



To "Jay Lefkowitz" <[REDACTED]>

cc

bcc

Subject Factual proffer

09/18/2007 02:53
PM

History: This message has been replied to and forwarded.

Hi Jay – I didn't want us to get sidetracked during the conference call. I want to make sure that we have a factual basis for "harassment." Forcibly flying [REDACTED] somewhere else is a different 1512 offense with a 10 year cap. This is the factual proffer that I drafted up earlier this afternoon, to give you an idea of what it would look like.

When I include a factual proffer in a plea agreement, I usually use prefatory language like: The parties agree that, had this case proceeded to trial, the United States would have proven the following facts beyond a reasonable doubt, and that the following facts are true and correct and are sufficient to support a plea of guilty .

<<Epstein Plea Proffer.doc>>



Assistant U.S. Attorney

500 S. Australian Ave, Suite 400

West Palm Beach, FL 33401

Phone [REDACTED]

Fax [REDACTED]

<<< Attachment 'Epstein Plea Proffer.doc' has been archived by user 'CommonStore/IT/Kirkland-Ellis' on '11/26/2007 01:11:55'. >>>

UNITED STATES vs. JEFFREY EPSTEIN
PLEA PROFFER

On August 21, 2007, FBI Special Agents E. Nesbitt [REDACTED] and [REDACTED] [REDACTED] traveled to the home of Lesley Groff to serve her with a federal grand jury subpoena in connection with an investigation pending in the Southern District of Florida. Ms. Groff works as the personal assistant of the defendant. Ms. Groff began speaking with the agents and then excused herself to go upstairs to check on [REDACTED]. While upstairs, Ms. Groff telephoned the defendant, Jeffrey Epstein, and informed him that the FBI agents were at her home. Mr. Epstein instructed Ms. Groff not to speak with the agents and reprimanded her for allowing them into her home. Mr. Epstein applied pressure to keep Ms. Groff from complying with the grand jury subpoena that the agents had served upon her. In particular, Mr. Epstein warned Ms. Groff against turning over documents and electronic evidence responsive to the subpoena and pressured her to delay her appearance before the federal grand jury in the Southern District of Florida.

This conversation occurred when Mr. Epstein was aboard his privately owned civilian aircraft in Miami in the Southern District of Florida. His pilot had filed a flight plan showing that the parties were about to return to Teterboro, New Jersey. After the conversation with Ms. Groff, Mr. Epstein became concerned that the FBI would try to serve his traveling companion, [REDACTED] with a similar grand jury subpoena. In fact, the agents were preparing to serve [REDACTED] with a target letter when the flight landed in Teterboro. Mr. Epstein then re-directed his airplane, making the pilot file a new flight plan to travel to the U.S. Virgin Islands instead of the New York City area, thereby keeping the Special Agents from serving the target letter on [REDACTED].

During the course of that flight, the defendant verbally harassed [REDACTED] harassing and pressuring her not to cooperate with the grand jury's investigation, thereby hindering and dissuading her from reporting the commission of a violation of federal law to a law enforcement officer, namely, Special Agents of the FBI.



To "Jay Lefkowitz" <[redacted]>

cc

bcc

09/19/2007 10:39 AM

Subject RE: Draft Agreements?

History

This message has been replied to.

Hi Jay – Can you send me an update on where we are? I assume that everyone will be off on Friday, so we need to have a final agreement by tomorrow so I can set up an arraignment on Monday. I will need to get the Information approved, file it with the Court, get a judge assigned, and get us on the calendar for an initial appearance and arraignment. Thank you.

My a/c isn't working, so I am sitting in a different office. You can get me at [redacted] or on my cell at [redacted]. Also, if you want me to look at BOP regs regarding the camp issue, please let me know.

[redacted]

Assistant U.S. Attorney

[redacted]



To "Jay Lefkowitz" <[redacted]>

cc

bcc

09/19/2007 11:21 AM

Subject RE: Draft Agreements?

History: This message has been replied to and forwarded.

Hi Jay - I don't know the factual basis for the alleged harassment of [redacted] because we have no independent evidence of that. So, the agents need to talk to them and then I can draft up a proposed factual proffer. I have sent an e-mail to [redacted] to determine their availability. Thanks.



Assistant U.S. Attorney





[Redacted]

To "Jay Lefkowitz" <[Redacted]>
cc
bcc

09/19/2007 11:48 AM

Subject RE: Draft Agreements?

History: This message has been forwarded.

Alright, that is pretty much what I had written yesterday. Here is my suggestion:

On August 21, 2007, FBI Special Agents [Redacted] and [Redacted] traveled to the home of Lesley Groff to serve her with a federal grand jury subpoena in connection with an investigation pending in the Southern District of Florida. Ms. Groff works as the personal assistant of the defendant. Ms. Groff began speaking with the agents and then excused herself to go upstairs to check on her sleeping child. While upstairs, Ms. Groff telephoned the defendant, Jeffrey Epstein, and informed him that the FBI agents were at her home.

This conversation occurred when Mr. Epstein was aboard his privately owned civilian aircraft in Miami in the Southern District of Florida. His pilot had filed a flight plan showing that the parties were about to return to Teterboro, New Jersey. After the conversation with Ms. Groff, Mr. Epstein became concerned that the FBI would try to serve his traveling companions, [Redacted] and [Redacted] with similar grand jury subpoenas. In fact, the agents were preparing to serve Ms. [Redacted] and Ms. [Redacted] with target letters when the flight landed in Teterboro. Mr. Epstein then re-directed his airplane, making the pilot file a new flight plan to travel to the U.S. Virgin Islands instead of the New York City area, thereby keeping the Special Agents from serving the target letters on Ms. [Redacted] and Ms. [Redacted]. During the course of that flight, the defendant verbally harassed both Ms. [Redacted] and Ms. [Redacted] harassing and pressuring them not to cooperate with the grand jury's investigation, thereby hindering and dissuading them from reporting the commission of a violation of federal law to law enforcement officers, namely, Special Agents of the FBI.

[Redacted]
Assistant U.S. Attorney
[Redacted]

[Redacted]

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[Redacted]

To "Jay Lefkowitz" <[Redacted]>
cc
bcc

09/19/2007 12:14 PM

Subject RE: Meeting

History: This message has been replied to

Judge Johnson has duty next week.

Jay - I hate to have to be firm about this, but we need to wrap this up by Monday. I will not miss my indictment date when this has dragged on for several weeks already and then, if things fall apart, be left in a less advantageous position than before the negotiations. I have had an 82-page pros memo and 53-page indictment sitting on the shelf since May to engage in these negotiations. There has to be an ending date, and that date is Monday.

[Redacted]
Assistant U.S. Attorney
[Redacted]

[Redacted]
[Redacted]
S [Redacted]

[Redacted]
[Redacted]

----- Original Message -----

From: [Redacted]
Sent: 09/19/2007 11:51 AM AST
To: Jay Lefkowitz
Subject: Meeting

[Redacted] is available Monday morning. Our most flexible West Palm Beach magistrate is on duty on Monday, so, assuming we have signed documents by 1:30 or so, we should be able to get Mr. Epstein arraigned on Monday. I doubt that we will be able to get everything finished up here, get down to Miami, and try to find a Miami mag by close of business on Monday.

[Redacted]

Assistant U.S. Attorney



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09/19/2007 01:29 PM

To "Jay Lefkowitz" <

cc

bcc

Subject Meeting on Monday

Hi Jay – We can start as early as you like on Monday.  will join us at 10:00. We can meet here in our offices so I can make any necessary changes and get us over to the courthouse.



Assistant U.S. Attorney





To "Jay Lefkowitz" <[redacted]>

cc [redacted]

bcc

09/20/2007 03:52 PM

Subject Final version of Plea Agreement -- EPSTEIN

History:

This message has been replied to and forwarded.

Hi Jay – I have attached the plea agreement as approved by the U.S. Attorney and the proposed information. If your client is going to accept the agreement, please let me know by noon tomorrow, so that I can file the Information, get a judicial assignment, and arrange an arraignment and change of plea for Monday. We also will need to set a time for the agents to interview Ms. [redacted] and Ms. [redacted] to finalize a factual proffer.

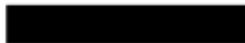
Following the plea, Mr. Epstein will have at least 70 days before sentencing plus the time to self-surrender in order to get his affairs in order, including entering his guilty pleas to the state charges.

