

From: "[REDACTED] (USAEO)" <[REDACTED]>

To: "[REDACTED] (USAFLS)" <[REDACTED]>

Subject: RE: Draft Opposition to Victims' Motion for Finding of Violations

Date: Mon, 04 Apr 2011 17:21:09 +0000

Importance: Normal

Hi,

I've been holding off on reading the drafts, because it sounded like you guys are working on a new one. Is that what I should be doing? Or should I go ahead and read the two versions?

From: [REDACTED] (USAFLS)

Sent: Sunday, April 03, 2011 2:40 PM

To: [REDACTED] (USAFLS); [REDACTED] (USAFLS); [REDACTED] (USAFLS); [REDACTED] (USAFLS); [REDACTED] (CRM); [REDACTED] (USAFLS)

Cc: [REDACTED] (SMO); [REDACTED] (USAEO); [REDACTED] (USAEO)

Subject: RE: Draft Opposition to Victims' Motion for Finding of Violations

Good afternoon, everyone.

Here is my attempt at addressing the same topics. I will work with Dexter tomorrow to meld the two into one.

<< File: Response to Summary Judgment Motn 4-3-2011.wpd >>

One thought on the "statement of undisputed facts," I would not respond to it at all in this response, I would only discuss it in the response to Docket Entry 49 ("Jane Does Motion to Have Their Facts Accepted Because of the Government's Failure to Contest Any of the Facts.")

First I would hammer the fact that they told the court that there was no need for any more facts at the last hearing on this case. Then, I would not agree to many of their "facts" that Dexter has listed as admitted. In my start of a draft response to DE 49, which I have sent to Dexter, I included the following:

We note the Justice Department's policy not to comment on the guilt or innocence of an unconvicted person. The ABA's Model Rules of Professional Conduct on the Special Responsibilities of a Prosecutor contains similar guidance. For example, there has been no civil or criminal finding by any judge or jury that:

defendant Jeffrey Epstein (a billionaire with significant with significant political connections) sexually abused more than 30 minor girls at his mansion in West Palm Beach (*sic*), Florida, and elsewhere. Epstein performed repeated lewd, lascivious, and sexual acts on them, including (but not limited to) [REDACTED]. Because Epstein used a means of interstate commerce and knowingly traveled in interstate commerce to engage in abuse of Jane Doe #1 and Jane Doe #2 (and the other victims), he committed violations of federal law, including repeated violations of 18 U.S.C. § 2422.

(DE48 at 3-4 ¶ 1.) Jane Does No. 1 and No. 2 had the opportunity to prove these allegations at trial but elected to sign confidential settlement agreements where, presumably, there was no acknowledgement of criminal or civil liability. Respectfully, the U.S. Attorney's Office will leave the final determinations of what, if any, crimes

Mr. Epstein committed (other than those to which he pled guilty in Palm Beach County Circuit Court), to any judge and/or jury who are called upon to see and hear the evidence against Mr. Epstein.

My concern is that if we agree to statements like these, on behalf of the Department of Justice, it can be used against another USAO that may try to prosecute Epstein in the future.

[REDACTED]

Assistant U.S. Attorney

From: [REDACTED] (USAFLS)
Sent: Saturday, April 02, 2011 5:20 PM
To: [REDACTED] (USAFLS); [REDACTED] (USAFLS); [REDACTED] (USAFLS); [REDACTED] (USAFLS); [REDACTED] (CRM)
Cc: [REDACTED] (SMO); [REDACTED] (USAEO); [REDACTED] (USAEO)
Subject: Draft Opposition to Victims' Motion for Finding of Violations

Colleagues,

Attached please find my draft opposition to the petitioners' motion for finding of violations of the CVRA. I have responded to the arguments in Cassell's motion, and also argued that the court lacks authority to set aside the non-prosecution agreement, assuming arguendo it found a violation of section 3771(a)(5). As to the statement of uncontroverted facts, I admitted those facts which we believe to be true, but denied as irrelevant those which have no bearing on the statutory interpretation issue. We could actually contend that all the "facts" alleged by Cassell are irrelevant, but I wanted to demonstrate good faith in agreeing to certain of the facts.

I welcome your comments and suggestions. Our response is due on Thursday, April 7, 2011. I will begin working on the other two motions filed by Cassell.

Thanks for your assistance. If you have any questions, please call me at [REDACTED].

[REDACTED]