM 9-2.031(B). Based on our understanding of the possible federal charges and existing state charges, we do not think the petite policy would be an issue should federal proceedings take place.

Federalism and Prosecutorial Discretion. All of the above issues essentially ask whether a federal prosecution *can* proceed. We understand, however, that you also ask whether a federal prosecution *should* proceed, even in the event that all of the elements of a federal offense could be proven. On this issue, you raised two arguments: that the conduct at issue here is traditionally a state concern because the activity is entirely local, and that the typical prosecution under federal child exploitation statutes have different facts than the ones implicated here. You have essentially asked us to look into whether a prosecution would so violate federal prosecutorial policy that a United States Attorney's Office should not pursue a prosecution. We do not think that is the case here for the following reasons.

Simply, the commercial sexual exploitation of children is a federal concern, even when the conduct is local, and regardless of whether the defendant provided the child (the "pimp") or paid for the child (the "john"). In your materials, you refer to a letter sent by the Department of Justice to Congress in which the Department expresses concern over the expansion of federal laws to reach almost all instances of prostitution. In that portion of the letter, the Department was expressly referring to a proposed federal law that reach adult prostitution where no force, fraud, or coercion was used. Indeed, the point being made in that letter is that the Department's efforts are properly focused on the commercial sexual exploitation of children and the exploitation of adults through the use of force, fraud, or coercion. As such, there is no inconsistency between the position taken in that letter and the federal prosecution of wholly local instances of the commercial sexual exploitation of children.

If Congress wanted to limit the reach of federal statutes only to those who profit from the commercial sexual exploitation of children, or only to those who actually traffic children across state lines, it could have done so. It did not. Finally, that a prosecution of Mr. Epstein might not look precisely like the cases that came before it is not dispositive. We can say with confidence that this case is consistent in principle with other federal prosecutions nationwide. As such, Mr. Acosta can soundly exercise his authority to decide to pursue a prosecution even though it might involve a novel application of a federal statute.

Conclusion. After carefully considering all the factual and legal issues raised, as well as the arguments concerning the general propriety of a federal case against Mr. Epstein on these



Ann Marie Villafana <[REDACTED]>

Fw: confidential communication

1 message

Villafana, Ann Marie C. (USAFLS) <Ann.Marie.C.Villafana@usdoj.gov>

Thu, May 22, 2008 at 3:37 AM

To: [REDACTED]

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

From: Acosta, Alex (USAFLS)

To: JLefkowitz@kirkland.com <JLefkowitz@kirkland.com>

Cc: Sloman, Jeff (USAFLS); Villafana, Ann Marie C. (USAFLS)

Sent: Mon May 19 18:14:45 2008

Subject: RE: confidential communication

Dear Mr. Lefkowitz:

I appreciate your communication.

As the trial team communicated in response to your previous call, any communications regarding this matter should be address to them.

This is not meant to be a "shunt-off" to staff. I trust you understand that they are professionals, and have discretion to proceed as they judge appropriate in this matter.

I am copying our AUSAs here, so they too are aware of this communication.

Alex Acosta.

From: Jay Lefkowitz [mailto:JLefkowitz@kirkland.com]

Sent: Monday, May 19, 2008 10:54 AM

To: Acosta, Alex (USAFLS)

[REDACTED]

following key points: First, there was no telephonic communication that met the requirements of § 2422(b). For example, as many other witnesses have stated, Ms. [REDACTED] testified in no unclear terms that there was never any discussion over the phone about her coming over to Mr. Epstein's home to engage in sexual activity: "The only thing that ever occurred on any of these phone calls [with Sarah Kellen or another assistant] was, 'Are you willing to come over,' or, 'Would you like to come over and give a massage.'" [REDACTED] Tr. A at 15. Second, the underage women who visited Mr. Epstein have testified that they lied about their age in order to gain admittance into his home and women who brought their underage friends to Mr. Epstein counseled them to lie about their ages as well. Ms. [REDACTED] stated the following: "I would tell my girlfriends just like [REDACTED] approached me. Make sure you tell him you're 18. Well, these girls that I brought, I know that they were 18 or 19 or 20. And the girls that I didn't know and I don't know if they were lying or not, I would say make sure that you tell him you're 18." [REDACTED] Tr. at 22. Third, there was no routine or habit suggesting an intent to transform a massage into an illegal sexual act. For instance, Ms. [REDACTED] stated that Mr. Epstein "never touched [her] physically" and that all she did was "massage[] his back, his chest and his thighs and that was it." [REDACTED] Tr. at 12-13. Finally, as you are well aware, there was no force, coercion, fraud, violence, drugs, or even alcohol present in connection with Mr. Epstein's encounters with these women.

The civil suits confirm that the plaintiffs did not discuss engaging in sexually-related activities with anyone prior to arriving at Mr. Epstein's residence. This reinforces the fact that no telephonic or Internet persuasion, inducement, enticement or coercion of any kind occurred.

Furthermore, Mr. Herman, the attorney for most of the civil complainants, was quoted in the Palm Beach Post as saying that "it doesn't matter" that his clients lied about their ages and told Mr. Epstein that they were 18 or 19. In short, the new evidence establishing that the women deliberately lied about their age because they knew Mr. Epstein did not want anyone under 18 in his house directly undercuts the claim that Mr. Epstein willfully blinded himself as to their ages. Willful blindness is not a substitute for evidence of knowledge nor is it a negligence standard. It requires proof beyond reasonable doubt of deliberate intent and specific action to hide one's knowledge. There is absolutely no such evidence of that here, so it is not even a jury issue. Furthermore, willful ignorance cannot constitute the required mens rea for a crime of conspiracy or aiding and abetting.

Through the recent witness statements, we have also discovered another serious issue that implicates the integrity of the federal investigation. We have learned that FBI Special Agent Kurkenday attempted to convince these adult women, now in their twenties, that they were in fact "victims" even though the women themselves strongly disagreed with this characterization.

This conduct, once again, goes to the heart of the integrity of the investigation. In a sworn statement, Ms. [REDACTED] was highly critical of the overreaching by federal law enforcement officers in this case. She testified—in no uncertain terms—that she does not, and never did, feel like a "victim," despite the fact that the FBI repeatedly tried to convince her otherwise.

I am mindful of the fact that we have a state court date of July 8 on which either to enter a plea or to commence trial. As I review the trial options with Mr. Epstein, I certainly want to make sure I do everything within my power to obviate a need for trial through a reasonable alternative resolution. Although it is clear that CEOS is not directing a prosecution here, and has stated only that you have the authority to commence such a prosecution, I am well aware that the decision whether to proceed, subject to any further process in Washington, is now within your discretion. I think the new facts should greatly influence your decision and accordingly, I hope you will agree to meet with me, both to discuss the new evidence and to discuss a resolution to this matter once and for all. I am available to meet with you at your earliest convenience subject to our mutual availability.



[Redacted]

(no subject)

1 message

Thu, Dec 27, 2007 at 10:07 PM

To: "Ann Marie C. (USAFLS) Villafana" <ann.marie.c.villafana@usdoj.gov>

Ann Marie Villafana

[Redacted]

Begin forwarded message:

From: Jay Lefkowitz <JLefkowitz@kirkland.com>
Date: October 1, 2007 9:42:19 AM EDT
To: [Redacted]
Subject: Re:

Marie - I have a hearing today in the sdny. But a call around 130 or 2 pm might work. If not, it will have to be later today, around 530. I will call you in the earlier window if i can, and if not, we will definitely speak in the later window.

