

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 08-80736-Civ-Marra/Johnson

JANE DOES #1 and #2

I.

UNITED STATES
_____ /

DECLARATION OF BRADLEY J. EDWARDS, ESQ.

1. I, Bradley J. Edwards, Esq., do hereby declare that I am a member in good standing of the Bar of the State of Florida. Along with co-counsel, I have represented Jane Doe #1 and Jane Doe #2 in civil suits against Jeffrey Epstein for sexually abusing them. I have also represented other girls who were sexually abused by Epstein. As a result of that representation, I have become familiar with many aspects of the criminal investigation against Epstein and have reviewed discovery and correspondence connected with the criminal investigation. I have also spoken to Jane Doe #1 and Jane Doe #2 at length about the criminal investigation and their involvement in it, as well enforcement (or lack their of) of their rights as crime victims in the investigation. I also represent Jane Doe #1 and Jane Doe #2 in the pending case seeking enforcement of their rights under the Crime Victims' Rights Act. I am also familiar with the criminal justice system, having served as state prosecutor in the Broward County State Attorney's Office.

2. In 2006, at the request of the Palm Beach Police Department, the Federal Bureau of Investigation ("FBI") opened an investigation into allegations that Jeffrey Epstein ("Epstein") and his personal assistants had used facilities of interstate commerce to induce young girls between the ages of thirteen and seventeen to engage in prostitution, amongst other offenses.

The case was presented to the United States Attorney's Office for the Southern District of Florida, which accepted the case for investigation. At the time that the investigation was opened, the Palm Beach County State Attorney's Office was also investigating Epstein. The FBI determined that both Jane Doe #1 and Jane Doe #2 were victims of sexual assaults by Epstein while they were minors beginning when they were approximately fourteen years of age and approximately thirteen years of age respectively. These sexual assaults involved use of means of interstate commerce (i.e., a telephone) and travel in interstate commerce. Both Jane Does were initially identified through the Palm Beach Police Department's investigation of Epstein.

3. On about June 7, 2007, FBI agents hand-delivered to Jane Doe #1 a standard CVRA victim notification letter. *See* Exhibit "A".¹ The notification promises that the Justice Department would makes its "best efforts" to protect Jane Doe #1's rights, including "[t]he reasonable right to confer with the attorney for the United States in the case" and "to be reasonably heard at any public proceeding in the district court involving . . . plea" The notification further explained that "[a]t this time, your case is under investigation."

4. On about August 11, 2007, FBI agents hand-delivered to Jane Doe #2 a standard CVRA victim notification letter. *See* Exhibit "B".² The notification promises that the Justice Department would makes its "best efforts" to protect Jane Doe #1's rights, including "[t]he reasonable right to confer with the attorney for the United States in the case" and "to be

¹ This document has previously been made part of the record in this case. *See* Case No. 9:08-CV-80736, Doc. #14 (attachment 1). For the convenience of the Court, it is also attached as an exhibit here.

² This document has previously been made part of the record in this case. *See* Case No. 9:08-CV-80736, Doc. #14 (attachment 2). For the convenience of the Court, it is also attached as an exhibit here.

reasonably heard at any public proceeding in the district court involving . . . plea” The notification further explained that “[a]t this time, your case is under investigation.”

5. Early in the investigation, the FBI agents and the Assistant U.S. Attorney had several meetings with Jane Doe #1. Jane Doe #2 was represented by counsel that was paid for by Epstein and, accordingly, all contact was made through that attorney.

6. I have reviewed a copy of the non-prosecution agreement signed on about September 24, 2007, by Epstein and his attorneys and a representative of the U.S. Attorney’s Office. What appears to be a true and accurate copy of that agreement is attached to this declaration as Exhibit “C.”

7. In October 2007, shortly after the initial non-prosecution agreement was signed between Epstein and the U.S. Attorney’s Office for the Southern District of Florida, Jane Doe #1 was contacted to be advised regarding the resolution of the investigation. On October 26, 2007, Special Agents ██████████ ██████████ ██████████ ██████████ met in person with Jane Doe #1. The Special Agents explained that Epstein would plead guilty to state charges, he would be required to register as a sex offender for life, and he had made certain concessions related to the payment of damages to the victims, including Jane Doe #1. During this meeting, Jane Doe #1 was not represented by legal counsel. During this meeting, the Special Agents did not explain that an agreement had already been signed that precluded any prosecution of Epstein for federal charges. The agents could not have revealed this part of the non-prosecution agreement without violating the terms of the non-prosecution agreement. Whether the agents themselves had been informed of the existence of the non-prosecution agreement by the U.S. Attorney’s Office is not certain. Because the plea agreement had already been reached with Epstein, the agents made no attempt

to secure Jane Doe #1's view on the proposed resolution of the case. It appears that an FBI "Report of Interview" of this meeting exists. The U.S. Attorney's Office has refused to provide a copy of that report to Jane Doe #1.

