



To: "Jay Lefkowitz" <JLefkowitz@kirkland.com>

Subject: Factual proffer

Date: Tue, 18 Sep 2007 18:52:46 +0000

Importance: Normal

Attachments: Epstein_Plea_Proffer.doc

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  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 .

