

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

**To:** [REDACTED]  
[REDACTED]>

**Subject:** Fw: confidential communication

**Date:** Mon, 19 May 2008 19:33:16 +0000

**Importance:** Normal

**Attachments:** Letter\_from\_CEOS.TIF

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Hi [REDACTED]. Can you print out attachment and make as large and as clear a copy as possible and re-scan and re-email to me as pdf file? Or ask [REDACTED] to email to you as pdf? I can't read it on my blackberry. Thanks

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

From: Acosta, Alex (USAFLS)

To: [REDACTED]

Sent: Mon May 19 12:40:32 2008

Subject: FW: confidential communication

For your records.

From: Jay Lefkowitz [mailto:[REDACTED]]

Sent: Monday, May 19, 2008 10:54 AM

To: Acosta, Alex (USAFLS)

Subject: confidential communication

Dear Alex:

I am writing to you because I have just received the attached letter from [REDACTED] [REDACTED]. In light of that letter, and given the critical new evidence discussed below, I would like to request a meeting with you, mindful of our July 8 deadline, at your earliest opportunity. Given your personal involvement in this matter to date, and the fact that at this juncture it is clear that CEOS has referred the matter back to you, I respectfully request that you not shunt me off to one of your staff. You and I have both spent a great deal of time on this matter, and I know that we both would like to resolve this matter in a way that bestows integrity both on the Department and the process.

In our prior discussions, you expressed that you were "not unsympathetic" to our various federalism concerns, but stated that because you serve within the "unitary Executive," you believed your hands were tied by Main Justice. You were also extremely gracious in stating that you did not want the United States to be "unfair". Although CEOS limited its assessment to the federal statutes your Office had brought forth and to the application of those laws to the facts as presented, it is abundantly clear from [REDACTED] letter that Main Justice is not directing this prosecution. In fact, CEOS plainly acknowledged that a federal prosecution of Mr. Epstein would involve a "novel application" of federal statutes and that our arguments against federal involvement are "compelling." Moreover, the language used by [REDACTED] in his concluding paragraph, that he cannot conclude that a prosecution by you in this case "would be an abuse of discretion" is hardly an endorsement that you move forward.

Moreover, as you know, [REDACTED] made clear that the scope of his review did not extend to the other significant issues we have raised with you, such as the undo interest by some members of your staff with the financial and



I am mindful of the fact that we have a state court date of July 8 on which either to enter a plea or to commence trial. As I review the trial options with Mr. Epstein, I certainly want to make sure I do everything within my power to obviate a need for trial through a reasonable alternative resolution. Although it is clear that CEOS is not directing a prosecution here, and has stated only that you have the authority to commence such a prosecution, I am well aware that the decision whether to proceed, subject to any further process in Washington, is now within your discretion. I think the new facts should greatly influence your decision and accordingly, I hope you will agree to meet with me, both to discuss the new evidence and to discuss a resolution to this matter once and for all. I am available to meet with you at your earliest convenience subject to our mutual availability.

Respectfully,

Jay

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