[redacted] mentioned that your client is considering returning to our original offer of just a state plea. If that is the case, the non-prosecution agreement that was provided to you last week will control. Again, we will need to receive a signed version by tomorrow if that is Mr. Epstein's decision.

You can reach me on my cell phone at [redacted]. Thank you.

<<070920 3.45 pm Plea Agreement 1512 counts.wpd>>

<<070919 Information charging 1512.wpd>>



Assistant U.S. Attorney

500 S. Australian Ave, Suite 400

West Palm Beach, FL 33401

Phone [redacted]

Fax [redacted]

<<< Attachment '070920 3.45 pm Plea Agreement 1512 counts.wpd'

has been archived by user 'CommonStore/IT/Kirkland-Ellis' on
'11/26/2007 01:16:02'. >>>
<<< Attachment '070919 Information charging 1512.wpd' has been
archived by user 'CommonStore/IT/Kirkland-Ellis' on '11/26/2007
01:16:03'. >>>

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. _____

UNITED STATES OF AMERICA

vs.

JEFFREY EPSTEIN,

Defendant.

PLEA AGREEMENT

The United States Attorney for the Southern District of Florida ("the United States"), and Jeffrey Epstein (hereinafter referred to as the "defendant") enter into the following agreement:

1. The defendant agrees to plead guilty to a two-count Information which charges that the defendant intentionally harassed two other persons, that is, [REDACTED] and [REDACTED] in an attempt to delay, prevent, and dissuade those persons from reporting to a law enforcement officer of the United States the commission of a federal offense; in violation of Title 18, United States Code, Sections 1512(d)(2) and 2.

2. The defendant agrees and understands that the above charges involve his conduct, and the criminal conduct of others, between in and around early 2001 through in and around September 2007. This agreement resolves the federal criminal liability of the defendant and any co-conspirators in the Southern District of Florida growing out of any criminal conduct by those persons known to the United States Attorney's Office for the Southern District of Florida as of the date of this plea agreement.

3. The United States agrees that, upon entry of the defendant's guilty plea, its Grand Jury investigation will be suspended, and all pending litigation between the parties will be held in abeyance unless and until the defendant violates any term of this agreement, as explained in paragraph 18, *infra*. Both parties agree to maintain their evidence inviolate until all of the terms of this agreement have been satisfied.

4. The defendant is aware that the sentence will be imposed by the Court after considering the Federal Sentencing Guidelines and Policy Statements (hereinafter "Sentencing Guidelines"). The defendant acknowledges and understands that the Court will compute an advisory sentence under the Sentencing Guidelines and that the applicable guidelines will be determined by the Court relying in part on the results of a Pre-Sentence Investigation by the Court's probation office, which investigation will commence after the guilty plea has been entered. The defendant is also aware that, under certain circumstances, the Court may depart from the advisory sentencing guideline range that it has computed, and may raise or lower that advisory sentence under the Sentencing Guidelines. The defendant is further aware and understands that the Court is required to consider the advisory guideline range determined under the Sentencing Guidelines, but is not bound to impose that sentence; the Court is permitted to tailor the ultimate sentence in light of other statutory concerns, and such sentence may be either more severe or less severe than the Sentencing Guidelines' advisory sentence. Knowing these facts, the defendant understands and acknowledges that the Court has the authority to impose any sentence within and up to the statutory maximum authorized by law for the offenses identified in paragraph 1 and that the defendant may not withdraw the plea solely as a result of the sentence imposed.

5. The defendant further understands and acknowledges that, as to each of Counts 1 and 2 of the Information, the Court may impose a statutory maximum term of imprisonment of up to one (1) year, to be followed by a term of supervised release of up

to a maximum of one (1) year. In addition to terms of imprisonment and supervised release, the Court may impose a fine of up to \$100,000 as to each count.

6. The defendant further understands and acknowledges that, in addition to any sentence imposed under paragraph 4 of this Agreement, a special assessment in the amount of \$50 will be imposed on the defendant, which must be paid at or before the time of sentencing.

7. The defendant understands that the Court will order that he must pay full restitution to all victims of the offenseS to which he is pleading guilty. The defendant understands that the amount of restitution owed to each victim will be determined at or before sentencing.

8. The parties agree to jointly recommend that the defendant receive a sentence of eighteen (18) months' imprisonment, to be followed by one (1) year of supervised release, and a fine of \$200,000. The parties' further agree to jointly recommend that the Court impose one year of home confinement as a special condition of supervised release.

9. The defendant agrees that, if any of the victims identified in the federal investigation file suit pursuant to 18 U.S.C. § 2255, the defendant will not contest the jurisdiction of the U.S. District Court for the Southern District of Florida over his person and/or the subject matter, and the defendant will not contest that the identified victims are persons who, while minors, were victims of violations of Title 18, United States Code, Sections(s) 2422 and/or 2423. The United States agrees to provide the defendant's attorneys with a list of the identified victims, which will not exceed forty, after the defendant has signed this agreement and has been sentenced. The United States further agrees to make a motion with the United States District Court for the Southern District of Florida for the appointment of a guardian ad litem for the identified victims and the defendant's counsel may contact the identified victims through that guardian.

10. The United States has reached this agreement with the defendant in response to the defendant's request to globally resolve his state and federal criminal liability. To do so, the defendant further understands and acknowledges that he must undertake certain actions with the State Attorney's Office for the 15th Judicial Circuit in and for Palm Beach County (hereinafter, "State Attorney's Office").

11. In addition to entering a guilty plea in the instant case, the defendant agrees that, prior to his sentencing on the federal charges, he will plead guilty to an Information filed by the State Attorney's Office charging an offense for which the defendant must register as a sex offender, that is, solicitation of minors to engage in prostitution, in violation of Fl. Stat. 796.03. The defendant agrees that he will waive all challenges to the Information filed by the State Attorney's Office and waive the right to appeal his conviction and sentence in the state court.

12. The defendant agrees that he will make a binding recommendation that the 15th Judicial Circuit Court impose a sentence of at least eighteen (18) months' imprisonment to be followed by at least twelve (12) months of community control/home confinement to be served upon the defendant's release from federal prison. The defendant further represents that he has had discussions with the State Attorney's Office, which has agreed to likewise make this recommendation. The sentences imposed by the 15th Judicial Circuit Court may run concurrently with the federal sentence imposed pursuant to this agreement.

13. The defendant agrees to provide to the U.S. Attorney's Office copies of all proposed agreements with the State Attorney's Office prior to entering into those agreements.

14. The defendant agrees that the timely completion of these actions is material to this agreement and is supported by independent consideration and that a breach of any one of these conditions allows the United States to elect to terminate the agreement and to

investigate and prosecute the defendant for any and all federal offenses.

15. The United States reserves the right to inform the Court and the probation office of all facts pertinent to the sentencing process, including all relevant information concerning the offenses committed, whether charged or not, as well as concerning the defendant and the defendant's background, and to respond to any questions from the Court and the Probation Office and to any misstatements of fact or law. Subject only to the express terms of any agreed-upon sentencing recommendations contained in this Agreement, this Office further reserves the right to make any recommendation as to the quality and quantity of punishment.

16. The defendant is aware that the sentence has not yet been determined by the Court. The defendant also is aware that any estimate of the probable sentencing range or sentence that the defendant may receive, whether that estimate comes from the defendant's attorney, the government, or the probation office, is a prediction, not a promise, and is not binding on the government, the probation office or the Court. The defendant understands further that any recommendation that the government makes to the Court as to sentencing, whether pursuant to this agreement or otherwise, is not binding on the Court and the Court may disregard the recommendation in its entirety. The defendant understands and acknowledges, as previously acknowledged in paragraph 4 above, that the defendant may not withdraw his plea based upon the Court's decision not to accept a sentencing recommendation made by the defendant, the government, or a recommendation made jointly by both the defendant and the government.