Jay

"Ann Marie Villafana"

10/01/2007 09:31 AM

To "Jay Lefkowitz" <JLefkowitz@kirkland.com>

cc

Subject Re:

Hi Jay -- I haven't been able to access my e-mail until now. I am free until 10:00, then at 1:00, then at 5:00. Would any of those work for you?

On 10/1/07, Jay Lefkowitz <JLefkowitz@kirkland.com> wrote:
Marie - I tried to reach you over the weekend but couldn't reach you either by email or cell. Can we set up a call for 10:45 am tomday?

Jay

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

[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.

Begin forwarded message:

From: Jay Lefkowitz <JLefkowitz@kirkland.com>
 Date: October 1, 2007 7:13:01 AM EDT
 To: "Marie Villafana" <Ann.Marie.C.Villafana@usdoj.gov>
 Subject: Re: [REDACTED]

Marie - I tried to reach you over the weekend but couldn't reach you either by email or cell. Can we set up a call for 10:45 am tomday?

Jay

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

From: Jay Lefkowitz
 Sent: 09/30/2007 03:04 PM CDT
 To: "Marie Villafana" <Ann.Marie.C.Villafana@usdoj.gov>; "Ann Marie Villafana" [REDACTED]
 Subject: Re:

Marie - are you available to speak at all today?

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

From: Jay Lefkowitz
 Sent: 09/30/2007 07:23 AM CDT
 To: "Marie Villafana" <Ann.Marie.C.Villafana@usdoj.gov>; "Ann Marie Villafana" [REDACTED]

Marie - I left you a voicemail yesterday on your cell. What time later today can you speak?

Thx. Jay



Ann Marie Villafana [REDACTED]

Fwd: Epstein agreement

1 message

Ann Marie Villafana [REDACTED]

Thu, Dec 27, 2007 at 10:09 PM

To: "Ann Marie C. (USAFLS) Villafana" <ann.marie.c.villafana@usdoj.gov>

[REDACTED]

Begin forwarded message:

From: "Villafana, Ann Marie C. (USAFLS)" <Ann.Marie.C.Villafana@usdoj.gov>
Date: September 23, 2007 8:58:25 PM EDT
To: "Jay Lefkowitz" <JLefkowitz@kirkland.com>
Subject: Epstein agreement

Hi Jay – Here are the revisions that I agree with and those I don't. We have been over paragraph 6 an infinite number of times. It is factually accurate that the list we are going to give you are persons we have identified as victims. If we did not think they were victims, they would have no right to bring suit, regardless of whether your client is willing to waive liability or not. I have not balked about giving your client yet another month to self-surrender, so please let us just put this to rest. I changed the amount of time for the US to notify you of breach to take into account the fact that this agreement will not be completed within 30 months of execution (because of the lengthy delay before self-surrender) and to give us a 6 month window in case we discover a violation after Mr. Epstein is released.

I do not care if you want to call the appointed person a "representative" instead of a guardian, so long as he/she is: (1) a lawyer; (2) independent; (3) selected by our Office or a federal judge; and (4) paid for by your client or by the federal court.

I have sent this to Alex for his review. I have asked him to call me either late tonight or early tomorrow morning. When I get his comments, I will get back to you, probably tomorrow.

Thank you.

<<070923 Epstein Non-Prosecution Agreement final v2.pdf>>

[REDACTED]

**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

be divided as follows:

- (a) Epstein shall begin by serving eighteen (18) 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) following the term of imprisonment, Epstein shall serve twelve (12) months of community control.
3. 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.
4. 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.
5. 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.
6. 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 will file a motion with the United States District Court for the Southern District of Florida for the appointment of a guardian ad litem for these persons. Epstein's counsel may contact the identified individuals through that guardian.
7. If any of the individuals referred to in paragraph (6), *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 victim and Epstein, so long as the identified victim 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

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, 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.

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Villafana, Ann Marie C. (USAFLS)

From: Senior, Robert (USAFLS) <RSenior@usa.doj.gov>
Sent: Monday, June 23, 2008 10:06 AM
To: Villafana, Ann Marie C. (USAFLS); Kuyrkendall, E N. (MM) (FBI); Richards, Jason R. (MM) (FBI)
Cc: Atkinson, Karen (USAFLS)
Subject: RE: Trip to New York, etc.

Ok. Marie, hoping to hear from DAG's office today giving the green light. Let's talk when that decision is made.

From: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, June 23, 2008 9:15 AM
To: Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)
Cc: Atkinson, Karen (USAFLS); Senior, Robert (USAFLS)
Subject: Trip to New York, etc.

We will not be interviewing Marina in New York. Her attorney gave a copy of the grand jury subpoena to Epstein's lawyers. They, in turn, promptly sent it on to Washington complaining, yet again, about me. So, I do not want to do an interview with him present, and we will have to put her in the grand jury.

Given that, let's take the New York section out of the indictment so we can present the indictment Tuesday morning. Then we can do Marina's interview in the afternoon with plans to supersede. It probably makes sense to wait on the rest of the interviews until we hear what Marina has to say, so let's plan to do the New York trip in a few weeks.

Bob – I will revise everything accordingly and send it down to you. We have another girl from Florida, so I will replace our New York Jane Doe with her.

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

Villafana, Ann Marie C. (USAFLS)

From: Roy BLACK <RBLACK@royblack.com>
Sent: Tuesday, June 24, 2008 3:13 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: RE: FW: Jeffrey Epstein

yes.

>>> "Villafana, Ann Marie C. (USAFLS)"
<Ann.Marie.C.Villafana@usdoj.gov> 6/24/2008 3:08 PM >>>
Hi Roy -- Is this the best number to call? (305) 371-6421

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

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

From: Roy BLACK [mailto:RBLACK@royblack.com]
Sent: Tuesday, June 24, 2008 3:02 PM
To: Villafana, Ann Marie C. (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

>>> "Villafana, Ann Marie C. (USAFLS)"
<Ann.Marie.C.Villafana@usdoj.gov> 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.

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: Villafana, Ann Marie C. (USAFLS)
Sent: Monday, June 23, 2008 5:55 PM
To: lefkowitz@kirkland.com; Jay Lefkowitz
Cc: Atkinson, Karen (USAFLS)

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.

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

Villafana, Ann Marie C. (USAFLS)

From: Sloman, Jeff (USAFLS) <JSloman@usa.doj.gov>
Sent: Tuesday, June 24, 2008 9:14 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re: Jeffrey Epstein Agreement

Let's talk about going to the COP

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

From: Villafana, Ann Marie C. (USAFLS)
To: Roy BLACK <RBLACK@royblack.com>; Jack Goldberger <jgoldberger@agwpa.com>
Cc: Atkinson, Karen (USAFLS)
Sent: Tue Jun 24 16:04:55 2008
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.

