

From: "[REDACTED] \ (USAFLS)" <[REDACTED]>
To: "[REDACTED] \ (USAFLS)" <[REDACTED]>, "[REDACTED] \ (USAFLS)" <[REDACTED]>
Cc: "[REDACTED] \ (USAFLS)" <[REDACTED]>

Subject: RE: Epstein

Date: Thu, 05 Jul 2007 19:30:00 +0000

Importance: Normal

[REDACTED],

Both the tone and substance of your email are totally inappropriate and, in combination with other matters in the past, it seriously calls your judgment into question.

As you well know, the US Attorney has not even decided whether to go forward with a prosecution in this matter, thus you should have respected his position before engaging in plea negotiations.

[REDACTED] Despite being told these things, you prepared a pros memo and indictment that included a definitive date for indictment. It has come to my attention that you led the agents to believe that the indictment of this matter was a foregone conclusion and that our decision to put off that date and listen to the defense attorneys' concerns is indicative of the office having second thoughts about indicting. [REDACTED]

[REDACTED] called me before, not after, the June 26th meeting. It was an informal discussion and not in the nature of an official plea offer but rather a feeling out by both sides as to what it might take to resolve the matter. [REDACTED]

[REDACTED] You should also know that my discussion with [REDACTED] was made with the US Attorney's full knowledge. Had [REDACTED] expressed interest in pursuing this avenue further, I certainly would have raised it with all the interested individuals in this case, including you and the agents. In any event, I fail to see how a discussion that went nowhere has hurt our bargaining position. I am also quite confident that no one on the defense team believes that the federal investigation in this matter has been for show.

Nor are your arguments that I have violated the Ashcroft memo, the USAM or any other policy well taken. As Chief of the Criminal Division, I am the person designated by the US Attorney to exercise appropriate discretion in deciding whether certain pleas are appropriate and consistent with the Ashcroft memo and the USAM -- not you.

As for your statement that my concerns about this case hurting Project Safe Childhood are unfounded, I made it clear to you that those concerns were voiced by the US Attorney. Whether or not you are correct, matters of policy are always within his purview and any decisions in that area ultimately rest with him.

Finally, you may not dictate the dates and people you will meet with about this or any other case. If the US Attorney or the First Assistant desire to meet with you, they will let you know. Nor will I direct Epstein's lawyers to communicate only with you. If you want to work major cases in the district you must understand and accept the fact that there is a chain of command - something you disregard with great regularity.

[REDACTED]

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

From: [REDACTED] (USAFLS)
Sent: Wednesday, July 04, 2007 5:16 PM
To: [REDACTED] (USAFLS); [REDACTED] (USAFLS)
Subject: FW: Epstein

Hi [REDACTED] -- I am in trial, so I just got your message.

EFTA00204796

First, it is inappropriate for you to enter into plea negotiations without consulting with me or the investigative agencies, and it is more inappropriate to make a plea offer that you know is completely unacceptable to the FBI, ICE, the victims, and me. These plea negotiations violate the Ashcroft memo, the U.S. Attorney's Manual, and all of the various iterations of the victims' rights legislation. [REDACTED]

[REDACTED] We left the meeting on June 26th in a stronger position than when we entered, and your statement that a state resolution would satisfy us takes away that advantage. If you make it seem like the U.S. Attorney doesn't have faith in our investigation, Epstein has no incentive to make a deal.

Second, your discussion makes it appear that my investigation is for "show" only and completely undermines my ability to deal with Epstein's attorneys directly. In my eight years of civil practice (before the six years that I have spent with this Office), I have litigated against attorneys far more formidable than [REDACTED] and [REDACTED] and have managed to convince the Eighth, Ninth, and Federal Circuits that my legislative interpretation was correct. Your concerns about this prosecution hurting the rest of the Project Safe Childhood Program are unfounded.

My trial should end early next week. I would like to make a presentation to the U.S. Attorney, [REDACTED], [REDACTED], and you with our side of the investigation and a revised indictment. The presentation will address the points raised by Epstein's counsel and will convince you all of the strength of the case.

In the meantime, please direct all communications from Epstein's counsel to me.

[REDACTED]
Assistant U.S. Attorney
[REDACTED]
[REDACTED]
[REDACTED]

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

From: [REDACTED] (USAFLS)
Sent: Tuesday, July 03, 2007 1:47 PM
To: [REDACTED] (USAFLS)
Subject: Epstein

[REDACTED], my blackberry is giving me trouble so i'm using [REDACTED]. I told lily that a state plea with jail time and sex offender status may satisfy the usa. It was a non-starter for them
[REDACTED]

Sent from my GoodLink synchronized handheld (www.good.com)