17. WAIVER OF RIGHT TO APPEAL AND COLLATERALLY ATTACK THE SENTENCE. The defendant is aware that Title 18, United States Code, Section 3742 affords the defendant the right to appeal the sentence imposed in this case. Acknowledging this, in exchange for the undertakings made by the United States in this

plea agreement, the defendant hereby waives all rights conferred by Section 3742 to appeal any sentence imposed, including any restitution order, or to appeal the manner in which the sentence was imposed, unless the sentence exceeds the maximum permitted by statute. The defendant further voluntarily and expressly waives, to the maximum extent permitted by federal law, the right to collaterally attack his sentence in any post-conviction proceeding, including a motion on any ground brought under 28 U.S.C. § 2254, 28 U.S.C. § 2255, 18 U.S.C. § 3572, or 18 U.S.C. § 3771. The defendant further understands that nothing in this agreement shall affect the government's right and/or duty to appeal as set forth in Title 18, United States Code, Section 3742(b). However, if the United States appeals the defendant's sentence pursuant to Section 3742(b), the defendant shall be released from the above waiver of appellate rights. By signing this agreement, the defendant acknowledges that he has discussed the appeal waiver set forth in this agreement with his attorney.

18. If the defendant fails in any way to fulfill each one of his obligations under this Plea Agreement, the United States, and only the United States, may elect to be released from its commitments under this Plea Agreement. If the United States elects to void the Plea Agreement because of a breach by the defendant, then the United States agrees not to use the defendant's guilty plea against him. However, the United States may prosecute the defendant for any and all Federal crimes that he has committed related to this case and may seek any sentence for such crimes up to and including the statutory maximums. The defendant expressly waives any statute of limitations defense and any constitutional or statutory speedy trial defense to such a prosecution, except to the extent that such a defense exists as of the date he signs this Plea Agreement. Finally, the defendant understands that his violation of the terms of this Plea Agreement would not entitle him to withdraw his guilty plea.

19. This is the entire agreement and understanding between the United States

and the defendant. There are no other agreements, promises, representations, or understandings.

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

Date: _____

By: _____


ASSISTANT UNITED STATES ATTORNEY

Date: _____

By: _____

JEFFREY EPSTEIN, DEFENDANT

Date: _____

By: _____

ROY BLACK, ESQ.
ATTORNEY FOR DEFENDANT

Date: _____

By: _____

GERALD LEFCOURT, ESQ.
COUNSEL TO DEFENDANT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. _____
18 U.S.C. § 1512(d)(2)

UNITED STATES OF AMERICA

vs.

JEFFREY EPSTEIN,

Defendant.

INFORMATION

The United States Attorney charges that:

COUNT 1

On or about August 21, 2007, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

JEFFREY EPSTEIN,

did intentionally harass another person, that is [REDACTED], in an attempt to delay, prevent, and dissuade [REDACTED] from reporting to a law enforcement officer of the United States the commission of a federal offense; in violation of Title 18, United States Code, Sections 1512(d)(2) and 2.

COUNT 2

On or about August 21, 2007, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

JEFFREY EPSTEIN,

did intentionally harass another person, that is, [REDACTED] in an attempt to delay, prevent, and dissuade [REDACTED] from reporting to a law enforcement officer of the United States the commission of a federal offense; in violation of Title 18, United States Code, Sections 1512(d)(2) and 2.

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

[REDACTED]
ASSISTANT UNITED STATES ATTORNEY



To "Jay Lefkowitz" <[redacted]>
cc
bcc

09/20/2007 03:58 PM

Subject Epstein plea agreement

History: This message has been replied to.

Jay – there was one spacing problem with the last version. Here is the final. We have added Roy Black's name to a signature line so that a Florida attorney signs it and we don't have to worry about Pro Hac Vice motions. If you would prefer Jack Goldberger's name, please let me know.

<<070920 3.45 pm Plea Agreement 1512 counts.wpd>>



Assistant U.S. Attorney

500 S. Australian Ave, Suite 400

West Palm Beach, FL 33401

Phone [redacted]

Fax [redacted]

<<< Attachment '070920 3.45 pm Plea Agreement 1512 counts.wpd' has been archived by user 'CommonStore/IT/Kirkland-Ellis' on '11/26/2007 01:16:07'. >>>

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. _____

UNITED STATES OF AMERICA

vs.

JEFFREY EPSTEIN,

Defendant.

PLEA AGREEMENT

The United States Attorney for the Southern District of Florida ("the United States"), and Jeffrey Epstein (hereinafter referred to as the "defendant") enter into the following agreement:

1. The defendant agrees to plead guilty to a two-count Information which charges that the defendant intentionally harassed two other persons, that is [REDACTED] and [REDACTED] in an attempt to delay, prevent, and dissuade those persons from reporting to a law enforcement officer of the United States the commission of a federal offense; in violation of Title 18, United States Code, Sections 1512(d)(2) and 2.

2. The defendant agrees and understands that the above charges involve his conduct, and the criminal conduct of others, between in and around early 2001 through in and around September 2007. This agreement resolves the federal criminal liability of the defendant and any co-conspirators in the Southern District of Florida growing out of any criminal conduct by those persons known to the United States Attorney's Office for the Southern District of Florida as of the date of this plea agreement.

3. The United States agrees that, upon entry of the defendant's guilty plea, its Grand Jury investigation will be suspended, and all pending litigation between the parties will be held in abeyance unless and until the defendant violates any term of this agreement, as explained in paragraph 18, *infra*. Both parties agree to maintain their evidence inviolate until all of the terms of this agreement have been satisfied.

4. The defendant is aware that the sentence will be imposed by the Court after considering the Federal Sentencing Guidelines and Policy Statements (hereinafter "Sentencing Guidelines"). The defendant acknowledges and understands that the Court will compute an advisory sentence under the Sentencing Guidelines and that the applicable guidelines will be determined by the Court relying in part on the results of a Pre-Sentence Investigation by the Court's probation office, which investigation will commence after the guilty plea has been entered. The defendant is also aware that, under certain circumstances, the Court may depart from the advisory sentencing guideline range that it has computed, and may raise or lower that advisory sentence under the Sentencing Guidelines. The defendant is further aware and understands that the Court is required to consider the advisory guideline range determined under the Sentencing Guidelines, but is not bound to impose that sentence; the Court is permitted to tailor the ultimate sentence in light of other statutory concerns, and such sentence may be either more severe or less severe than the Sentencing Guidelines' advisory sentence. Knowing these facts, the defendant understands and acknowledges that the Court has the authority to impose any sentence within and up to the statutory maximum authorized by law for the offenses identified in paragraph 1 and that the defendant may not withdraw the plea solely as a result of the sentence imposed.

5. The defendant further understands and acknowledges that, as to each of Counts 1 and 2 of the Information, the Court may impose a statutory maximum term of imprisonment of up to one (1) year, to be followed by a term of supervised release of up

to a maximum of one (1) year. In addition to terms of imprisonment and supervised release, the Court may impose a fine of up to \$100,000 as to each count.

6. The defendant further understands and acknowledges that, in addition to any sentence imposed under paragraph 4 of this Agreement, a special assessment in the amount of \$50 will be imposed on the defendant, which must be paid at or before the time of sentencing.

7. The defendant understands that the Court will order that he must pay full restitution to all victims of the offenseS to which he is pleading guilty. The defendant understands that the amount of restitution owed to each victim will be determined at or before sentencing.

8. The parties agree to jointly recommend that the defendant receive a sentence of eighteen (18) months' imprisonment, to be followed by one (1) year of supervised release, and a fine of \$200,000. The parties' further agree to jointly recommend that the Court impose one year of home confinement as a special condition of supervised release.

9. The defendant agrees that, if any of the victims identified in the federal investigation file suit pursuant to 18 U.S.C. § 2255, the defendant will not contest the jurisdiction of the U.S. District Court for the Southern District of Florida over his person and/or the subject matter, and the defendant will not contest that the identified victims are persons who, while minors, were victims of violations of Title 18, United States Code, Sections(s) 2422 and/or 2423. The United States agrees to provide the defendant's attorneys with a list of the identified victims, which will not exceed forty, after the defendant has signed this agreement and has been sentenced. The United States further agrees to make a motion with the United States District Court for the Southern District of Florida for the appointment of a guardian ad litem for the identified victims and the defendant's counsel may contact the identified victims through that guardian.

10. The United States has reached this agreement with the defendant in response to the defendant's request to globally resolve his state and federal criminal liability. To do so, the defendant further understands and acknowledges that he must undertake certain actions with the State Attorney's Office for the 15th Judicial Circuit in and for Palm Beach County (hereinafter, "State Attorney's Office").