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

Villafana, Ann Marie C. (USAFLS)

From: Sloman, Jeff (USAFLS) <JSloman@usa.doj.gov>
Sent: Thursday, July 17, 2008 2:51 PM
To: Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS); Atkinson, Karen (USAFLS); Lee, Dexter (USAFLS)
Subject: RE: Emailing: 080717 Tein Ltr.wpd
Attachments: 080717 DraftTein Ltr.wpd

Marie,

Tein may be trying to bait us into declaring the matter closed when it's technically deferred/suspended. As a result, I've revised your draft which you may be able to color in a bit. Let me know what you think. Thanks,

Jeff

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

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, July 17, 2008 11:38 AM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Atkinson, Karen (USAFLS); Lee, Dexter (USAFLS)
Subject: Emailing: 080717 Tein Ltr.wpd

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

From: Villafana, Ann Marie C. (USAFLS)
Sent: Thursday, July 17, 2008 11:38 AM
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Atkinson, Karen (USAFLS); Lee, Dexter (USAFLS)
Subject: Emailing: 080717 Tein Ltr.wpd

Here it is. Feel free to revise. I have listed myself as the author, but it may be more powerful coming from someone else.

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

080717 Tein Ltr.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.



U.S. Department of Justice

United States Attorney
Southern District of Florida

A. Marie Villafaña
500 South Australian Ave, Suite 400
West Palm Beach, Florida 33401
(561) 820-8711
Facsimile (561) 820-8777

FACSIMILE COVER SHEET

TO: MICHAEL DUTKO DATE: July 10, 2008

FAX NO. 954 764-5040 # OF PAGES: 4

PHONE NO. 954 764-2500 RE: [REDACTED]

FROM: A. MARIE VILLAFANA, ASSISTANT U.S. ATTORNEY

PHONE NO. 561 820-8711

COMMENTS:

* * * TRANSMISSION RESULT REPORT (JUL.10.2008 1:04PM) * * *

TTI USAO WPB FL

DATE	TIME	ADDRESS	MODE	TIME	PAGE	RESULT	PERS. NAME	FILE
JUL.10.	1:03PM	19547645040	TES	0'44"	P. 4	OK		425

: 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

A. Marie Villafaña
500 S. Australian Ave, 4th Floor
West Palm Beach, Florida 33401
(561) 820-8711
Facsimile (561) 820-8777

FACSIMILE COVER SHEET

TO: Jeffrey Herman, Esq.

DATE: July 10, 2008

FAX NO. 305-931-0877

OF PAGES: 13

PHONE NO. 305-931-2200

RE: Jeffrey Epstein

FROM: A. MARIE VILLAFANA, Assistant U.S. Attorney

PHONE NO. 561 209-1047

COMMENTS:

* * * TRANSMISSION RESULT REPORT (JUL.10.2008 1:07PM) * * *

TTI USAO WPB FL

DATE	TIME	ADDRESS	MODE	TIME	PAGE	RESULT	PERS. NAME	FILE
JUL.10.	1:05PM	305-9312200	TES	2'31"	P.13	OK		426

: 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

A. Marie Villafaña
500 S. Australian Ave, 4th Floor
West Palm Beach, Florida 33401
(561) 820-8711
Facsimile (561) 820-8777

FACSIMILE COVER SHEET

TO: Jeffrey Herman, Esq.

DATE: July 10, 2008

FAX NO. 305-931-0877

OF PAGES: 13

PHONE NO. 305-931-2200

RE: Jeffrey Epstein

FROM: A. MARIE VILLAFANA, Assistant U.S. Attorney

PHONE NO. 561 209-1047

COMMENTS:

* * * TRANSMISSION RESULT REPORT (JUL.10.2008 1:07PM) * * *

TTI USAO WPB FL

DATE	TIME	ADDRESS	MODE	TIME	PAGE	RESULT	PERS. NAME	FILE
JUL.10.	1:05PM	305-9312200	TES	2'31"	P.13	OK		426

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

C : CONFIDENTIAL
 @ : FORWARDING
 D : DETAIL
 1- : MIL_STD MODE

P : POLLING
 E : ECM
 F : FINE
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M : MEMORY
 > : REDUCTION

* * * TRANSMISSION RESULT REPORT (JUL.10.2008 1:02PM) * * *

TTI USAO WPB FL

DATE	TIME	ADDRESS	MODE	TIME	PAGE	RESULT	PERS. NAME	FILE
JUL.10.	1:01PM	561 588 8819	TES	0'42"	P. 4	OK		424

: 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

A. Marie Villafaña
500 S. Australian Ave, 4th Floor
West Palm Beach, Florida 33401
(561) 820-8711
Facsimile (561) 820-8777

FACSIMILE COVER SHEET

TO: Ted Leopold, Esq. Attn: Meg

DATE: July 10, 2008

FAX NO. (561) 697-2383 # OF PAGES: 4

PHONE NO. 561 684-6500 RE: [REDACTED]

FROM: A. MARIE VILLAFANA, Assistant U.S. Attorney

PHONE NO. 561 209-1047

COMMENTS:

* * * TRANSMISSION RESULT REPORT (JUL.10.2008 12:27PM) * * *

TTI USAO WPB FL

DATE	TIME	ADDRESS	MODE	TIME	PAGE	RESULT	PERS. NAME	FILE
JUL.10.	12:26PM	15616972383	TES	0'52"	P. 4	OK		422

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

C : CONFIDENTIAL
@ : FORWARDING
D : DETAIL
1-: MIL_STD MODE

P : POLLING
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United States Attorney
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(561) 820-8711
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FACSIMILE COVER SHEET

TO: Ted Leopold, Esq. Attn: Meg

DATE: July 10, 2008

FAX NO. (561) 697-2383 # OF PAGES: 4

PHONE NO. 561 684-6500 RE: [REDACTED]

FROM: A. MARIE VILLAFANA, Assistant U.S. Attorney

PHONE NO. 561 209-1047

COMMENTS:

* * * TRANSMISSION RESULT REPORT (JUL.10.2008 12:27PM) * * *

TTI USAO WPB FL

DATE	TIME	ADDRESS	MODE	TIME	PAGE	RESULT	PERS. NAME	FILE
JUL.10.	12:26PM	15616972383	TES	0'52"	P. 4	OK		422

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U.S. Department of Justice

United States Attorney
Southern District of Florida

A. Marie Villafaña
500 S. Australian Ave, 4th Floor
West Palm Beach, Florida 33401
(561) 820-8711
Facsimile (561) 820-8777

FACSIMILE COVER SHEET

TO: Richard Willits, Esq.

DATE: July 10, 2008

FAX NO. 561-588-8819

OF PAGES: 4

PHONE NO. 800-870-0573

RE: [REDACTED] [REDACTED]

FROM: A. MARIE VILLAFANA, Assistant U.S. Attorney

PHONE NO. 561 209-1047

COMMENTS:

Villafana, Ann Marie C. (USAFLS)

From: Kuyrkendall, E N. (FBI)
Sent: Tuesday, July 22, 2008 3:05 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re:

Bogota- ALAT Robert Falero.

Sydney - ALAT Matthew Witt.

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

From: Villafana, Ann Marie C. (USAFLS) <Ann.Marie.C.Villafana@usdoj.gov>
To: Kuyrkendall, E N.
Sent: Tue Jul 22 15:01:29 2008
Subject: RE:

Actually, do you have the names of the LegAtts?

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

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

From: Kuyrkendall, E N. (FBI)
Sent: Tuesday, July 22, 2008 2:58 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Re:

Leave them unaddressed they will be hand delivered with Twiler's.

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

From: Villafana, Ann Marie C. (USAFLS) <Ann.Marie.C.Villafana@usdoj.gov>
To: Kuyrkendall, E N.
Sent: Tue Jul 22 14:57:45 2008
Subject: RE:

Hey Nesbitt - What addresses should I put on Shasdy's and [REDACTED] letters?

