

From: "[REDACTED] (USAFLS)" </O=USA/OU=FLS/CN=RECIPIENTS/CN=[REDACTED]>

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

Subject: RE: Request for Investigation Of Jeffrey Epstein Prosecution

Date: Thu, 16 Dec 2010 17:16:26 +0000

Importance: Normal

Dear [REDACTED] and [REDACTED]

As you can see from [REDACTED] email, the additional time is needed to consult with DOJ. If you would like me to prepare the motion for extension of time, I am happy to do so. In light of the number of people in government service who have "use or lose" vacation time at the end of the year, I would recommend an extension of 30 days. Please let me know if you agree with a motion for a continuance for that length of time and I can file the motion unopposed. If you would like to review before I file, please let me know.

Thank you.

[REDACTED]
Assistant U.S. Attorney

From: [REDACTED] (USAFLS)
Sent: Thursday, December 16, 2010 11:03 AM
To: [REDACTED]; [REDACTED]
Cc: [REDACTED] (USAFLS)
Subject: Request for Investigation Of Jeffrey Epstein Prosecution

[REDACTED] and [REDACTED],

We enjoyed meeting in person with you and [REDACTED] last Friday. I wanted to update you on the matters we discussed that day.

First, [REDACTED] request for an investigation of the Jeffrey Epstein prosecution has been referred to the Department of Justice's Office of Professional Responsibility. OPR is the component within the DOJ which investigates allegations of misconduct relating to the authority of DOJ attorneys to investigate, litigate, and give legal advice. The December 10, 2010 letter asks this office "to investigate through appropriate and independent channels the handling of the Epstein (non)prosecution." OPR is the appropriate and independent body within the DOJ to investigate and determine whether misconduct has occurred.

Second, during the meeting on December 10, we advised you of the ethical standards applicable regarding a potential prosecution of Epstein by our office, and that a recusal would likely ensue. Given your request for an investigation of this Office's conduct in the Jeffrey Epstein case, and the referral of that request to OPR, we are seeking guidance from DOJ on whether this office can continue to defend the Crime Victim Rights Act case.

Third, we discussed the sequence in the litigation. You asked us that, in the event the court decides that the CVRA applied, in the absence of a formal charge, that the government concede (1) the U.S. Attorney's Office failed to comply with the CVRA; and (2) the district court should set aside the Non-Prosecution Agreement. In light of what has occurred, we cannot give you an answer on those two points.

You had told us earlier that you would be filing a dispositive motion by December 17, 2010. I expect to find out whether our office needs to recuse itself within the next week. I will be on leave from December 17-28, but will be back at the office on December 29. I am asking if you would defer filing any motion until after I return on December 29. Thank you.

I can be reached by e-mail and cell phone, [REDACTED], during my annual leave.

[REDACTED]