11. In addition to entering a guilty plea in the instant case, the defendant agrees that, prior to his sentencing on the federal charges, he will plead guilty to an Information filed by the State Attorney's Office charging an offense for which the defendant must register as a sex offender, that is, solicitation of minors to engage in prostitution, in violation of Fl. Stat. 796.03. The defendant agrees that he will waive all challenges to the Information filed by the State Attorney's Office and waive the right to appeal his conviction and sentence in the state court.

12. The defendant agrees that he will make a binding recommendation that the 15th Judicial Circuit Court impose a sentence of at least eighteen (18) months' imprisonment to be followed by at least twelve (12) months of community control/home confinement to be served upon the defendant's release from federal prison. The defendant further represents that he has had discussions with the State Attorney's Office, which has agreed to likewise make this recommendation. The sentences imposed by the 15th Judicial Circuit Court may run concurrently with the federal sentence imposed pursuant to this agreement.

13. The defendant agrees to provide to the U.S. Attorney's Office copies of all proposed agreements with the State Attorney's Office prior to entering into those agreements.

14. The defendant agrees that the timely completion of these actions is material to this agreement and is supported by independent consideration and that a breach of any one of these conditions allows the United States to elect to terminate the agreement and to

investigate and prosecute the defendant for any and all federal offenses.

15. The United States reserves the right to inform the Court and the probation office of all facts pertinent to the sentencing process, including all relevant information concerning the offenses committed, whether charged or not, as well as concerning the defendant and the defendant's background, and to respond to any questions from the Court and the Probation Office and to any misstatements of fact or law. Subject only to the express terms of any agreed-upon sentencing recommendations contained in this Agreement, this Office further reserves the right to make any recommendation as to the quality and quantity of punishment.

16. The defendant is aware that the sentence has not yet been determined by the Court. The defendant also is aware that any estimate of the probable sentencing range or sentence that the defendant may receive, whether that estimate comes from the defendant's attorney, the government, or the probation office, is a prediction, not a promise, and is not binding on the government, the probation office or the Court. The defendant understands further that any recommendation that the government makes to the Court as to sentencing, whether pursuant to this agreement or otherwise, is not binding on the Court and the Court may disregard the recommendation in its entirety. The defendant understands and acknowledges, as previously acknowledged in paragraph 4 above, that the defendant may not withdraw his plea based upon the Court's decision not to accept a sentencing recommendation made by the defendant, the government, or a recommendation made jointly by both the defendant and the government.

17. **WAIVER OF RIGHT TO APPEAL AND COLLATERALLY ATTACK THE SENTENCE.** The defendant is aware that Title 18, United States Code, Section 3742 affords the defendant the right to appeal the sentence imposed in this case. Acknowledging this, in exchange for the undertakings made by the United States in this plea agreement, the defendant hereby waives all rights conferred by Section 3742 to

appeal any sentence imposed, including any restitution order, or to appeal the manner in which the sentence was imposed, unless the sentence exceeds the maximum permitted by statute. The defendant further voluntarily and expressly waives, to the maximum extent permitted by federal law, the right to collaterally attack his sentence in any post-conviction proceeding, including a motion on any ground brought under 28 U.S.C. § 2254, 28 U.S.C. § 2255, 18 U.S.C. § 3572, or 18 U.S.C. § 3771. The defendant further understands that nothing in this agreement shall affect the government's right and/or duty to appeal as set forth in Title 18, United States Code, Section 3742(b). However, if the United States appeals the defendant's sentence pursuant to Section 3742(b), the defendant shall be released from the above waiver of appellate rights. By signing this agreement, the defendant acknowledges that he has discussed the appeal waiver set forth in this agreement with his attorney.

18. If the defendant fails in any way to fulfill each one of his obligations under this Plea Agreement, the United States, and only the United States, may elect to be released from its commitments under this Plea Agreement. If the United States elects to void the Plea Agreement because of a breach by the defendant, then the United States agrees not to use the defendant's guilty plea against him. However, the United States may prosecute the defendant for any and all Federal crimes that he has committed related to this case and may seek any sentence for such crimes up to and including the statutory maximums. The defendant expressly waives any statute of limitations defense and any constitutional or statutory speedy trial defense to such a prosecution, except to the extent that such a defense exists as of the date he signs this Plea Agreement. Finally, the defendant understands that his violation of the terms of this Plea Agreement would not entitle him to withdraw his guilty plea.

19. This is the entire agreement and understanding between the United States and the defendant. There are no other agreements, promises, representations, or

understandings.

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

Date: _____

By: _____
[REDACTED]
ASSISTANT UNITED STATES ATTORNEY

Date: _____

By: _____
JEFFREY EPSTEIN, DEFENDANT

Date: _____

By: _____
ROY BLACK, ESQ.
ATTORNEY FOR DEFENDANT

Date: _____

By: _____
GERALD LEFCOURT, ESQ.
COUNSEL TO DEFENDANT



[Redacted]

To "Jay Lefkowitz" <[Redacted]>
cc
bcc

09/20/2007 05:35 PM

Subject RE: Final version of Plea Agreement - EF

History: This message has been replied to.

Hi Jay - Try me on my cell. I will keep it with me. [Redacted]
[Redacted] Thanks.

[Redacted]
Assistant U.S. Attorney
500 S. Australian Ave, Suite 400
West Palm Beach, FL 33401
Phone [Redacted]
Fax [Redacted]

[Redacted]
[Redacted]
[Redacted]
[Redacted]

[Redacted]
[Redacted]

[Redacted]

[Redacted]

[Redacted]

To "Jay Lefkowitz" <[Redacted]>
cc [Redacted]

09/20/2007 03:52 PM

(USAFLS)
Subject Final version of Plea Agreement - EPSTEIN

Hi Jay – I have attached the plea agreement as approved by the U.S. Attorney and the proposed information. If your client is going to accept the agreement, please let me know by noon tomorrow, so that I can file the Information, get a judicial assignment, and arrange an arraignment and change of plea for Monday. We also will need to set a time for the agents to interview Mr. [REDACTED] and Ms. [REDACTED] to finalize a factual proffer.

Following the plea, Mr. Epstein will have at least 70 days before sentencing plus the time to self-surrender in order to get his affairs in order, including entering his guilty pleas to the state charges.

Andy mentioned that your client is considering returning to our original offer of just a state plea. If that is the case, the non-prosecution agreement that was provided to you last week will control. Again, we will need to receive a signed version by tomorrow if that is Mr. Epstein's decision.

You can reach me on my cell phone at [REDACTED]. Thank you.

<<070920 3.45 pm Plea Agreement 1512 counts.wpd>>

<<070919 Information charging 1512.wpd>>

[REDACTED]
Assistant U.S. Attorney

500 S. Australian Ave, Suite 400

West Palm Beach, FL 33401

Phone [REDACTED]

Fax [REDACTED]



To "Jay Lefkowitz" <[redacted]>

cc

bcc

09/20/2007 06:43 PM

Subject RE: Plea Agreement - EPSTEIN

History:

This message has been replied to and forwarded.

Jay -- The 18 and 12 has already been agreed to by our office, so that is not a problem.

On the issue about 18 USC 2255, we seem to be miles apart. Your most recent version not only had me binding the girls to a trust fund administered by the state court, but also promising that they will give up their 2255 rights.

I reviewed the e-mail that I sent you on Sunday with the comments on some of your other changes. In the context of a non-prosecution agreement, the office may be more willing to be specific about not pursuing charges against others. However, as I stated on Sunday, the Office cannot and will not bind Immigration.

Also, your timetable will need to move up significantly. As Barry said in our meeting last week, his office can put together a plea agreement, information, and get you all before the judge on a change of plea within a day.

I am headed out now, but you can get me on my cell or call me tomorrow in the office. Thank you.

[redacted]
Assistant U.S. Attorney
500 S. Australian Ave, Suite 400
West Palm Beach, FL 33401
Phone [redacted]
Fax [redacted]

[redacted]
[redacted] 09/20/2007 06:12 PM
[redacted]

Me: [redacted]
[redacted]

[REDACTED]

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[Redacted]

To "Jay Lefkowitz" <[Redacted]>
cc
bcc

09/21/2007 11:00 AM

Subject RE: Plea Agreement – EPSTEIN

History: This message has been replied to

Jay – I read it through. Can you send me a non-redlined version? It will be easier to read. I have a few questions and concerns, but not nearly as many as with your earlier draft. I need to follow up on a couple of things before I go over this with you, and, of course, paragraph 1 of the agreement terms needs to be confirmed.

