

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No.

UNITED STATES OF AMERICA

vs.

JEFFREY EPSTEIN,

Defendant.

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**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 the defendant as follows. Count 1 charges that the defendant attempted to intentionally harass another person, that is, ■■■, in an attempt to delay, prevent, and dissuade ■■■ from attending or testifying in an official proceeding, that is a federal grand jury appearance in the Southern District of Florida, in violation of Title 18, U.S.C., § 1512(d)(1). Count 2 charges that the defendant attempted to intentionally harass another person, that is, ■■■, in an attempt to delay, prevent, and dissuade ■■■ from attending or testifying in an official proceeding, that is a federal

grand jury appearance in the Southern District of Florida, in violation of Title 18, U.S.C. § 1512(d)(1).

2. The defendant agrees and understands that the above charges involve the United States Attorney's Office's and the Federal Bureau of Investigation's own investigation in his conduct, and the conduct of others, between in and around early 2001 through in and around September 2007 involving conspiring with others known and unknown to commit an offense against the United States, in violation of Title 18, U.S.C., §§ 2422(b) and 2423(b); all in violation of Title 18, United States Code, §§ 371 and 18 U.S.C. 2423(e); and violating Title 18, U.S.C., §§ 2422(b); 2423(b) and (f); and Title 18, U.S.C., §§ 1591(a)(1) and (2). 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, including but not limited to the above-described scheme.

3. The United States agrees that, upon entry of the defendant's guilty plea, its Grand Jury investigation will be suspended, and all pending Grand Jury subpoenas will be held in abeyance unless and until the defendant violates any term of this agreement, as explained in paragraph 20, *infra*. The defendant likewise agrees to withdraw his pending motion to intervene and to quash certain grand jury subpoenas. The defendant further agrees that the current custodian of certain computer equipment shall maintain that evidence inviolate until all of the terms of this agreement have been satisfied. Provided that the defendant does not breach this agreement, the Government agrees that it will not seek to initiate federal investigation or prosecution for conduct subject to this agreement.

4. Epstein shall enter his guilty plea to the federal Information no later than November 5, 2007. Epstein shall consent to the plea being entered and sentence imposed by a United States magistrate judge pursuant to 18 U.S.C. § 3401(a). Pursuant to 18 U.S.C. § 3401(c), Epstein and the Government agree to recommend to the Magistrate-Judge that the Pre-Sentence Investigation Report not be requested in which case Epstein and the Government agree that the sentence shall be imposed on the date of plea, that Epstein be released on bail, that travel shall not be restricted during the period of bail and that Epstein be permitted to self-report to the facility designated by the United States Bureau of Prisons to commence his sentence 75 days after sentencing. If the Court requires a Pre-Sentence Investigation Report, Epstein shall be sentenced on a later date but the parties agree to the bail, travel and self-report conditions as outlined in this paragraph.

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 3 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 parties agree, that pursuant to Fed. R. Crim. P. 11(c)(1)(c), 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 that the Court impose one

year of home confinement as a special condition of supervised release. The parties further agree that there should be no restitution for the offenses charged.

8. The parties agree that the United States Sentencing Guidelines as applied would result in a sentencing range of 10-16 months, a range resulting from the application of U.S.S.G. 2J1.2 base offense level of 14, with no enhancement or cross-reference, reduced by two levels for acceptance of responsibility. The parties further agree to a 2-month upward departure from the guidelines.

9. The defendant agrees to fund a Trust set up in concert with the Government and under the supervision of the 15th Judicial Circuit in and for Palm Beach County. The defendant agrees that a Trustee will be appointed by the Circuit Court and that funds from the Trust will be available to be disbursed at the Trustee's discretion to an agreed list of persons who seek reimbursement and make a good faith showing to the Trustee that they suffered injury as a result of the conduct of the defendant. The defendant waives his right to contest liability or damages up to an amount agreed to by the parties for any settlements entered into by the Trustee. The defendant's waiver is not to be construed as an admission of civil or criminal liability in regards to any of those who seek compensation from the Trust. The parties further agree that any person receiving funds from the Trust will be required to waive their right to separately pursue damages pursuant to 18 U.S.C. § 2255.