8. Jane Doe #1's perception of the explanation provided by the Special Agents was that only the State part of the Epstein investigation had been resolved, and that the federal investigation would continue, possibly leading to a federal prosecution.

9. On about January 10, 2008, my clients Jane Doe #1 and Jane Doe #2 received letters from the FBI advising them that "[t]his case is currently under investigation. This can be a lengthy process and we request you continued patience while we conduct a thorough investigation." See Exhibit "D" and "E" (emphasis added).³ The statement in the notification letter was false. The case was not currently "under investigation." To the contrary, the case had been resolved by the non-prosecution agreement entered into by Epstein and the U.S. Attorney's Office discussed previously. Moreover, the FBI did not notify Jane Doe #1 or Jane Doe #2 that a plea agreement had been reached previously, and that part of the agreement was a non-prosecution agreement with the U.S. Attorney's Office for the Southern District of Florida.

10. In early 2008, Jane Doe #1 and Jane Doe #2 came to believe that criminal prosecution of Epstein was extremely important. They also desired to be consulted by the FBI and/or other representatives of the federal government about the prosecution of Epstein. In light of the letters that they had received around January 10, they believed that a criminal investigation of Epstein

³ These document has previously been made part of the record in this case. See Case No. 9:08-CV-80736, Doc. #14 (attachments 3 and 4). For the convenience of the Court, there are also attached as exhibits here.

was on-going and that they would be contacted before the federal government reached any final resolution of that investigation.

11. In about April 2008, Jane Doe #1 contacted the FBI because Epstein's counsel was attempting to take her deposition and private investigators were harassing her. Assistant U.S. Attorney ~~A. Marie [REDACTED]~~ secured pro bono counsel to represent Jane Doe #1 and several other identified victims in connection with the criminal investigation. Pro bono counsel was able to assist Jane Doe #1 in avoiding the improper deposition. AUSA [REDACTED] secured pro bono counsel by contacting Meg Garvin, Esq. of the the National Crime Victims' Law Center in Portland, Oregon, which is based in the Lewis & Clark College of Law. During the call, Ms. Garvin was not advised that a non-prosecution agreement had been reached in this matter.

12. On May 30, 2008, another one of my clients who was recognized as an Epstein victim by the U.S. Attorney's Office, received letters from the FBI advising her that "*[t]his case is currently under investigation*." This can be a lengthy process and we request your continued patience while we conduct a thorough investigation." See Exhibit "F." The statement in the notification letter was false. The case was not currently "under investigation." To the contrary, the case had been resolved by the non-prosecution agreement entered into by Epstein and the U.S. Attorney's Office in September 2007.

13. In mid-June 2008, I contacted AUSA [REDACTED] to inform her that I represented Jane Doe #1 and, later, Jane Doe #2. I asked to meet to provide information about the federal crimes committed by Epstein, hoping to secure a significant federal indictment against Epstein. AUSA [REDACTED] and I discussed the possibility of federal charges being filed. At the end of the call, AUSA [REDACTED] asked me to send any information that he wanted considered by the U.S.

Attorney's Office in determining whether to file federal charges. Because of the confidentiality provision that existed in the plea agreement, I was not informed that previously, in September 2007, the U.S. Attorney's Office had reached an agreement not to file federal charges. I was also not informed that any resolution of the criminal matter was imminent.

14. On Friday, June 27, 2008, at approximately 4:15 p.m., AUSA [REDACTED] received a copy of Epstein's proposed state plea agreement and learned that the plea was scheduled for 8:30 a.m., Monday, June 30, 2008. AUSA [REDACTED] and the Palm Beach Police Department attempted to provide notification to victims in the short time that Epstein's counsel had provided. AUSA [REDACTED] did not tell me that the guilty pleas in state court would bring an end to the possibility of federal prosecution pursuant to the plea agreement.

15. On July 3, 2008, Mr. Edwards sent to AUSA [REDACTED] a letter. A copy of that letter is attached to this declaration as Exhibit "G". In the letter, I indicated my client's desire that federal charges be filed against defendant Epstein. In particular, I wrote on behalf of my clients: "We urge the Attorney General and our United States 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 predator." When I wrote this letter, I was still unaware that a non-prosecution agreement had been reached with Epstein – a fact that continued to be concealed from me (and the victims) by the U.S. Attorney's Office. I first learned of this fact on or after July 9, 2008, when the Government filed its responsive pleading to Jane Doe's emergency petition. That pleading was the first public mention of the non-prosecution agreement and the

first disclosure to me (and thus to Jane Doe #1 and Jane Doe #2) of the existence of a document called a non-prosecution agreement.