Thanks.

[Redacted]
Assistant U.S. Attorney
500 S. Australian Ave, Suite 400
West Palm Beach, FL 33401
Phone [Redacted]
Fax [Redacted]

[Redacted]

[Redacted]

[Redacted]

09/20/2007 06:43 PM

To "Jay Lefkowitz"
<[Redacted]>
cc
Subject RE: Plea Agreement – EPSTEIN
t

Jay -- The 18 and 12 has already been agreed to by our office, so

The information contained in this communication is confidential, may be attorney-client privileged, may constitute inside information, and is intended only for the use of the addressee. It is the property of Kirkland & Ellis LLP or Kirkland & Ellis International LLP.
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To "Jay Lefkowitz" <[redacted]>

cc

bcc

09/21/2007 02:12 PM

Subject Revised Non-Prosecution Agreement

History: This message has been forwarded.

Hi Jay – Here is my attempt at combining our thoughts. I need to talk to the office about the immigration language before I put it in here. I know that we have not and don't plan to ask immigration to do that, but let me see if they are okay with including it in writing.

I spent about an hour with a former corporate counsel from a hospital who now works here to go over the 2255 language. I think that the attached addresses the concern about having an unlimited number of claimed victims, without me trying to bind girls whom I do not represent. This language hasn't been approved by the office yet, so consider it a draft.

These are all the same document, just in different formats.

<<070921 Epstein Non-Prosecution Agreement.wpd>> <<070921 Epstein Non-Prosecution Agreement.doc>> <<070921 Epstein Non-Prosecution Agreement.pdf>>

Thanks. If you have any immediate thoughts before you leave, please let me know.



Assistant U.S. Attorney

500 S. Australian Ave, Suite 400

West Palm Beach, FL 33401

Phone [redacted]

Fax [redacted]

<<< Attachment '070921 Epstein Non-Prosecution Agreement.wpd' has been archived by user 'CommonStore/IT/Kirkland-Ellis' on '11/26/2007 01:17:28'. >>>

<<< Attachment '070921 Epstein Non-Prosecution Agreement.doc' has been archived by user 'CommonStore/IT/Kirkland-Ellis' on '11/26/2007 01:17:28'. >>>

01:17:28'. >>>

<<< Attachment '070921 Epstein Non-Prosecution Agreement.pdf' has
been archived by user 'CommonStore/IT/Kirkland-Ellis' on '11/26/2007

01:17:29'. >>>

**IN RE:
INVESTIGATION OF
JEFFREY EPSTEIN**

NON-PROSECUTION AGREEMENT

IT APPEARING that the City of Palm Beach Police Department and the State Attorney's Office for the 15th Judicial Circuit in and for Palm Beach County (hereinafter, the "State Attorney's Office") have conducted an investigation into the conduct of Jeffrey Epstein (hereinafter "Epstein");

IT APPEARING that the State Attorney's Office has charged Epstein with three counts of solicitation of prostitution, in violation of Florida Statutes Section 796.07;

IT APPEARING that the United States Attorney's Office and the Federal Bureau of Investigation have conducted their own investigation of the offenses and Epstein's background;

IT APPEARING that Jeffrey Epstein (hereinafter "Epstein") has committed offenses against the United States from in or around 2001 through in or around October 2005, including:

- (1) knowingly and willfully conspiring with others known and unknown to commit an offense against the United States, that is, to use a facility or means of interstate or foreign commerce to knowingly persuade, induce, or entice minor females to engage in prostitution, in violation of Title 18, United States Code, Section 2422(b); all in violation of Title 18, United States Code, Section 371;
- (2) knowingly and willfully conspiring with others known and unknown to travel in interstate commerce for the purpose of engaging in illicit sexual conduct, as defined in 18 U.S.C. § 2423(f), with minor females, in violation of Title 18, United States Code, Section 2423(b); all in violation of Title 18, United States Code, Section 2423(e);
- (3) using a facility or means of interstate or foreign commerce to knowingly persuade, induce, or entice minor females to engage in prostitution; in violation of Title 18, United States Code, Sections 2422(b) and 2;
- (4) traveling in interstate commerce for the purpose of engaging in illicit sexual conduct, as defined in 18 U.S.C. § 2423(f), with minor females; in violation of Title 18, United States Code, Section 2423(b); and
- (5) knowingly, in and affecting interstate and foreign commerce, recruiting, enticing,

and obtaining by any means a person, knowing that the person had not attained the age of 18 years and would be caused to engage in a commercial sex act as defined in 18 U.S.C. § 1591(c)(1); in violation of Title 18, United States Code, Sections 1591(a)(1) and 2; and

IT APPEARING that Epstein has accepted responsibility for his behavior by his signature on this Agreement; and

IT APPEARING, after an investigation of the offenses and Epstein's background, that the interest of the United States pursuant to the *Petite* policy will be served by the following procedure;

THEREFORE, on the authority of R. Alexander Acosta, United States Attorney for the Southern District of Florida, prosecution in this District for these offenses shall be deferred in favor of prosecution by the State of Florida, provided that Epstein abides by the following conditions and the requirements of this Agreement set forth below.

If the United States Attorney should determine that Epstein has violated any of the conditions of this Agreement, then the United States Attorney may at any time initiate prosecution against Epstein for any offense. In this case, the United States Attorney will furnish Epstein with notice specifying the condition(s) of the Agreement that he has violated.

After timely fulfilling all the terms and conditions of the Agreement, no prosecution for the offenses set out on pages 1 and 2 of this Agreement, nor any other offenses that have been the subject of the joint investigation by the Federal Bureau of Investigation and the United States Attorney's Office will be instituted in this District, and the charges against Epstein if any, will be dismissed.

Terms of the Agreement:

1. Epstein shall plead guilty (not nolo contendere) to an Information filed by the State Attorney's Office charging Epstein with an offense that requires him to register as a sex offender, that is, the solicitation of minors to engage in prostitution, in violation of Florida Statutes Section 796.03;
2. Epstein and the State Attorney's Office shall make a joint, binding recommendation that the Court impose a thirty (30) month sentence to be divided as follows:
 - (a) Epstein shall begin by serving at least eighteen (18) months in county jail for all charges, without any opportunity for withholding adjudication or sentencing, and without probation or community control in lieu of imprisonment; and

- (b) following the term of imprisonment, Epstein shall serve twelve (12) months of community control.
3. Epstein shall waive all challenges to the Information filed by the State Attorney's Office and shall waive the right to appeal his conviction and sentence.
 4. Epstein shall provide to the U.S. Attorney's Office copies of all proposed agreements with the State Attorney's Office prior to entering into those agreements.
 5. The United States shall provide Epstein's attorneys with a list of individuals whom it has identified as victims, as defined in 18 U.S.C. § 2255, after Epstein has signed this agreement and been sentenced. Upon the execution of this agreement, the United States will file a motion with the United States District Court for the Southern District of Florida for the appointment of a guardian ad litem for these persons. Epstein's counsel may contact the identified individuals through that guardian.
 6. If any of the individuals referred to in paragraph (5), *supra*, elect to file suit pursuant to 18 U.S.C. § 2255, Epstein will not contest the jurisdiction of the United States District Court for the Southern District of Florida over his person and/or the subject matter, and Epstein waives his right to contest liability and also waives his right to contest damages up to an amount as agreed to between the identified victim and Epstein. Epstein's signature on this agreement is not to be construed as an admission of civil or criminal liability as to any person whose name does not appear on the list provided by the United States. As to those individuals whose names appear on the list provided by the United States, Epstein's signature on this agreement likewise is not to be construed as an admission of any civil liability other than that contained in 18 U.S.C. § 2255.
 7. Epstein shall enter his guilty plea and be sentenced not later than October 19, 2007, and shall self-report to begin serving his sentence not later than December 1, 2007.
 8. With credit for gain time, Epstein shall serve at least 450 days in the county jail.

Epstein understands that the United States Attorney has no authority to require the State Attorney's Office to abide by any terms of this agreement. Epstein understands that it is his obligation to undertake discussion with the State Attorney's Office to ensure compliance with these procedures, which compliance will be necessary to satisfy the United States' interest, pursuant to the *Petite* policy.

