

From: [REDACTED]

To: [REDACTED]

Subject: RE: Jane Doe Hearing

Date: Mon, 14 Jul 2008 14:19:52 +0000

Importance: Normal

[REDACTED]

I left early on Friday since I had to take care of some matters before [REDACTED] this weekend. If you want me to participate in a conference with Mr. Goldberger, I will be happy to do so.

[REDACTED]

From: [REDACTED]

Sent: Friday, July 11, 2008 3:04 PM

To: [REDACTED]

Subject: RE: Jane Doe Hearing

Hi [REDACTED] - I really think you should be on this call with Jack Goldberger, if you feel a response is required.

[REDACTED]
Assistant U.S. Attorney
[REDACTED]

From: [REDACTED]

Sent: Friday, July 11, 2008 2:33 PM

To: [REDACTED]; Acosta, Alex (USAFLS); [REDACTED]

Cc: [REDACTED]
Subject: Jane Doe Hearing

Colleagues,

The hearing this morning lasted 45 minutes. Judge Marra first heard argument from Brad Edwards, who harangued the government for permitting Epstein to get off with a light sentence in state court. He argued that the victims were entitled to be consulted before this agreement was reached, and the court should set the agreement aside. Edwards again argued that the rights in section 3771(a) accrue prior to the filing of any charges.

In my portion of the argument, I advised the court of the status of Epstein's state case: (1) he entered pleas of guilty to two state charges on June 30, 2008; (2) he was sentenced to 18 months' incarceration and 1 year of community control; and (3) he was serving his sentence of incarceration. The court queried me on the Dean case and the government's position on when the rights in section 3371(a) applied. I distinguished Dean and argued that rights under 3771(a) does not accrue until a charge is filing in district court. I noted that the A/G's guidelines are applied with common sense, such that a victim claiming they were being threatened by a perpetrator would not be turned away since an indictment had not been returned. I also argued that 18 U.S.C. 3771 did not grant authority to the court to set aside the agreement in the instant case, since it was not a plea agreement filed with court, which it had the discretion to accept or reject. The court had questions regarding the completion of the agreement in September 2007, but the plea was not entered until June 30, 2008. I advised the court that Epstein's attorneys sought higher review of the agreement within the DOJ.

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As to the motion to seal the government's response, the court asked if that was necessary any more, since a public hearing had been held and much of what was filed had been discussed. I argued that the government had two bases for sealing: (1) protection of the privacy of the minor victims; and (2) confidentiality of negotiations with Epstein's attorneys and the confidentiality clause in the Agreement. Edwards waived any protection for his clients, two of whom were present in court [REDACTED]. As to the confidentiality, the court found that the discussions regarding the potential impeachment of the victims because of the availability of relief under 18 U.S.C. 2255 had already been discussed at the hearing. I argued that the exact clause in the agreement pertaining to section 2255 had been cited in the notification letters to [REDACTED] which were filed, and the government had agreed to notify Epstein before making any disclosure. The court stated that the disclosure was being done pursuant to its order, not by the government's action. I told the court the government wanted to register its objection.

The court ordered the government's response, [REDACTED] declaration, and the attachments, unsealed. Also, Edwards filed a reply, which is also a public record document.

The court noted that, since Epstein had entered his plea and was sentenced, this was no longer an emergency. Both parties agreed. The court wanted to know if any evidentiary hearing need to be held. Since there is a dispute over what the FBI agents told [REDACTED] in September 2007, I asked the court to permit the parties to speak to determine if there are any factual disputes which require a hearing. The court agreed.

There was a reporter from the Sun Sentinel present in the audience.

[REDACTED]