16. On July 9, 2008, AUSA ██████ sent a victim notification to Jane Doe #1 through me as her attorney. *See* Exhibit “H.” That notification contains a written explanation of some of the terms of the agreement between Epstein and the U.S. Attorney’s Office. A full copy of the terms was not provided. This was the first time that Jane Doe #2 was told that the plea arrangement blocked any possibility of federal criminal charges being filed against Epstein. A notification was not provided to Jane Doe #2, apparently because the agreement limited Epstein’s liability to victims whom the United States was prepared to name in an indictment.

17. On October 9, 2008, Bradley J. Edwards, counsel for Jane Doe #1 and Jane Doe #2, sent a letter to counsel for the U.S. Attorney’s Office in this case advising that two possibly false statements had been made to the Court in the July 9th sworn declaration of AUSA ██████. *See* Exhibit “I” to this Declaration.

18. During the summer of 2008, I attempted along with co-counsel in this case to work with the U.S. Attorney’s Office to come up with an agreed set of facts regarding the case. For example, on July 17, 2008, I sent a letter to AUSA ██████ attempting to come up with an agreed set of facts. During the course of the summer, however, it became apparent to me that the U.S. Attorney’s Office was not going to agree to all the facts and events relevant to the CVRA case. It also became apparently that the U.S. Attorney’s Office was not prepared to provide any discovery of materials necessary to building a full factual record of the events surrounding the treatment of Jane Doe #1 and Jane Doe #2 during the criminal investigation.

19. In view of the U.S. Attorney's reluctance to agree to appropriate facts or provide information about the plea negotiation process, I made the determination that it was in the best of interests of Jane Doe #1 and Jane Doe #2 to pursue their civil cases at a faster pace than the CVRA case. I believed that the civil cases might produce useful information for their CVRA claims and that there was no specific deadline set by the Court for bringing the CVRA case to a conclusion.

20. As one example of the efforts I made to defend my clients' interests, I believed that correspondence between the U.S. Attorney's Office and Epstein would contain highly useful information for both my clients' civil cases and their CVRA case. To obtain that information, in approximately May 2009, I propounded discovery requests in both state and federal civil cases against Epstein, seeking to obtain correspondence between Epstein and prosecutors regarding his plea agreement – information that the U.S. Attorney's Office was unwilling to provide to Jane Doe #1 and Jane Doe #2. Epstein refused to produce that information, and extended litigation to obtain the materials followed – litigation that is reflected in the docket sheets of those cases. At all times, I proceeded diligently to obtain this correspondence.

21. As an example of the extended litigation over the correspondence, in the federal case (case no. 9:08-CV-80893), on July 20, 2009, Jane Doe filed a motion to compel production of the information (case no. 9:08-cv-80119, doc. #210). Epstein obtained an extension of time in which to respond and, two-and-a-half months later, on October 6, 2009, Epstein filed an objection to producing these items primarily on Fifth Amendment grounds (doc. #339). On October 16, 2009, Jane Doe filed a reply in support of her motion (doc. #354). On January 22, 2010, Jane Doe filed a notice that more than 90 days had elapsed since the filing of her motion (doc. #453).

On February 4, 2010, the magistrate judge granted in part and denied in part Jane Doe's motion to compel, specifically ruling that Epstein had to produce the discovery provided to him by state and federal prosecutors and the requested correspondence, rejecting Fifth Amendment and other objections raised by Epstein. Case no. 9:08-cv-80119, doc. #462. Epstein then filed for an extension of time in which to appeal (doc. #464), which Jane Doe opposed on grounds of delay (doc. #465). On February 11, 2010, the Court granted in part and denied in part the extension of time, specifically warning Epstein that "[i]n the event that Magistrate Judge Johnson's February 4, 2010 Order is affirmed on appeal, Defendant will have three (3) business days from the date of this Court's order to produce the documents at issue." (doc. #468). Epstein then ultimately filed his appeal/motion for reconsideration of the magistrate decision on February 26, 2010. (doc. #477). On March 10, 2010, Jane Doe then filed her response in Opposition to Defendant's Motion for reconsideration. (doc. #. 485). On April 1, 2010, the magistrate judge rejected Epstein's challenge, reaffirming his earlier order that "compelled production from *state* and federal prosecutors in the criminal case against him." (doc. #513). On May 12, 2010, Epstein filed a "Consolidated" Rule 4 Review and Appeal of Portions of the Magistrate Judge's orders (doc. #545). On May 27, 2010, Jane Doe filed a "protective" response to the consolidated reply, noting that she had previously responded to all of the arguments raised by the appeal and that the "consolidated" appeal did not require any new response from her (doc. #551). On Friday, June 25, 2010, this Court entered an order affirming the magistrate judge's discovery orders in all respects (case no. 9:08-cv-80119-KAM, doc. #572) and, as it previously warned Epstein, requiring Epstein to produce the discovery materials within three business days. At this point, despite having had a year to assemble the requested discovery items and prepare for their