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

From: Kuyrkendall, E N. (FBI)
Sent: Tuesday, July 22, 2008 12:28 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject:

Marie,

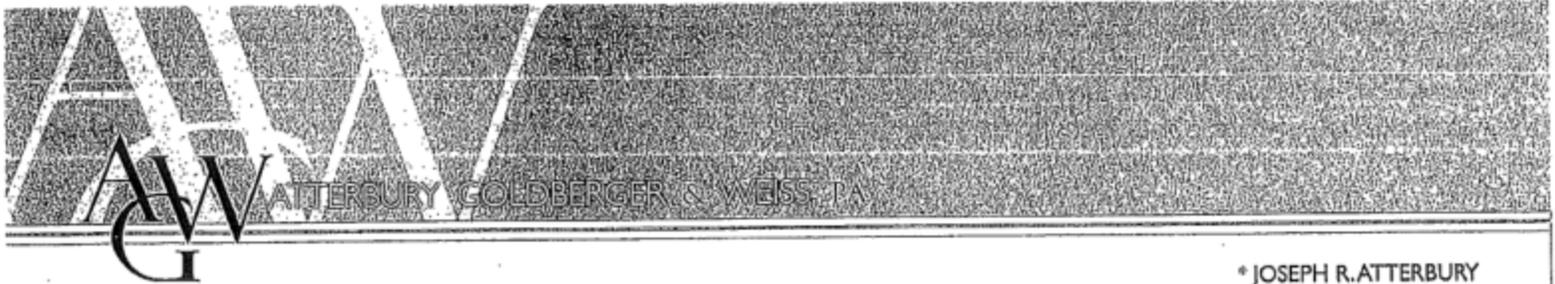
Hey take a deep breath!!!!!! I had not read your latest email or Tein's letter. I'm speechless but we must deal with only one issue at a time. We need to, as u say, digest and disect. As I write this, the pain in my gut intensifies. I hope it is only something I ate and not an ulcer from Epstein. Anyways, take a deep breath!!!!!!

Our legat has located what we believe to be a good address for Shasdy. I need to come by and get her letter from you so it can be included with the lead to Bogata.

██████████' address is: 13373 Windsong Way, Carrollton, Va 23314 (561)306-9970

Let me know what time to come by and also dont hesitate to call if you need something done. Hang in there(THIS IS CRAZY)!!!!!!!!!!!!!!!!!!!!!!!!!!!!

Nesbitt



* JOSEPH R. ATTERBURY

*† JACK A. GOLDBERGER

JASON S. WEISS

* Board Certified Criminal Trial Attorney

† Member of New Jersey & Florida Bars

July 10, 2008

A. Marie C. Villafana, Esq.
Assistant United States Attorney
500 S. Australian Avenue
4th Floor, Suite 400
West Palm Beach, Florida 33401

SENT VIA E-MAIL & FACSIMILE
(561) 820-8777

Re: Jeffrey E. Epstein

Dear Ms. Villafana:

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

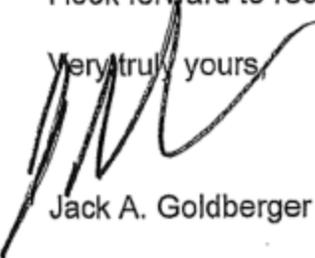
EFTA00194545

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: A. Marie C. Villafana, Esquire
FAX NO.: 561-820-8777
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.

Villafana, Ann Marie C. (USAFLS)

From: Sloman, Jeff (USAFLS)
Sent: Thursday, July 10, 2008 5:15 PM
To: Villafana, Ann Marie C. (USAFLS); Acosta, Alex (USAFLS); Atkinson, Karen (USAFLS)
Cc: Kuyrkendall, E N. (FBI); Richards, Jason R. (FBI)
Subject: Re: Proposed response to Goldberger's letter

Fine

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

From: Villafana, Ann Marie C. (USAFLS)
To: Acosta, Alex (USAFLS); Sloman, Jeff (USAFLS); Atkinson, Karen (USAFLS)
Cc: Kuyrkendall, E N. (FBI); Richards, Jason R. (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.



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 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: 
A. Marie Villafañá
Assistant United States Attorney

cc: Karen Atkinson, 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
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U.S. Department of Justice

United States Attorney
Southern District of Florida

A. Marie Villafaña
500 S. Australian Ave, 4th Floor
West Palm Beach, Florida 33401
(561) 820-8711
Facsimile (561) 820-8777

FACSIMILE COVER SHEET

TO: Jack Alan Goldberger

DATE: July 10, 2008

FAX NO. 561-835-8691

OF PAGES: 2

PHONE NO. 561 659-8300

RE: Jeffrey Epstein

FROM: A. MARIE VILLAFANA, Assistant U.S. Attorney

PHONE NO. 561 209-1047

COMMENTS:

• JOSEPH R. ATTERBURY

•† JACK A. GOLDBERGER

JASON S. WEISS

• Board Certified Criminal Trial Attorney

† Member of New Jersey & Florida Bars

July 21, 2008

A. Marie Villafana, 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
(561) 820-8777

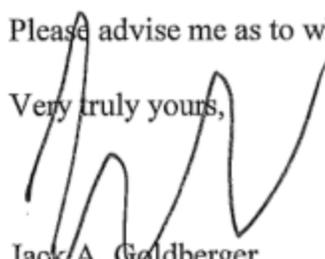
Re: Jeffrey Epstein

Dear Ms. Villafana,

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.

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 21st 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

M 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 05-368	DATE/TIME RECOVERED 10-20-2005	PROPERTY NUMBER (Leave Blank) 05-1024	BIN NUMBER (Leave Blank)		
ADDRESS WHERE PROPERTY IMPOUNDED 258 FL-Brillo					
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. 1-20-53 Epstein Jeff	ADDRESS	Street	City	Zip	PHONE
ADDITIONAL SUSPECT / D.O.B.	ADDRESS	Street	City	Zip	PHONE
SPECIAL INSTRUCTIONS				FOUND PROPERTY 90 DAYS	CLAIM <input type="checkbox"/> 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 (Purk)
4	1		Shredded paper marked Amber + Chris
5	1		orange file folder marked message
* items 2-5 from office off kitchen			
6	✓		Beige message table off from closet
7	✓		Brown message table → foyer
8	1		Black Framed photo of nude girl
9	99		Pictures in frame → items 6-8 from kitchen
10	8		photos from office off pool area
11	2		photos from table on right → living room
12	2		photos from 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	DATE	SIGNATURE	ID# UNIT
			7915 DZ
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		#7915	John A. Burns
this 21 day of October 2005.			

PROPERTY RECEIPT
SEARCH WARRANT RETURN

DETECTIVE BUREAU

PBPD Form #62

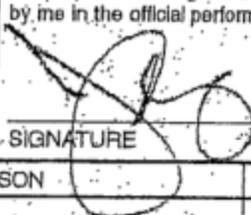
<input type="checkbox"/> PROPERTY	<input type="checkbox"/> FOUND	<input type="checkbox"/> DECEASED (Probated)	<input type="checkbox"/> PERSONAL	<input type="checkbox"/> CONFISCATED	<input type="checkbox"/> DESTROY
<input checked="" type="checkbox"/> EVIDENCE	<input checked="" type="checkbox"/> TRIAL	<input type="checkbox"/> LABORATORY	<input type="checkbox"/> STOLEN/RECOVERED	<input type="checkbox"/> OTHER	
INCIDENT/CITATION NUMBER 05-368	DATE/TIME RECOVERED 10-20-05	PROPERTY NUMBER (Leave Blank) 05-1024	BIN NUMBER (Leave Blank) 646		
ADDRESS WHERE PROPERTY IMPOUNDED 358 EL-Brillo					
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. Foster 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
13	2	✓	1 Hrs. tapes from (v data) By roof
14	2	*	CD's - Huggy B. Birthday ↑ Credit cards
15	3		Photos framed from Calhoun
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 # 1, 2, 3)
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) (with 16 soap)
24	2		Twin Torpedo in Brown box
25	2		Soap on Rope (middle Bedroom) (with 16 soap)
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.