In consideration of Epstein's agreement to plead guilty and to provide compensation to victims, if Epstein successfully fulfills all of the terms and conditions of this agreement, the United States also agrees that it will not institute any criminal charges against any potential co-conspirator of Epstein, including [REDACTED] or [REDACTED]

[REDACTED] Further, upon execution of this agreement and a plea agreement with the State Attorney's Office, the federal Grand Jury investigation will be suspended, and all pending federal Grand Jury subpoenas will be held in abeyance unless and until the defendant violates any term of this agreement. The defendant likewise agrees to withdraw his pending motion to intervene and to quash certain grand jury subpoenas. Both parties agree to maintain their evidence, including certain computer equipment, inviolate until all of the terms of this agreement have been satisfied.

By signing this agreement, Epstein asserts and certifies that each of these terms is material to this agreement and is supported by independent consideration and that a breach of any one of these conditions allows the United States to elect to terminate the agreement and to investigate and prosecute Epstein and any other individual or entity for any and all federal offenses.

By signing this agreement, Epstein asserts and certifies that he is aware of the fact that the Sixth Amendment to the Constitution of the United States provides that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial. Epstein further is aware that Rule 48(b) of the Federal Rules of Criminal Procedure provides that the Court may dismiss an indictment, information, or complaint for unnecessary delay in presenting a charge to the Grand Jury, filing an information, or in bringing a defendant to trial. Epstein hereby requests that the United States Attorney for the Southern District of Florida defer such prosecution. Epstein agrees and consents that any delay from the date of this Agreement to the date of initiation of prosecution, as provided for in the terms expressed herein, shall be deemed to be a necessary delay at his own request, and he hereby waives any defense to such prosecution on the ground that such delay operated to deny him rights under Rule 48(b) of the Federal Rules of Criminal Procedure and the Sixth Amendment to the Constitution of the United States to a speedy trial or to bar the prosecution by reason of the running of the statute of limitations for a period of months equal to the period between the signing of this agreement and the breach of this agreement. Epstein further asserts and certifies that he understands that the Fifth Amendment and Rule 7(a) of the Federal Rules of Criminal Procedure provide that all felonies must be charged in an indictment presented to a grand jury. Epstein hereby agrees and consents that, if a prosecution against him is instituted, it may be by way of an Information signed and filed by the United States Attorney, and hereby waives his right to be indicted by a grand jury.

By signing this agreement, Epstein asserts and certifies that the above has been read and explained to him. Epstein hereby states that he understands the conditions of this Non-Prosecution Agreement and agrees to comply with them.

Dated: _____

JEFFREY EPSTEIN

Dated: _____

GERALD LEFCOURT, ESQ.
COUNSEL TO JEFFREY EPSTEIN

Dated: _____

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY



"Villafana, Ann Marie C.
(USAFLS)"
<Ann.Marie.C.Villafana@usdo
j.gov>

09/21/2007 02:45 PM

To "Jay Lefkowitz" <[REDACTED]>
cc
bcc
Subject RE: Reminder

Yes. I'm here for a while. Thanks.

[REDACTED]
Assistant U.S. Attorney
500 S. Australian Ave, Suite 400
West Palm Beach, FL 33401

Pho [REDACTED]
Fax [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

09/21/2007 02:42 PM

To "Jay Lefkowitz" <[REDACTED]>
cc
Subject Reminder
t

Hi Jay – Just a reminder. My home e-mail address is
[REDACTED]@gmail.com

Thanks.

[REDACTED]

Assistant U.S. Attorney

500 S. Australian Ave, Suite 400

West Palm Beach, FL 33401

Phone

Fax



[Redacted]

To "Jay Lefkowitz" <[Redacted]>

cc

bcc

09/21/2007 02:54 PM

Subject RE: Reminder

Hi Jay – I thought there was 5 years' probation with 18 months in jail followed by 12 months' home confinement. I only see 12 months incarceration, 12 months community control, with 6 of those months in jail, which would result in only 6 months' home confinement. Am I missing something? Thanks.

[Redacted]

Assistant U.S. Attorney
500 S. Australian Ave, Suite 400
West Palm Beach, FL 33401
Phone [Redacted]
Fax [Redacted]

From: [Redacted]
[Redacted]
[Redacted]

To: [Redacted]
cc: [Redacted]
[Redacted]

[Redacted]

09/21/2007 02:42 PM

To "Jay Lefkowitz" <[Redacted]>

cc

Subject: Reminder

t

Hi Jay – Just a reminder. My home e-mail address is [Redacted]@gmail.com

Thanks.

[REDACTED]

Assistant U.S. Attorney

500 S. Australian Ave, Suite 400

West Palm Beach, FL 33401

Phone [REDACTED]

Fax [REDACTED]



To "Jay Lefkowitz" <



cc

bcc

09/21/2007 02:55 PM

Subject: Immigration question

Hi Jay – I talked to Andy about the immigration language you wanted to include. He said absolutely not, we don't include that in any of our agreements.



Assistant U.S. Attorney

500 S. Australian Ave, Suite 400

West Palm Beach, FL 33401

Phone



Fax



153 East 53rd Street | New York, NY 10022 |

Direct | Fax |

*Admission Pending in New York

[attachment "20070923 Draft of Epstein Non-Prosecution Agreement (without Term 1) (Redlined).doc" deleted by Jay Lefkowitz/New York/Kirkland-Ellis]

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[\[REDACTED\]@gmail.com](mailto: [REDACTED]@gmail.com)

<<< Attachment '070923 Epstein Non-Prosecution Agreement.doc' has been archived by user 'CommonStore/IT/Kirkland-Ellis' on '11/26/2007 01:19:45'. >>>

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**IN RE:
INVESTIGATION OF
JEFFREY EPSTEIN**

NON-PROSECUTION AGREEMENT

IT APPEARING that the City of Palm Beach Police Department and the State Attorney's Office for the 15th Judicial Circuit in and for Palm Beach County (hereinafter, the "State Attorney's Office") have conducted an investigation into the conduct of Jeffrey Epstein (hereinafter "Epstein");

IT APPEARING that the State Attorney's Office has charged Epstein by indictment with solicitation of prostitution, in violation of Florida Statutes Section 796.07;

IT APPEARING that the United States Attorney's Office and the Federal Bureau of Investigation have conducted their own investigation into Epstein's background and any offenses committed by Epstein against the United States from in or around 2001 through in or around October 2005, including:

- (1) knowingly and willfully conspiring with others known and unknown to commit an offense against the United States, that is, to use a facility or means of interstate or foreign commerce to knowingly persuade, induce, or entice minor females to engage in prostitution, in violation of Title 18, United States Code, Section 2422(b); all in violation of Title 18, United States Code, Section 371;
- (2) knowingly and willfully conspiring with others known and unknown to travel in interstate commerce for the purpose of engaging in illicit sexual conduct, as defined in 18 U.S.C. § 2423(f), with minor females, in violation of Title 18, United States Code, Section 2423(b); all in violation of Title 18, United States Code, Section 2423(e);
- (3) using a facility or means of interstate or foreign commerce to knowingly persuade, induce, or entice minor females to engage in prostitution; in violation of Title 18, United States Code, Sections 2422(b) and 2;
- (4) traveling in interstate commerce for the purpose of engaging in illicit sexual

conduct, as defined in 18 U.S.C. § 2423(f), with minor females; in violation of Title 18, United States Code, Section 2423(b); and

- (5) knowingly, in and affecting interstate and foreign commerce, recruiting, enticing, and obtaining by any means a person, knowing that the person had not attained the age of 18 years and would be caused to engage in a commercial sex act as defined in 18 U.S.C. § 1591(c)(1); in violation of Title 18, United States Code, Sections 1591(a)(1) and 2; and

IT APPEARING, after an investigation of the offenses and Epstein's background, that the interest of the United States pursuant to the *Petite* policy will be served by the following procedure;

THEREFORE, on the authority of R. Alexander Acosta, United States Attorney for the Southern District of Florida, prosecution in this District for these offenses shall be deferred in favor of prosecution by the State of Florida, provided that Epstein abides by the following conditions and the requirements of this Agreement set forth below.

If the United States Attorney should determine, based on information he deems reliable, that Epstein has violated any of the conditions of this Agreement, then the United States Attorney may at any time initiate prosecution against Epstein for any offense. In this case, the United States Attorney will furnish Epstein with timely notice specifying the condition(s) of the Agreement that he has violated, and shall initiate its prosecution within sixty (60) days' of giving notice of the violation.