production – and more than four months since this Court’s warning to be prepared to produce the documents on three days notice – Epstein began filing motions to restrict production. On Monday evening, June 28, 2010, at approximately 5:11 p.m., Epstein filed a motion for a protective order regarding dissemination of the materials (case no. 9:09-cv-80893, doc. #170). On Tuesday morning, June 29, 2010, at approximately 9:31 a.m., this Court summarily denied the motion (doc. #172). Following these actions by the Court, on about June 30, 2010, Epstein made his production electronically to Jane Doe’s counsel. However, Epstein also produced only correspondence with *federal* prosecutors – not with state prosecutors. Of course, this significantly limited the production he made, as Epstein pled guilty to *state* sex charges rather than federal sex charges – leaving Jane Doe with no correspondence about his guilty plea. Second, with regard to his correspondence with federal prosecutors that he did produce, Epstein redacted anything coming from attorneys, leaving only the responses from the federal prosecutors. Jane Doe then filed a motion to have Epstein held in contempt for violating his discovery production obligations (doc. #190). The case settled shortly thereafter before the Court could rule on the contempt motion.

22. Because of this extended litigation, Jane Doe #1 and Jane Doe #2 did not have access to important correspondence demonstrating a violation of their rights until June 30, 2010. On that day, counsel for Epstein sent to me approximately 358 pages of e-mail correspondence between his legal counsel and the U.S. Attorney’s Office for the Southern District of Florida regarding the plea agreement that had been negotiated between them. A true and correct copy of that correspondence is attached to this declaration at Exhibit “J”. These e-mails disclosed for the first time the steps that had been taken by the U.S. Attorney’s Office to avoid having the victims

in the case learn about the non-prosecution agreement that had been reached between Epstein and the Government. Litigation continues to this day to obtain the correspondence regarding *the state* prosecution correspondence and regarding what Epstein's attorneys said in the correspondence with the prosecutors.

23. Between July 2008 and September 2010, my co-counsel working on this matter (Professor Paul G. Cassell at the University of Utah College of Law) and I had numerous formal and informal contacts with the U.S. Attorney's Office regarding Epstein-related matters. In none of those contacts did the U.S. Attorney's Office ever indicate that they believed that a deadline was approaching in this CVRA case or that Jane Doe #1 and Jane Doe #2 were proceeding less than diligently on this case. During those contacts, the U.S. Attorney's Office was also made aware of on-going discovery efforts to obtain information from Epstein.

24. At no time while this case was proceeding did I understand that the Court desired for us to make expedited filings. To the contrary, it was my understanding that the Court believed that the matter was not an "emergency" and therefore could proceed on a slower timetable. The case remained open at all times and I had several brief discussions with representatives of the U.S. Attorney's Office about the fact that my clients were still working on obtaining evidence to support their claims in the case. When on September 8, 2010, the Court entered an administrative order closing the case, I promptly filed a notice that additional filings were going to be made in the case shortly. It has never been the intention of Jane Doe #1 or Jane Doe #2 to not pursue this case. If at any point they had been notified by the Court of a schedule for filing pleadings in this case, they would have made every effort to timely file those pleadings.

25. In mid-July 2010, Jane Doe #1 and Jane Doe #2 settled their civil lawsuits against Mr. Epstein. Notice of this fact was promptly provided to the Court. Concluding those civil lawsuits consumed a great deal of time for the legal team representing them during the month of July.

26. At all times material to this statement of facts, it would have been practical and feasible for the federal government to inform Jane Doe #1 and Jane Doe #2 of the details of the proposed plea agreement with Epstein, including in particular the fact that the agreement barred any federal criminal prosecution. During the times that I represented them, I stood ready, willing, and able to receive that information.

27. I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge and belief.

Executed this ____ day of October, 2010.

BRADLEY EDWARDS, ESQ.