SIGNATURE _____ DATE _____

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  ID# 7915 UNIT 122

RECEIVED BY	REASON	DATE/TIME RECEIVED

PROPERTY RECEIPT
SEARCH WARRANT RETURN

DETECTIVE BUREAU

BPFD 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	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 358 E L Brillo					
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. 01-20-53 Epstein Jeff	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
27	1	NCV	School transcript, ALEXANDER HALL, MASTER BEDROOM DESK
28	1	NCV	BOTTLE OF TOY JELLY, MASTER BEDROOM CROCHETA MASTER BEDROOM
29	3	NCV	VIDEOTAPES 1/2", SOXIN CITY, LATIN JANINE HOWE LESBIANS FOUR, MASTER BEDROOM
30	6	NCV	FRAMED PHOTOS FROM MEN'S BATH ROOM - MASTER BEDROOM
31	1	NCV	GREEN MASSAGE TABLE, MEN'S BATHROOM - MASTER BEDROOM → DNA WAS Greg
32	1	NCV	THIRTY RENTAL AGREEMENT FROM CHEVROLET SUBURBAN (COPIED)
33	1	NCV	NOTE FROM JOHANA FROM CHEVROLET SUBURBAN
34	11	NCV	CD'S from office of kitchen
35	6	NCV	ZIP CD'S from Book case RETURN
36	2	NCV	8mm video tapes from Book case RETURN
37	4	NCV	Compact flash cards from Book case RETURN
38	1	NCV	flash card from camera on book case - RETURN TO OWNER
39	3	NCV	ZIP CD'S from Book case RETURN
40	30	NCV	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#

UNIT

RECEIVED BY

REASON

DATE/TIME RECEIVED

LM BEACH POLICE DEPARTMENT
PROPERTY RECEIPT

PAGE 4 of 6

DETECTIVE BUREAU

BPDP 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 front guest room RETURN
43	1	✓	Power Cord for CPU from guest room
44	1	✓	CPA 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
Items # 35-48 from guest bedroom			
49	1	✓	message book from guest house office RETURN
50	1	✓	message book RETURN
51	2	✓	Compact flash cards from
52	6	✓	CD's return #49-51 from office
53	1	✓	CPA from guest house office 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# 7915 UNIT D2

RECEIVED BY	REASON	DATE/TIME RECEIVED

Villafana, Ann Marie C. (USAFLS)

From: Kuyrkendall, E N. (FBI)
Sent: Monday, July 21, 2008 4:44 PM
To: Villafana, Ann Marie C. (USAFLS)

Marie,

Here is a list of the victims Twiler still needs to make contact with:

1. [REDACTED] - (Left Message)
2. [REDACTED] Alvarez - (Will follow-up with VS Smith today with her guardian's information).
3. [REDACTED] - (Bad Number)
4. [REDACTED] Gailliardi (Left Message)
5. [REDACTED] (Left Message)
6. [REDACTED] (Bad Number)
7. [REDACTED] (Wrong Number)
8. [REDACTED] (Australia/VS Smith will contact the Legat today)
9. [REDACTED] Sicilano (Wrong Number)
10. [REDACTED] Smythe (Bad Number)
11. Shasdy Velasco (Columbia/VS Smith will contact the Legat today)

We will attempt to locate current information and get back with you daily on victims that we speak with so that you can forward letter.

Nesbitt

Villafana, Ann Marie C. (USAFLS)

From: Kuyrkendall, E N. (FBI)
Sent: Monday, July 21, 2008 4:44 PM
To: Villafana, Ann Marie C. (USAFLS)

Marie,

Here is a list of the victims Twiler still needs to make contact with:

1. [REDACTED] - (Left Message)
2. Y [REDACTED] Alvarez - (Will follow-up with VS Smith today with her guardian's information)
3. A [REDACTED] (Bad Number)
4. L [REDACTED] Gailliardi (Left Message)
5. [REDACTED] (Left Message)
6. C [REDACTED] (Bad Number)
7. [REDACTED] (Wrong Number)
8. Y [REDACTED] (Australia/VS Smith will contact the Legat today)
9. [REDACTED] Sicilano (Wrong Number)
10. [REDACTED] (Bad Number)
11. Shasdy Velasco (Columbia/VS Smith will contact the Legat today)

We will attempt to locate current information and get back with you daily on victims that we speak with so that you can forward letter.

Nesbitt

VICTIMS' ADDRESSES

ALVAREZ, [REDACTED]
DOB: 09/03/1990 Age: 13
Address: 2319 Avenue Barcelona E, West Palm Beach, FL 33415
Phone: 561-294-8681

[REDACTED], [REDACTED]
DOB: 2/22/1986 Age: 17
Address: 387 Las Palmas Street, Royal Palm Beach, FL 33411
Phone: 561-718-5070 (C)

[REDACTED], [REDACTED]
DOB: 1/21/1987 Age: 14
Address: 2210 48th Terrace North, West Palm Beach, FL
Phone: 561-856-7647 (mother); 561-294-0330 (stepfather)

BEALE, [REDACTED]
DOB: 02/21/1987 Age: 17
Address: 349 86th Terrace South, West Palm Beach, FL 33411
Phone: 561-201-2072 (C); 561-547-2415 (H); 561-798-1747

CAVALLARO, [REDACTED] (Garcia - married name)
DOB: 10/27/1986 Age: 17
Address: 8500 Tidewater Drive, Apt 61, Norfolk, VA 23503
Phone: 757-493-3750 (H)

[REDACTED], [REDACTED]
DOB: 02/08/1987 Age: 17
Address: 7351 East Speedway Blvd, #22D, Tuscon, AZ 85710
Phone: 561-436-2111 (C)

[REDACTED], [REDACTED]
DOB: 10/10/1987 Age: 17
Address: 268 Bent Oak, #268, Royal Palm Beach, FL 33411
Phone: 561-713-4911 (C); 561-723-3291 and 803-267-2586 (father, Michael [REDACTED])
New (C) Phone: 561-853-4452

██████████, ██████████
DOB: 04/21/1988 Age: 16
Address: 10740 Oakland Way, Wellington, FL 33414
Phone: 561-601-8813 (C); 561-333-8195 (sister Kristin)

Not yet

██████████, ██████████ (Cartwright)
DOB: 06/18/1987 Age: 17
Address: 1554 Tangerine Blvd., Loxahatchee, FL 33470
As of Nov 21: 310 Crestwood Circle, Apt 208, Royal Palm Beach, FL 33411
Phone: 561-294-4139 (C); 561-793-7706 (H); Newest # 561-644-4889
Email: mamacartwright07@aol.com

