



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*

February 11, 2010

DELIVERY BY ELECTRONIC MAIL

Roy Black, Esq.
Black Srebnick Kornspan & Stumpf P.A.
201 S. Biscayne Blvd, Suite 1300
Miami, FL 33131

Re: Jeffrey Epstein

Dear Mr. Black:

Thank you for meeting with our Office last week. During our discussion, you and your colleagues raised three issues: (1) whether our Office would consider it a breach of the Non-Prosecution Agreement for Mr. Epstein to file suit against the victim's attorney-representative relating to the amount of attorney's fees; (2) whether our Office would consider it a breach of the Non-Prosecution Agreement for Mr. Epstein to argue that he has no liability for claims raised exclusively under 18 U.S.C. § 2255 as to any of the victims on the identified list; and (3) whether our Office would have any objection to Mr. Epstein applying for early termination of his community control.

As we have told you before, our Office cannot give advisory opinions as to what will and will not be a breach of the Non-Prosecution Agreement. Furthermore, as to the first item, your colleagues admitted that efforts to reach an agreement with Robert Josefsberg regarding the amount of fees owed have not been completed. Similarly, as to the second item, your colleagues admitted that there are no currently pending cases arising exclusively under 18 U.S.C. § 2255 as to any of the victims on the identified list. Given that these matters may never arise and, if they do arise, there will be innumerable legal and factual issues that have not been shared with our Office, we again decline to provide any advisory opinions. As discussed during the meeting, the purpose of having the parties and a Special Master involved at the beginning of the process in the selection of the attorney-representative was to avoid dealing with this issue at the end of the process. As with all matters related to the Agreement, we expect that Mr. Epstein will act in good faith and comply with the letter and spirit of the NPA.

As to the third item, we have reviewed your letter to Mr. Sloman of February 8, 2010. While Mr. Acosta did state in his letter of December 19, 2007, that he did not believe that the Office was

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obligated to notify the victims identified through the federal investigation of proceedings occurring in state court, the U.S. Department of Justice's position may have changed in the interim in light of internal guidance regarding prosecutors' obligations pursuant to 18 U.S.C. § 3771, 42 U.S.C. § 10607, and Fed. R. Crim. P. 60 (effective December 1, 2008).

In light of Mr. Acosta's prior statements to Mr. Epstein's counsel that Mr. Epstein would be eligible for any benefit available to other similarly-situated state defendants, the Office agrees that Mr. Epstein may apply for early termination or modification of community control in accordance with Fl. Stat. §§ 948.05 and 948.10(4), assuming that Mr. Epstein has completed "the sanctions imposed in the community control plan." The Office takes no position regarding such an application; it is entirely within the discretion of the State Attorney's Office and the Palm Beach County Circuit Court Judge as to whether it is in "the best interests of justice and the welfare of society" to allow Mr. Epstein to terminate prematurely his community control. Mr. Epstein and his counsel may not make a representation to the State Attorney's Office, the Court, or any victim that the U.S. Attorney's Office agrees with, joins in, or does not oppose such a motion. In light of prior erroneous statements in court filings, we respectfully request that a copy of any court filing be provided to our office.

If such a motion is made, in accordance with your proposal, the U.S. Attorney's Office will notify the federal victims that the application was filed and, if a hearing is scheduled, the date, time, and location of such hearing. The communication will consist merely of a notification and will neither encourage nor discourage attendance or submission of materials related to the application.

Sincerely,

Jeffrey H. Sloman
United States Attorney

A large black rectangular redaction box covering the signature and any handwritten notes or dates that might have been present.

cc: Jeffrey H. Sloman, U.S. Attorney

Robert K. Senior, Acting First Assistant U.S. Attorney

A black rectangular redaction box covering the names of other recipients in the distribution list.