

**From:** Paul Cassell <cassellp@law.utah.edu>

Brad Edwards <brad@pathtojustice.com>

**Subject:** RE: Plan on 3 PM Weds ...

**Date:** Wed, 01 Dec 2010 00:09:19 +0000

**Importance:** Normal

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[REDACTED]

That sounds great – Brad and I will plan on 3 PM (Fla. time) tomorrow. Paul

Paul G. Cassell

[REDACTED]

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[REDACTED]

**Sent:** Tuesday, November 30, 2010 4:28 PM

**To:** Paul Cassell; Brad Edwards

[REDACTED]

**Subject:** RE: Revised Joint Statement of Facts - 3 PM Weds?

Paul,

Wednesday at 3:00 p.m. is fine for me. I am at (305) 961-9320. Marie's number is (561) 209-1047. I can probably dial in Marie from my end.

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[REDACTED]

**From:** Paul Cassell [mailto:cassellp@law.utah.edu]

**Sent:** Tuesday, November 30, 2010 6:08 PM

[REDACTED]

**Subject:** RE: Revised Joint Statement of Facts - 3 PM Weds?

[REDACTED]

Sorry it has taken me a day to get back to you.

Does 3 PM (Florida time) on Wednesday, Dec. 1, work for y'all for a conference call? What number should we call? Paul

Paul G. Cassell

[REDACTED]  
**Sent:** Monday, November 22, 2010 9:24 AM

**To:** Paul Cassell; Brad Edwards  
[REDACTED]

**Subject:** Revised Joint Statement of Facts

Paul and Brad,

Attached please find a revised Joint Statement of Facts, which indicates what the government agrees is factually correct and relevant to the resolution of this case. I switched the first two paragraphs, to indicate that the FBI was investigating Epstein for various offenses. We deleted the reference to Epstein "committing" the offenses because he was neither convicted or charged, with any violation of federal law. Even when the DOJ publicly announces an indictment being returned, we note that the accused enjoys the presumption of innocence.

We are also checking the hearing transcript to determine whether what you claim was said by the government is accurate.

There are a number of inaccuracies in your November 21, 2010 e-mail that I need to address. You claim that "more than two years since we proposed a set of facts to you ... all without any answers." Paragraph 1. This is not correct. After Brad provided the proposed statement of facts on July 17 and 21, 2008, I sent him a letter on July 25, 2008, explaining that the government believed 18 U.S.C. 3771(a)(5) was not triggered until an offense was charged in United States District Court. We also stated that, in the government's view, the relevant facts were: (1) there are no charges in district court filed against Jeffrey Epstein; and (2) Epstein entered pleas of guilty in Florida State Court on June 30, 2008, was sentenced, and is now imprisoned in Palm Beach County. On July 29, 2008, the government filed a Notice to Court Regarding Absence of Need for Evidentiary Hearing, explaining the government's position that only two relevant facts were necessary to decide whether the government had any obligation under 18 U.S.C. 3771(a)(5). I think this constitutes an answer to the proposed statement of facts offered by the petitioners in July 2008.

You claim that most of your proposed facts are based upon e-mails written by the U.S. Attorney's Office e-mails. Rather than include dueling reasonable interpretations in a Statement of Facts, perhaps you can show us the e-mails and we can agree that they are authentic. Each party can argue what is a reasonable interpretation/inference in their respective legal memoranda.

The government was prepared to meet with you as early as November 16, 2010, after Marie returned from her annual leave on November 13, and I returned from Columbia, South Carolina, on November 12. However, you wanted to have an agreed statement of facts before having a meeting with the Executive Division, so the meeting was postponed.

Your e-mail states that you and Brad are available between December 9 and 17. I will schedule a meeting here in Miami during that period. Thank you.



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