



U.S. Department of Justice

*United States Attorney
Southern District of Florida*

West Palm Beach, FL 33401

Facsimile:

September 18, 2009

DELIVERY BY ELECTRONIC MAIL

Miami, FL

Re: Jeffrey Epstein

Dear :

I write in response to your letter to regarding the transfer of supervision of Mr. Epstein's community control to the Virgin Islands. I requested from a copy of the documentation that Mr. Epstein submitted in support of his request and a copy of the interstate compact that you had mentioned. I have not received these documents. Rather than wait any longer, I am advising you of our Office's preliminary concerns. The Office may have additional concerns upon receipt of the requested items.

The Non-Prosecution Agreement called for Mr. Epstein to serve eighteen months in county jail followed by twelve months of community control. Mr. Epstein's eighteen-month jail term was reduced to slightly more than twelve months based upon Mr. Epstein's "work release" of more than twelve hours per day, seven days per week. Mr. Epstein has been on community control for less than two months and he is already asking that he be allowed to transfer his supervision. The request comes on the heels of an instance where Mr. Epstein was found by the Palm Beach Police Department walking on the beach. I understand that he told the police that he was "walking to work," despite the fact that his "office" was more than eight miles away, and the beach where he was found was not *en route* from his residence to his workplace.

Throughout the negotiation of the NPA, representations were repeatedly made by you and your colleagues that Mr. Epstein would serve his complete sentence, including community control, in Palm Beach County. During his change of plea and sentencing, Mr.

Epstein told the Court that he intended to remain in Palm Beach County during his period of community control – a fact that was important to Judge Pucillo in making her decision whether or not to accept the plea agreement. Mr. Epstein's presence in Palm Beach County was important to the Court, our Office, and, presumably, the State Attorney's Office, because it allowed all of these entities to monitor Mr. Epstein's performance of his obligations. Relocating to the Virgin Islands, where Mr. Epstein lives on a private island without any independent law enforcement presence, would eliminate that ability.

The Office's ability to determine whether Mr. Epstein has breached the NPA and to file charges against him when/if he breaches that Agreement was a key piece of consideration for the decision to enter that Agreement. Another key piece was the ability of victims to pursue claims against Mr. Epstein under 18 U.S.C. § 2255.

Your September 1, 2009 letter to ██████████ in essence, asked whether it would be the Office's position that Mr. Epstein's move to his private island would violate the terms of the NPA. For the reasons stated above, even upon our preliminary review, it is the position of the Office that the transfer of community control would frustrate the purpose of the agreement and thereby violate its terms. No final decision has been made, of course, because Mr. Epstein has not yet moved. However, if Mr. Epstein elects to go forward with the transfer of community control with the knowledge of the Office's objection, that will be considered, along with all of the previous violations by Mr. Epstein, as set forth in my letters of June 15 and July 7, 2009, in determining the Office's final course of action.

I look forward to receiving the materials requested from ██████████.

Sincerely,

██████████
Acting United States Attorney

By: ██████████
Assistant United States Attorney

cc: ██████████, Chief, Northern Division