After timely fulfilling all the terms and conditions of the Agreement, no prosecution for the offenses set out on pages 1 and 2 of this Agreement, nor any other offenses that have been the subject of the joint investigation by the Federal Bureau of Investigation and the United States Attorney's Office, nor any offenses that were the subject of the Federal Grand Jury investigation will be instituted in this District, and the charges against Epstein if any, will be dismissed.

Terms of the Agreement:

1. Epstein shall plead guilty (not nolo contendere) to an Information filed by the State Attorney's Office charging Epstein with an offense that requires him to register as a sex offender, that is, the solicitation of minors to engage in prostitution, in violation of Florida Statutes Section 796.03;
2. Epstein and the State Attorney's Office shall make a joint, binding

recommendation that the Court impose a thirty (30) month sentence to be divided as follows:

- (a) Epstein shall begin by serving eighteen (18) months in county jail for all charges, without any opportunity for withholding adjudication or sentencing, and without probation or community control in lieu of imprisonment; and
 - (b) following the term of imprisonment, Epstein shall serve twelve (12) months of community control.
3. The terms contained in paragraph 2, *supra*, do not foreclose Epstein and the State Attorney's Office from agreeing to recommend any additional term(s) of probation and/or incarceration.
4. Epstein shall waive all challenges to the Information filed by the State Attorney's Office and shall waive the right to appeal his conviction and sentence.
5. Epstein shall provide to the U.S. Attorney's Office copies of all proposed agreements with the State Attorney's Office prior to entering into those agreements.
6. The United States shall provide Epstein's attorneys with a list of individuals whom it has identified as victims, as defined in 18 U.S.C. § 2255, after Epstein has signed this agreement and been sentenced. Upon the execution of this agreement, the United States will file a motion with the United States District Court for the Southern District of Florida for the appointment of a guardian ad litem for these persons. Epstein's counsel may contact the identified individuals through that guardian.
7. If any of the individuals referred to in paragraph (6), *supra*, elects to file suit pursuant to 18 U.S.C. § 2255, Epstein will not contest the jurisdiction of the United States District Court for the Southern District of Florida over his person and/or the subject matter, and Epstein waives his right to contest liability and also waives his right to contest damages up to an amount as agreed to between the identified victim and Epstein. Notwithstanding this waiver, as to those individuals whose names appear on the list provided by the United States, Epstein's signature on this agreement is not to be

construed as an admission of any criminal or civil liability other than that contained in 18 U.S.C. § 2255.

8. Epstein's signature on this agreement also is not to be construed as an admission of civil or criminal liability or a waiver of any jurisdictional or other defense as to any person whose name does not appear on the list provided by the United States.
9. Epstein shall enter his guilty plea and be sentenced not later than October 19, 2007, and shall self-report to begin serving his sentence not later than December 10, 2007.
10. Epstein agrees that he will not be afforded any benefits with respect to gain time, other than the rights, opportunities, and benefits as any other inmate, including but not limited to, eligibility for gain time credit based on standard rules and regulations that apply in the State of Florida. At the United States' request, Epstein agrees to provide an account of the gain time he earned during his period of incarceration.

Epstein understands that the United States Attorney has no authority to require the State Attorney's Office to abide by any terms of this agreement. Epstein understands that it is his obligation to undertake discussion with the State Attorney's Office to ensure compliance with these procedures, which compliance will be necessary to satisfy the United States' interest, pursuant to the *Petite* policy.

In consideration of Epstein's agreement to plead guilty and to provide compensation in the manner described above, if Epstein successfully fulfills all of the terms and conditions of this agreement, the United States also agrees that it will not institute any criminal charges against any potential co-conspirator of Epstein, including but not limited to [REDACTED]. Further, upon execution of this agreement and a plea agreement with the State Attorney's Office, the federal Grand Jury investigation will be suspended, and all pending federal Grand Jury subpoenas will be held in abeyance unless and until the defendant violates any term of this agreement. The defendant likewise agrees to withdraw his pending motion to intervene and to quash certain grand jury subpoenas. Both parties agree to maintain their evidence, including certain computer equipment, inviolate until all of the terms of this agreement have been satisfied. Upon the successful completion of the terms of this agreement, all outstanding grand jury subpoenas shall be deemed withdrawn.

By signing this agreement, Epstein asserts and certifies that each of these terms is material to this agreement and is supported by independent consideration and that a

breach of any one of these conditions allows the United States to elect to terminate the agreement and to investigate and prosecute Epstein and any other individual or entity for any and all federal offenses.

By signing this agreement, Epstein asserts and certifies that he is aware of the fact that the Sixth Amendment to the Constitution of the United States provides that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial. Epstein further is aware that Rule 48(b) of the Federal Rules of Criminal Procedure provides that the Court may dismiss an indictment, information, or complaint for unnecessary delay in presenting a charge to the Grand Jury, filing an information, or in bringing a defendant to trial. Epstein hereby requests that the United States Attorney for the Southern District of Florida defer such prosecution. Epstein agrees and consents that any delay from the date of this Agreement to the date of initiation of prosecution, as provided for in the terms expressed herein, shall be deemed to be a necessary delay at his own request, and he hereby waives any defense to such prosecution on the ground that such delay operated to deny him rights under Rule 48(b) of the Federal Rules of Criminal Procedure and the Sixth Amendment to the Constitution of the United States to a speedy trial or to bar the prosecution by reason of the running of the statute of limitations for a period of months equal to the period between the signing of this agreement and the breach of this agreement as to those offenses that were the subject of the grand jury's investigation. Epstein further asserts and certifies that he understands that the Fifth Amendment and Rule 7(a) of the Federal Rules of Criminal Procedure provide that all felonies must be charged in an indictment presented to a grand jury. Epstein hereby agrees and consents that, if a prosecution against him is instituted for any offense that was the subject of the grand jury's investigation, it may be by way of an Information signed and filed by the United States Attorney, and hereby waives his right to be indicted by a grand jury.

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By signing this agreement, Epstein asserts and certifies that the above has been read and explained to him. Epstein hereby states that he understands the conditions of this Non-Prosecution Agreement and agrees to comply with them.

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

Dated: _____

By: _____
ASSISTANT U.S. ATTORNEY

Dated: _____

JEFFREY EPSTEIN

Dated: _____

GERALD LEFCOURT, ESQ.
COUNSEL TO JEFFREY EPSTEIN

Dated: _____

JACK GOLDBERGER, ESQ.
ATTORNEY FOR JEFFREY EPSTEIN



To <[redacted]>
cc
bcc

09/23/2007 06:52 PM

Subject Revised agreement

History: This message has been replied to and forwarded.

Hi Jay- Can you look at this? Especially paragraph 7. I think this covers the exclusive remedy concern you had.

<<070923 Epstein Non-Prosecution Agreement final.pdf>>

<<< Attachment '070923 Epstein Non-Prosecution Agreement final.pdf' has been archived by user 'CommonStore/IT/Kirkland-Ellis' on '11/26/2007 01:19:58'. >>>

**IN RE:
INVESTIGATION OF
JEFFREY EPSTEIN**

NON-PROSECUTION AGREEMENT

IT APPEARING that the City of Palm Beach Police Department and the State Attorney's Office for the 15th Judicial Circuit in and for Palm Beach County (hereinafter, the "State Attorney's Office") have conducted an investigation into the conduct of Jeffrey Epstein (hereinafter "Epstein");

IT APPEARING that the State Attorney's Office has charged Epstein by indictment with solicitation of prostitution, in violation of Florida Statutes Section 796.07;

IT APPEARING that the United States Attorney's Office and the Federal Bureau of Investigation have conducted their own investigation into Epstein's background and any offenses that may have been committed by Epstein against the United States from in or around 2001 through in or around September 2007, including:

