



U.S. Department of Justice

United States Attorney
Southern District of Florida

500 South Australian Ave., Suite 400
West Palm Beach, FL 33401
(561) 820-8711
Facsimile: (561) 820-8777

July 17, 2008

VIA FACSIMILE

Michael R. Tein, Esq.
Lewis Tein, P.L.
3059 Grand Avenue, Suite 340
Coconut Grove, FL 33133

Re: Jeffrey Epstein

Dear Mr. Tein:

The Office has reviewed your "Notice of Continued Pendency of Federal Criminal Action," and we feel that it misrepresents the posture of the federal investigation. For example, you cite to *In re Grand Jury*, No. FGJ 07-103 (WPB), as evidence that the federal criminal action remains pending. That is a citation to Mr. Epstein's Motion to Quash a subpoena for computer equipment removed from Mr. Epstein's home after he and his attorneys were aware of the existence of the state investigation. Pursuant to the Non-Prosecution Agreement, that motion was supposed to have been withdrawn several months ago, and, therefore, is not "pending" in our estimation.

The Non-Prosecution Agreement calls for *deferment* of federal prosecution "in favor of prosecution by the State of Florida, *provided* that Epstein abides by the [enumerated] conditions and the requirements of th[e] Agreement . . ." (Non-Prosecution Agreement, p. 2 (emphasis added).) One of those conditions is Epstein's agreement that the subject Jane Does, while minors, were victims of a violation of an offense enumerated in Title 18, United States Code Section 2255, and that they "will have the same rights to proceed under Section 2255 as [they] would have had if Mr. Epstein had been tried and convicted of an enumerated offense." (United States Attorney's December 19, 2007 letter to Lilly Ann Sanchez.)

If, in fact, your position is that the federal criminal action is still pending such that the Court must stay the civil proceedings, then the Office proposes that we seek the prompt resolution of the Motion to Quash, so that the computer equipment can be analyzed and the

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federal investigation can continue. If, instead, Mr. Epstein intends to fully abide by the Non-Prosecution Agreement, then the “federal Grand Jury investigation will remain suspended, and all pending federal Grand Jury subpoenas will be held in abeyance unless and until [Epstein] violates any term of [the Non-Prosecution Agreement].” (Non-Prosecution Agreement, page 5.)

Please advise whether you intend to correct the representations to the Court regarding the status of the federal investigation.

Sincerely,

R. Alexander Acosta
United States Attorney

By:



Assistant United States Attorney

cc: Jack Goldberger, Esq.
Karen Atkinson, Esq.



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FACSIMILE COVER SHEET

TO: Michael R. Tein

FAX NO. [REDACTED]

PHONE NO. [REDACTED]

TO: Jack Alan Goldberger

FAX NO. [REDACTED]

PHONE NO. [REDACTED]

DATE: July 17, 2008 # OF PAGES: 3

RE: Jeffrey Epstein

FROM: [REDACTED] Assistant U.S. Attorney

PHONE NO. [REDACTED]

COMMENTS:

*** TX REPORT ***

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