

ATTACHMENT TO PETITE POLICY WAIVER REQUEST
RE JEFFREY EPSTEIN

Continuation of Description of Acts Resulting in Prior Prosecution:

Epstein delayed his guilty plea and sentencing for nine months, while he tried to renegotiate the terms of the Agreement. Finally, on June 30, 2008, Epstein pled to the state charges and was sentenced to the 18 months. Rather than serve his sentence in the state prison system, he was sentenced to the Palm Beach County Stockade, a low-security "camp" in West Palm Beach. Epstein also was placed on "work release" within three months of starting his sentence. Under the "work release" program, Epstein is picked up by his chauffeur every morning and transported to his attorney's office in West Palm Beach, where he stays all day. According to news reports, the Palm Beach Sheriff's Office spokesperson states that Epstein is allowed out on "work release" from 7:00 a.m. to 11:00 p.m. every day of the week. Epstein also earns additional "gain time" for "working" while in jail, so he is expected to be released from his term of imprisonment on June 24, 2009 – serving less than one year.

Epstein also has fought the payment of restitution to the named victims of the federal offenses. The federal district judge presiding over all of the civil suits filed by the victims has ordered the U.S. Attorney's Office to appear in court on Friday, June 12, 2009 to address the issue of whether Epstein has breached his agreement with the U.S. Attorney's Office by opposing the payment of damages to the victims. After a careful review of Epstein's pleadings in those cases, the Office has determined that Epstein is in breach. Notification of that breach will be delivered to Epstein at the hearing. On Tuesday, June 16, 2009, the U.S. Attorney's Office would like to present an indictment charging Epstein and three of his assistants with violations of Title 18, United States Code, Sections 371, 1591(a), 1591(b), 2422(b), 2423(b), and 2423(e). The proposed indictment contains charges and overt acts related to 19 victims, including [REDACTED]. The federal charges do not overlap with the state charges and the federal indictment will charge Epstein's co-conspirators, not just Epstein.

As explained below, the federal sentence for these offenses will likely be approximately 15 years' imprisonment, with a mandatory minimum sentence of five years' imprisonment, followed by lifetime supervised release. The inclusion of [REDACTED] in the indictment will not have an effect on Epstein's guideline sentence (under the Guidelines, Epstein's advisory range will remain the same if he is convicted for violations related to 5 girls or more). [REDACTED] is, however, an intricate part of the proof against Epstein and, importantly, against his assistants, who were not prosecuted at all by the State Attorney's Office. At this time, it is anticipated that we may seek a superseding indictment, depending on possible cooperation by one or more of Epstein's assistants and based upon the victims who were identified but not positively confirmed. It is possible that [REDACTED] will be added to the superseding indictment. Again, the addition of [REDACTED] will not affect Epstein's advisory guideline range, but including her would help to explain how Epstein's crimes were brought to the attention of law enforcement.

In light of the extremely lenient sentence that Epstein received, Epstein's refusal to compensate his victims for their injuries, and the fact that Epstein's co-conspirators have received

no punishment for their criminal activity, I respectfully request that OEO determine that the Petite policy does not apply to the prosecution of Epstein and his co-conspirators or that waiver of the policy is appropriate under these circumstances.

Continuation of Discussion of Federal Interest:

Although all of the victims who will be mentioned in the current indictment resided in the Southern District of Florida at the time of the offenses, victims from other Districts throughout the United States have been identified and it is anticipated that some will be part of a superseding indictment. From the investigation, several victims reported Epstein's constant demand for "new" and "fresh faces," leading to the enticement of more and more victims.

The state prosecution resulted in a very lenient sentence based on only two victims, despite the State Attorney's knowledge of the existence of many more, and Epstein has received preferential treatment while serving that sentence. The federal investigation resulted in the identification of an even larger number—more than 30 confirmed, which also warrants federal prosecution. Finally, Epstein's co-conspirators have received no criminal punishment whatsoever, and the federal victims have received no restitution for the damages that they have suffered.