

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No. 08-80736-Civ-Marra/Johnson

JANE DOES #1 and #2
Petitioners,

v.

UNITED STATES
Respondent.

GOVERNMENT'S NOTICE TO COURT REGARDING
ABSENCE OF NEED FOR EVIDENTIARY HEARING

Respondent United States, by and through its undersigned counsel, files its Notice to Court Regarding Absence of Need for Evidentiary Hearing, and states:

1. At the conclusion of the hearing held on July 11, 2008, the Court asked the parties whether an evidentiary hearing would be necessary. The Government suggested that the parties confer, and determine whether such a hearing should be held.
2. After consideration, the Government believes that an evidentiary hearing is not necessary. The precise issue before the Court is whether the Government was obligated, under 18 U.S.C. § 3771(a)(5), to confer with petitioners prior to entering into an agreement with Jeffrey Epstein, which permitted the pending State of Florida prosecution to go forward, so long as Epstein agreed to certain conditions.
3. The Government believes there are two relevant facts which will permit the Court to resolve the legal issue: (1) there are no criminal charges in the United States District Court, Southern District of Florida, filed against Jeffrey Epstein; and (2) Epstein entered pleas of guilty in Florida State Court on June 30, 2008, was sentenced, and is now imprisoned in Palm Beach County. The Government believes the absence of any charges in the Southern District of Florida can be judicially noticed pursuant to Fed.R.Evid. 201(b), because such information is either generally known within the territorial jurisdiction of the trial court, or, is capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned. Cash Inn of Dade, Inc. v. Metropolitan Dade County, 938 F.2d 1239, 1243 (11th Cir. 1991) ("A district court may take judicial notice of public records within its files relating to the particular case before it or related cases.") (citation omitted). Under the same rationale, the absence of such files can also be judicially noticed. Epstein's convictions in State court can be established by public record documents, which the Government will file with this Court.

Respectfully submitted,
R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

By: _____

Assistant U.S. Attorney

Miami, Florida 33132

Attorney for Respondent

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July __, 2008, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF.

Assistant U.S. Attorney

SERVICE LIST

Jane Does 1 and 2 v. United States,
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United States District Court, Southern District of Florida

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