██████████, ██████████
DOB: 11/17/1986 Age: 17
Address: 432 Oriole Circle, Jupiter, FL 33458
Phone: 772-224-1262 (aunt); 561-676-5619 (C)

██████████, ██████████
DOB: 01/02/1988 Age: 15-16
Address: 8813 Rodeo Drive, Lake Worth, FL 33467
Phone: 305-345-5752 (father's cell); (C) 954-494-1178

Not yet

██████████, ██████████
DOB: 05/13/1990 Age: 14
Address: 16745 West Downers Drive, Loxahatchee, FL 33470
Phone: 561-333-7190 (H); 561-721-5394 (Erika Gonzales, step mom); 561-721-5393 (Daniel ██████████, dad)

██████████, ██████████
DOB: 12/30/1986 Age: 17
Address: FSU, P.O. Box 60055, Tallahassee, FL
Phone: 561-779-8532 (C)

Not yet

██████████, ██████████ (DiCenso)
DOB: 08/15/1986 Age: 17
4608 Diana Drive, Apt 3, Great Falls, MO 59405
Phone: 954-801-0217 (C); 954-830-1137 (David Dicenso, husband)

Not yet

DOB: 05/30/1986 Age: 16
11322 62 Lane North, West Palm Beach, FL 33412
Phone 294-8542 (C); 863-9461 (aunt's)

DOB: 02/08/1987 Age: 17
Address: 111 Segovia Ave, Royal Palm Beach, FL 33411
Phone: 561-502-7636 (C); 561-791-0945 (H)

DOB: 04/29/1988 Age: 16
Address: 1543 Kudza Rd, West Palm Beach, FL 33415
Phone: 561-574-4407 (C); 561-964-4365 (H)

Not yet

LICATA,
DOB: 02/29/1988 Age: 16
Address: 1508 C Road, Loxahatchee, FL 33470
Phone: 561-371-5635 (C); 591-784-7336 (H)

LOPEZ,
DOB: 03/05/1988 Age: 16
Address: 108 Gibraltar St, Royal Palm Beach, FL 33411
Phone: 561-935-1497; 561-283-3931; 561-784-8156 (parents)

DOB: 07/26/1988 Age: 15
Address: 265 Bang Oak, Royal Palm Beach, FL
Phone: 561-633-7361 (C)
Attorney: James L. Eisenberg
One Clearlake Center, Ste 704
Australian Ave South,
West Palm Beach, FL 33401
Phone: 561-+659-2009; 561-659-2380 (fax)

DOB: 05/28/1987 Age: 17
Address: 103 Mulberry Grove Road, Royal Palm Beach, FL 33411
Phone: 561-310-9048 (C); 561-798-8739 (H)

██████████, ██████████
DOB: 07/30/1987 Age: 17
Address: 4783 Wiggins Road, Lake Worth, FL 33463
Phone: 561-201-7421 (C)

Not yet

PENTEK, ██████████
DOB: 06/30/1987 Age: 16
Address: 11906 Loftway Circle, Apartment 323, Orlando, FL
Phone: 561-313-6730 (C)

██████████, ██████████
DOB: 06/16/1987 Age: 16
Address: 4017 Bluff Harbor Way, Wellington, FL
Phone: 561-306-9970 (C)

██████████, ██████████
DOB: 06/17/1988 Age: 16
Address: 1424 Edgehill Rd, West Palm Beach, FL 33417
Phone: 561-689-4717 (H)

██████████, ██████████ (Giuffre)
DOB: 08/09/1983 Age: 15
Address:
Phone: 001-614-486-2706; 011-612-9645-6353 (Australia)
Husband: Robbie Giuffre

Not yet

██████████, ██████████
DOB: 04/09/1986 Age: 17
Address: 12247 72nd Court North, Royal Palm Beach, FL 33412
Phone: 561-333-0180 (H)
Attorney: Michael Dutko
600 S. Andrews Ave, Ste 500
Fort Lauderdale, FL 33301
Phone: 954-764-2500; 954-764-5040 (fax)

SCHWEGEL, ██████████
DOB: 04/23/1987 Age: 17
Address: 600 Evelyn Court, West Palm Beach, FL 33413
Phone: 561-267-9004 (C)

██████████, ██████████
DOB: 07/28/1988 Age: 16
Address: 14843 93rd Street North, West Palm Beach, FL 33412
Phone: 561-267-9004 (C)

Not yet

██████████, ██████████
DOB: 03/02/1986 Age: 17
Address: Palm Beach County Jail
Phone: 863-773-9121 (father)

Not yet

VELASCO, Shasdy
DOB: 09/21/1986 Age: 17
Address:
Phone: See ██████████
Email: shasdyta@hotmail.com

Not yet

██████████, ██████████
DOB: 10/23/1987 Age: 15
Address: 510 Lakeview Drive East, Royal Palm Beach, FL
Phone: 561-541-8510 (boyfriend Jesse); 561-667-4412 (emergency, Eva Jean Ford)

██████████, ██████████
DOB: 06/06/1987 Age: 16
Address: 16767 SE Hwy 301 # 36, Summerfield, FL 34491
Phone: 561-215-3391 (C); 561-798-3650 (parents)
Email: soccob247@yahoo.com <<mailto:soccob247@yahoo.com>>

***AGE is the age the Victim first encountered Epstein

****As of 7/21/2008



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: (561) 820-8777

July 21, 2008

VIA UNITED STATES 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:

I have enclosed eleven additional victim notification letters. To the best of our knowledge, all of these victims are currently unrepresented. In accordance with the wishes of the victims and the spirit of Judge Pucillo's order, I have redacted the victims' addresses. The victims have been advised to contact you if and when they elect to pursue a claim against Mr. Epstein. I expect that none of Mr. Epstein's attorneys or any other person working for Mr. Epstein (whether directly or indirectly) will contact any of these victims.

Sincerely,

R. Alexander Acosta
United States Attorney

By: 
A. Marie Villafañá
Assistant United States Attorney

cc: Karen Atkinson, AUSA

EFTA00194568



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
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July 21, 2008

NOTIFICATION OF IDENTIFIED VICTIM

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.



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United States Attorney
Southern District of Florida

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(561) 820-8711
Facsimile: (561) 820-8777

July 21, 2008

VIA UNITED STATES MAIL

Miss [REDACTED] Alvarez

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

Dear Miss Alvarez:

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 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 had been tried federally and convicted of an enumerated offense. For purposes

EFTA00194570

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

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 you, [REDACTED] Alvarez, are an individual whom the United States was prepared to name as a victim of an enumerated offense.

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.

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.

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

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

By: 
A. MARIE VILLAFANA
ASSISTANT U.S. ATTORNEY

cc: Jack Goldberger, Esq.



U.S. Department of Justice

*United States Attorney
Southern District of Florida*

*500 South Australian Ave., Suite 400
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Facsimile: (561) 820-8777*

July 21, 2008

NOTIFICATION OF IDENTIFIED VICTIM

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U.S. Department of Justice

United States Attorney
Southern District of Florida

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West Palm Beach, FL 33401
(561) 820-8711
Facsimile: (561) 820-8777

July 21, 2008

VIA UNITED STATES MAIL

Miss [REDACTED]
[REDACTED]
[REDACTED]

Re: Jeffrey Epstein/[REDACTED] [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 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:

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

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 you, [REDACTED], are an individual whom the United States was prepared to name as a victim of an enumerated offense.