- (1) knowingly and willfully conspiring with others known and unknown to commit an offense against the United States, that is, to use a facility or means of interstate or foreign commerce to knowingly persuade, induce, or entice minor females to engage in prostitution, in violation of Title 18, United States Code, Section 2422(b); all in violation of Title 18, United States Code, Section 371;
- (2) knowingly and willfully conspiring with others known and unknown to travel in interstate commerce for the purpose of engaging in illicit sexual conduct, as defined in 18 U.S.C. § 2423(f), with minor females, in violation of Title 18, United States Code, Section 2423(b); all in violation of Title 18, United States Code, Section 2423(e);
- (3) using a facility or means of interstate or foreign commerce to knowingly persuade, induce, or entice minor females to engage in prostitution; in violation of Title 18, United States Code, Sections 2422(b) and 2;
- (4) traveling in interstate commerce for the purpose of engaging in illicit sexual conduct, as defined in 18 U.S.C. § 2423(f), with minor females; in violation

of Title 18, United States Code, Section 2423(b); and

- (5) knowingly, in and affecting interstate and foreign commerce, recruiting, enticing, and obtaining by any means a person, knowing that the person had not attained the age of 18 years and would be caused to engage in a commercial sex act as defined in 18 U.S.C. § 1591(c)(1); in violation of Title 18, United States Code, Sections 1591(a)(1) and 2; and

IT APPEARING, after an investigation of the offenses and Epstein's background, that the interest of the United States pursuant to the *Petite* policy will be served by the following procedure;

THEREFORE, on the authority of R. Alexander Acosta, United States Attorney for the Southern District of Florida, prosecution in this District for these offenses shall be deferred in favor of prosecution by the State of Florida, provided that Epstein abides by the following conditions and the requirements of this Agreement set forth below.

If the United States Attorney should determine, based on reliable evidence, that Epstein has willfully violated any of the conditions of this Agreement, then the United States Attorney may at any time initiate prosecution against Epstein for any offense. In this case, the United States Attorney will furnish Epstein with timely notice specifying the condition(s) of the Agreement that he has violated, and shall initiate its prosecution within sixty (60) days' of giving notice of the violation.

After timely fulfilling all the terms and conditions of the Agreement, no prosecution for the offenses set out on pages 1 and 2 of this Agreement, nor any other offenses that have been the subject of the joint investigation by the Federal Bureau of Investigation and the United States Attorney's Office, nor any offenses that were the subject of the Federal Grand Jury investigation will be instituted in this District, and the charges against Epstein if any, will be dismissed.

Terms of the Agreement:

1. Epstein shall plead guilty (not nolo contendere) to an Information filed by the State Attorney's Office charging Epstein with an offense that requires him to register as a sex offender, that is, the solicitation of minors to engage in prostitution, in violation of Florida Statutes Section 796.03;
2. Epstein and the State Attorney's Office shall make a joint, binding recommendation that the Court impose a thirty (30) month sentence to

be divided as follows:

- (a) Epstein shall begin by serving eighteen (18) months in county jail for all charges, without any opportunity for withholding adjudication or sentencing, and without probation or community control in lieu of imprisonment; and
 - (b) following the term of imprisonment, Epstein shall serve twelve (12) months of community control.
3. The terms contained in paragraphs 1 and 2, *supra*, do not foreclose Epstein and the State Attorney's Office from agreeing to plead to any additional charge(s) or from recommending any additional term(s) of probation and/or incarceration.
4. Epstein shall waive all challenges to the Information filed by the State Attorney's Office and shall waive the right to appeal his conviction and sentence.
5. Epstein shall provide to the U.S. Attorney's Office copies of all proposed agreements with the State Attorney's Office prior to entering into those agreements.
6. The United States shall provide Epstein's attorneys with a list of individuals whom it has identified as victims, as defined in 18 U.S.C. § 2255, after Epstein has signed this agreement and been sentenced. Upon the execution of this agreement, the United States will file a motion with the United States District Court for the Southern District of Florida for the appointment of a guardian ad litem for these persons. Epstein's counsel may contact the identified individuals through that guardian.
7. If any of the individuals referred to in paragraph (6), *supra*, elects to file suit pursuant to 18 U.S.C. § 2255, Epstein will not contest the jurisdiction of the United States District Court for the Southern District of Florida over his person and/or the subject matter, and Epstein waives his right to contest liability and also waives his right to contest damages up to an amount as agreed to between the identified victim and Epstein, so long as the identified victim elects to proceed exclusively under 18 U.S.C. § 2255, and agrees to waive any other claim for damages, whether pursuant to state, federal, or common law. Notwithstanding

this waiver, as to those individuals whose names appear on the list provided by the United States, Epstein's signature on this agreement is not to be construed as an admission of any criminal or civil liability other than that contained in 18 U.S.C. § 2255.

8. Epstein's signature on this agreement also is not to be construed as an admission of civil or criminal liability or a waiver of any jurisdictional or other defense as to any person whose name does not appear on the list provided by the United States.
9. Epstein shall enter his guilty plea and be sentenced not later than October 26, 2007, and shall self-report to begin serving his sentence not later than January 4, 2008.
10. Epstein agrees that he will not be afforded any benefits with respect to gain time, other than the rights, opportunities, and benefits as any other inmate, including but not limited to, eligibility for gain time credit based on standard rules and regulations that apply in the State of Florida. At the United States' request, Epstein agrees to provide an account of the gain time he earned during his period of incarceration.

Epstein understands that the United States Attorney has no authority to require the State Attorney's Office to abide by any terms of this agreement. Epstein understands that it is his obligation to undertake discussion with the State Attorney's Office to ensure compliance with these procedures, which compliance will be necessary to satisfy the United States' interest, pursuant to the *Petite* policy.

In consideration of Epstein's agreement to plead guilty and to provide compensation in the manner described above, if Epstein successfully fulfills all of the terms and conditions of this agreement, the United States also agrees that it will not institute any criminal charges against any potential co-conspirator of Epstein, including but not limited to [REDACTED]

Further, upon execution of this agreement and a plea agreement with the State Attorney's Office, the federal Grand Jury investigation will be suspended, and all pending federal Grand Jury subpoenas will be held in abeyance unless and until the defendant violates any term of this agreement. The defendant likewise agrees to withdraw his pending motion to intervene and to quash certain grand jury subpoenas. Both parties agree to maintain their evidence, including certain computer equipment, inviolate until all of the terms of this agreement have been satisfied. Upon the successful completion of the terms of this agreement, all outstanding grand jury subpoenas shall be deemed withdrawn.

By signing this agreement, Epstein asserts and certifies that each of these terms is material to this agreement and is supported by independent consideration and that a breach of any one of these conditions allows the United States to elect to terminate the agreement and to investigate and prosecute Epstein and any other individual or entity for any and all federal offenses.

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R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

Dated: _____

By: _____
ASSISTANT U.S. ATTORNEY

Dated: _____

JEFFREY EPSTEIN

Dated: _____

GERALD LEFCOURT, ESQ.
COUNSEL TO JEFFREY EPSTEIN

Dated: _____

JACK GOLDBERGER, ESQ.
ATTORNEY FOR JEFFREY EPSTEIN



To "Jay Lefkowitz" <[redacted]>
cc
bcc

09/23/2007 08:04 PM

Subject RE: Revised agreement

History: This message has been replied to.

Yes. Where would you like me to call you?

[redacted]@kirkland.com
[redacted]
[redacted] agreement

[redacted]

----- Original Message -----

From: [redacted] (ISAFLS)"

Sent: 09/23/2007 06:52 PM AST

To: Jay Lefkowitz

Subject: Revised agreement

Hi Jay – Can you look at this? Especially paragraph 7. I think this covers the exclusive remedy concern you had.

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09/23/2007 08:04 PM

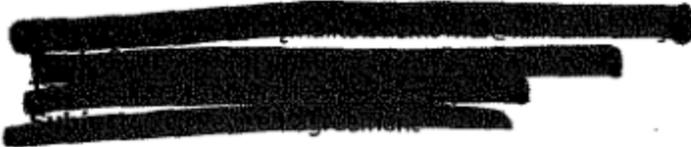
To "Jay Lefkowitz" <[redacted]>

cc

bcc

Subject RE: Revised agreement

1 is definitely under 18 still, and I think there is a second minor. The appointment of the guardian ad litem is to provide you with a mechanism to make contact with the girls and to give them the assistance of an independent attorney who represents them (as opposed to me, who represents the government). If you are willing to provide the girls with independent counsel, at Mr. Epstein's expense (and I get to pick the attorney), that is alright with me.



----- Original Message -----

From: [redacted] (USAFLS)"

Sent: 09/23/2007 06:52 PM AST

To: Jay Lefkowitz

Subject: Revised agreement

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including all attachments.