10. 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") in order to satisfy the United States' federal interest in the investigation and prosecution of his offenses, in accordance with the Justice Department's *Petite* Policy. The defendant understands and acknowledges that the

United States Attorney has no authority to require the State Attorney's Office to abide by any terms of this Agreement. The defendant understands that it is his obligation to undertake discussion with the State Attorney's Office to ensure compliance with these procedures.

11. In addition to entering a guilty plea in the instant case, the defendant and the Palm Beach County State Attorney's Office have agreed that the defendant will plead guilty to one (1) count of solicitation of prostitution, in violation of Fl. Stat. § 796.07 under the Indictment as currently pending against him (Case No. 2006-cf-009495AXXXMB). The defendant further agrees to plead guilty to an Information filed by the Palm Beach County State Attorney's Office charging one (1) count of a violation of the following Florida Statute: Coercing a person to become a prostitute in violation of Fl. Stat. § 796.04. The terms of the plea are that the defendant will be adjudicated guilty and be placed on sixty (60) months' probation to run concurrently with the federal sentence referenced above. The defendant will enter his plea to the indictment at least 7 days before he begins his federal sentence but not prior to the defendant's sentencing before a federal judge. The defendant will enter his successive plea to the Information after the conclusion of his federal sentence and supervised release.

12. The defendant agrees to waive all challenges to the Information filed by the State Attorney's Office and to waive the right to appeal his conviction and sentence in the state court.

13. The defendant agrees to provide to the U.S. Attorney's Office copies of all proposed agreements with the Palm Beach County 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 as defined on page 2, *supra*.

15. The United States reserves the right to inform the Court and, if a Presentence Report is ordered by the Magistrate-Judge despite the joint agreement of the parties that no such report shall be requested, the probation office of all facts pertinent to the sentencing process, including all relevant information concerning the offenses committed 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. The Government will not oppose the defendant's request that the Magistrate-Judge recommend to the Bureau of Prisons that the sentence be served at a federal prison camp.

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 or the government, is a prediction, not a promise, and is not binding on the government 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.

17. 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 will be instituted in this District, and the charges against the defendant if any, will be dismissed.

18. After timely fulfilling the terms and conditions of this Agreement, the United States agrees that no prosecution will be instituted or initiated against the defendant for any and all criminal charges which might otherwise in the future be brought against the defendant that arise out of the ongoing FBI federal investigation for offenses that include but are not limited to those listed above.

19. The defendant's fulfilling the terms and conditions of the Agreement also precludes the initiation of any and all criminal charges which might otherwise in the future be brought against [REDACTED], [REDACTED], [REDACTED], and [REDACTED] or any employee of N.E.S. for any criminal charge that arises out of the ongoing federal investigation as described above; Further, the United States Attorney's Office will not request, initiate, or in any way encourage immigration authorities to institute immigration proceedings against [REDACTED] or [REDACTED] as a result of the ongoing investigation.

20. 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 if there is a conviction any sentence for such crimes up to and including the statutory maximums. The defendant expressly waives any statute of limitations defense as to the offenses listed on page 2, *supra* 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.

21. By signing this agreement, the defendant 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. The defendant 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. The defendant hereby requests that the United States Attorney for the Southern District of Florida defer such prosecution. The defendant 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, for the offenses listed on pages 1 and 2 *infra*. The defendant 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. The defendant hereby agrees and consents that, if a prosecution against him is instituted for the offenses listed on pages 1 and 2, *infra*, 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.

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

Date: \_\_\_\_\_

By:  
R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

Date: \_\_\_\_\_

By:  
JEFFREY EPSTEIN, DEFENDANT

Date: \_\_\_\_\_

By:  
GERALD LEFCOURT, ESQ.  
ATTORNEY FOR DEFENDANT