Should you decide to file a claim against Jeffrey Epstein, his attorney, Jack Goldberger, asks that you have your attorney contact Jack Goldberger 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 you are a victim of an enumerated offense, please provide written documentation of that denial to the undersigned.

Thank you for all of your assistance during the course of this investigation and please accept the heartfelt regards of myself and Special Agents Kuyrkendall and Richards for your health and well-being, and best wishes for continued success with your studies.

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

By: 
A. MARIE VILLAFANA
ASSISTANT U.S. ATTORNEY

cc: Jack Goldberger, Esq.

EFTA00194574



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
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July 21, 2008

NOTIFICATION OF IDENTIFIED VICTIM

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U.S. Department of Justice

United States Attorney
Southern District of Florida

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West Palm Beach, FL 33401
(561) 820-8711
Facsimile: (561) 820-8777

July 21, 2008

VIA UNITED STATES MAIL

Miss [REDACTED]
[REDACTED]

Re: Jeffrey Epstein/[REDACTED] [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 1, with conditions of community confinement imposed by the Court.

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EFTA00194576

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

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 you, [REDACTED], are an individual whom the United States was prepared to name as a victim of an enumerated offense.

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.

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.

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

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

By: 
A. MARIE VILLAFANA
ASSISTANT U.S. ATTORNEY

cc: Jack Goldberger, Esq.

EFTA00194577



U.S. Department of Justice

*United States Attorney
Southern District of Florida*

*500 South Australian Ave., Suite 400
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(561) 820-8711
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July 21, 2008

NOTIFICATION OF IDENTIFIED VICTIM

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United States Attorney
Southern District of Florida

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West Palm Beach, FL 33401
(561) 820-8711
Facsimile: (561) 820-8777

July 21, 2008

VIA UNITED STATES MAIL

Ms. [REDACTED] Cartwright

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

Dear Ms. Cartwright:

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 1, with conditions of community confinement imposed by the Court.

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EFTA00194579

MS. [REDACTED] [REDACTED] CARTWRIGHT
NOTIFICATION OF IDENTIFIED VICTIM
JULY 21, 2008
PAGE 2 OF 2

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 you, [REDACTED] [REDACTED] Cartwright, are an individual whom the United States was prepared to name as a victim of an enumerated offense.

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.

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.

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

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

By: 
A. MARIE VILLAFANA
ASSISTANT U.S. ATTORNEY

cc: Jack Goldberger, Esq.

EFTA00194580



U.S. Department of Justice

*United States Attorney
Southern District of Florida*

*500 South Australian Ave., Suite 400
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Facsimile: (561) 820-8777*

July 21, 2008

NOTIFICATION OF IDENTIFIED VICTIM

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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 21, 2008

VIA UNITED STATES MAIL

Ms. [REDACTED]
[REDACTED]
[REDACTED]

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

Dear Ms. [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 1, with conditions of community confinement imposed by the Court.

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EFTA00194582

MS. [REDACTED]
NOTIFICATION OF IDENTIFIED VICTIM
JULY 21, 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 you, [REDACTED] [REDACTED], are an individual whom the United States was prepared to name as a victim of an enumerated offense.

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.

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.

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

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

By: 

A. MARIE VILLAFAÑA
ASSISTANT U.S. ATTORNEY

cc: Jack Goldberger, Esq.

EFTA00194583



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 21, 2008

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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 21, 2008

VIA UNITED STATES MAIL

Ms. [REDACTED]
[REDACTED]

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

Dear Ms. [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 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 had been tried federally and convicted of an enumerated offense. For purposes

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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 you, [REDACTED], are an individual whom the United States was prepared to name as a victim of an enumerated offense.

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.

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.

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

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

By: 
A. MARIE VILLAFANA
ASSISTANT U.S. ATTORNEY

cc: Jack Goldberger, Esq.



U.S. Department of Justice

*United States Attorney
Southern District of Florida*

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Facsimile: (561) 820-8777*

July 21, 2008

NOTIFICATION OF IDENTIFIED VICTIM

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*

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(561) 820-8711
Facsimile: (561) 820-8777*

July 21, 2008

VIA UNITED STATES MAIL

Ms. [REDACTED]

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

Dear Ms. [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 1, with conditions of community confinement imposed by the Court.

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

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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.

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.

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

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

By: 
A. MARIE VILLAFANA
ASSISTANT U.S. ATTORNEY

cc: Jack Goldberger, Esq.

EFTA00194589



U.S. Department of Justice

*United States Attorney
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July 21, 2008

NOTIFICATION OF IDENTIFIED VICTIM

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United States Attorney
Southern District of Florida

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West Palm Beach, FL 33401
(561) 820-8711
Facsimile: (561) 820-8777

July 21, 2008

VIA UNITED STATES MAIL

Ms. [REDACTED]
[REDACTED]
[REDACTED]

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

Dear Ms. [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 1, with conditions of community confinement imposed by the Court.

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EFTA00194591

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

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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.

Should you decide to file a claim against Jeffrey Epstein, his attorney, Jack Goldberger, asks that you have your attorney contact Jack Goldberger 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 you are a victim of an enumerated offense, please provide written documentation of that denial to the undersigned.

Thank you for all of your assistance during the course of this investigation and please accept the heartfelt regards of myself and Special Agents Kuyrkendall and Richards for your health and well-being, and best wishes for continued success with your studies.

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

By: 
A. MARIE VILLAFANA
ASSISTANT U.S. ATTORNEY

cc: Jack Goldberger, Esq.

EFTA00194592



U.S. Department of Justice

*United States Attorney
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July 21, 2008

NOTIFICATION OF IDENTIFIED VICTIM

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U.S. Department of Justice

United States Attorney
Southern District of Florida

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West Palm Beach, FL 33401
(561) 820-8711
Facsimile: (561) 820-8777

July 21, 2008

VIA UNITED STATES MAIL

Ms. [REDACTED]

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

Dear Ms. [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 1, with conditions of community confinement imposed by the Court.

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EFTA00194594

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

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

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

By: 

A. MARIE VILLAFANÁ
ASSISTANT U.S. ATTORNEY

cc: Jack Goldberger, Esq.

EFTA00194595



U.S. Department of Justice

*United States Attorney
Southern District of Florida*

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July 21, 2008

NOTIFICATION OF IDENTIFIED VICTIM

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United States Attorney
Southern District of Florida

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West Palm Beach, FL 33401
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Facsimile: (561) 820-8777

July 21, 2008

VIA UNITED STATES MAIL

Ms. [REDACTED] Pentek
[REDACTED]

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

Dear Ms. Pentek:

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 1, with conditions of community confinement imposed by the Court.

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EFTA00194597

MS. [REDACTED] PENTEK
NOTIFICATION OF IDENTIFIED VICTIM
JULY 21, 2008
PAGE 2 OF 2

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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.

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

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

By: 
A. MARIE VILLAFANA
ASSISTANT U.S. ATTORNEY

cc: Jack Goldberger, Esq.

EFTA00194598



U.S. Department of Justice

*United States Attorney
Southern District of Florida*

*500 South Australian Ave., Suite 400
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July 21, 2008 .

NOTIFICATION OF IDENTIFIED VICTIM

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U.S. Department of Justice

United States Attorney
Southern District of Florida

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Facsimile: (561) 820-8777

July 21, 2008

VIA UNITED STATES MAIL

Ms. [REDACTED]
[REDACTED]

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

Dear Ms. [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 1, with conditions of community confinement imposed by the Court.

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EFTA00194600

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

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R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

By:



A. MARIE VILLAFAÑA
ASSISTANT U.S. ATTORNEY

cc: Jack Goldberger, Esq.

EFTA00194601

March 20, 2011

To whom it may concern:

I served as U.S. Attorney for the Southern District of Florida from 2005 through 2009. Over the past weeks, I have read much regarding Mr. Jeffrey Epstein. Some appears true, some appears distorted. I thought it appropriate to provide some background, with two caveats: (i) under Justice Department guidelines, I cannot discuss privileged internal communications among Department attorneys and (ii) I no longer have access to the original documents, and as the matter is now nearly 4 years old, the precision of memory is reduced.

The Epstein matter was originally presented to the Palm Beach County State Attorney. Palm Beach Police alleged that Epstein unlawfully hired underage high-school females to provide him sexually lewd and erotic massages. Police sought felony charges that would have resulted in a term of imprisonment. According to press reports, however, in 2006 the State Attorney, in part due to concerns regarding the quality of the evidence, agreed to charge Epstein only with one count of aggravated assault with no intent to commit a felony. That charge would have resulted in no jail time, no requirement to register as a sexual offender and no restitution for the underage victims.

Local police were dissatisfied with the State Attorney's conclusions, and requested a federal investigation. Federal authorities received the State's evidence and engaged in additional investigation. Prosecutors weighed the quality of the evidence and the likelihood for success at trial. With a federal case, there were two additional considerations. First, a federal criminal prosecution requires that the crime be more than local; it must have an interstate nexus. Second, as the matter was initially charged by the state, the federal responsibility is, to some extent, to back-stop state authorities to ensure that there is no miscarriage of justice, and not to also prosecute federally that which has already been charged at the state level.

After considering the quality of the evidence and the additional considerations, prosecutors concluded that the state charge was insufficient. In early summer 2007, the prosecutors and agents in this case met with Mr. Epstein's attorney, Roy Black. Mr. Black is perhaps best known for his successful defense of William Kennedy Smith. The prosecutors presented Epstein a choice: plead to more serious state felony charges (that would result in 2 years' imprisonment, registration as a sexual offender, and restitution for the victims) or else prepare for a federal felony trial.

What followed was a year-long assault on the prosecution and the prosecutors. I use the word assault intentionally, as the defense in this case was more aggressive than any which I, or the prosecutors in my office, had previously encountered. Mr. Epstein hired an army of legal superstars: Harvard Professor Alan Dershowitz, former Judge and then Pepperdine Law Dean Kenneth Starr, former Deputy Assistant to the President and then Kirkland & Ellis Partner Jay Lefkowitz, and several others, including prosecutors who had formally worked in the U.S.

Attorney's Office and in the Child Exploitation and Obscenity Section of the Justice Department. Defense attorneys next requested a meeting with me to challenge the prosecution and the terms previously presented by the prosecutors in their meeting with Mr. Black. The prosecution team and I met with defense counsel in Fall 2007, and I reaffirmed the office's position: two years, registration and restitution, or trial.

Over the next several months, the defense team presented argument after argument claiming that felony criminal proceedings against Epstein were unsupported by the evidence and lacked a basis in law, and that the office's insistence on jail-time was motivated by a zeal to overcharge a man merely because he is wealthy. They bolstered their arguments with legal opinions from well-known legal experts. One member of the defense team warned me that the office's excess zeal in forcing a good man to serve time in jail might be the subject of a book if we continued to proceed with this matter. My office systematically considered and rejected each argument, and when we did, my office's decisions were appealed to Washington. As to the warning, I ignored it.

The defense strategy was not limited to legal issues. Defense counsel investigated individual prosecutors and their families, looking for personal peccadilloes that may provide a basis for disqualification. Disqualifying a prosecutor is an effective (though rarely used) strategy, as eliminating the individuals most familiar with the facts and thus most qualified to take a case to trial harms likelihood for success. Defense counsel tried to disqualify at least two prosecutors. I carefully reviewed, and then rejected, these arguments.

Despite this army of attorneys, the office held firm to the terms first presented to Mr. Black in the original meeting. On June 30, 2008, after yet another last minute appeal to Washington D.C. was rejected, Epstein pled guilty in state court. He was to serve 18 months imprisonment, register as a sexual offender for life and provide restitution to the victims.

Some may feel that the prosecution should have been tougher. Evidence that has come to light since 2007 may encourage that view. Many victims have since spoken out, filing detailed statements in civil cases seeking damages. Physical evidence has since been discovered. Had these additional statements and evidence been known, the outcome may have been different. But they were not known to us at the time.

A prosecution decision must be based on admissible facts known at the time. In cases of this type, those are unusually difficult because victims are frightened and often decline to testify or if they do speak, they give contradictory statements. Our judgment in this case, based on the evidence known at the time, was that it was better to have a billionaire serve time in jail, register as a sex offender and pay his victims restitution than risk a trial with a reduced likelihood of success. I supported that judgment then, and based on the state of the law as it then stood and the evidence known at that time, I would support that judgment again.

Epstein's treatment, while in state custody, likewise may encourage the view that the office should have been tougher. Epstein appears to have received highly unusual treatment while in jail. Although the terms of confinement in a state prison are a matter appropriately left to the

State of Florida, and not federal authorities, without doubt, the treatment that he received while in state custody undermined the purpose of a jail sentence.

Some may also believe that the prosecution should have been tougher in retaliation for the defense's tactics. The defense, arguably, often failed to negotiate in good faith. They would obtain concessions as part of a negotiation and agree to proceed, only to change their minds, and appeal the office's position to Washington. The investigations into the family lives of individual prosecutors were, in my opinion, uncalled for, as were the accusations of bias and / or misconduct against individual prosecutors. At times, some prosecutors felt that we should just go to trial, and at times I felt that frustration myself. What was right in the first meeting, however, remained right irrespective of defense tactics. Individuals have a constitutional right to a defense. The aggressive exercise of that right should not be punished, nor should a defense counsel's exercise of their right to appeal a U.S. Attorney to Washington, D.C. Prosecutors must be careful not to allow frustration and anger with defense counsel to influence their judgment.

After the plea, I recall receiving several phone calls. One was from the FBI Special Agent-In-Charge. He called to offer congratulations. He had been at many of the meetings regarding this case. He was aware of the tactics of the defense, and he called to praise our prosecutors for holding firm against the likes of Messrs. Black, Dershowitz, Lefkowitz and Starr. It was a proud moment. I also received calls or communications from Messrs. Dershowitz, Lefkowitz and Starr. I had known all three individuals previously, from my time in law school and at Kirkland & Ellis in the mid 90s. They all sought to make peace. I agreed to talk and meet with each of them after Epstein pled guilty, as I think it important that prosecutors battle defense attorneys in a case and then move on. I have tried, yet I confess that has been difficult to do fully in this case.

The bottom line is this: Mr. Jeffrey Epstein, a billionaire, served time in jail and is now a registered sex offender. He has been required to pay his victims restitution, though restitution clearly cannot compensate for the crime. And we know much more today about his crimes because the victims have come forward to speak out. Some may disagree with the prosecutorial judgments made in this case, but those individuals are not the ones who at the time reviewed the evidence available for trial and assessed the likelihood of success.

Respectfully,

R. Alexander Acosta
Former U.S. Attorney
Southern District of Florida