

From: "Roy BLACK" [REDACTED]

To: [REDACTED]

Cc: [REDACTED]

Subject: Re: Jeffrey Epstein

Date: Wed, 26 Nov 2008 16:56:15 +0000

Importance: Normal

[REDACTED] since receipt of your letter I have looked into the situation and the following is what is happening:

Mr. Epstein has not breached the Non-Prosecution Agreement (the "Agreement") by serving a portion of his 18-month sentence of imprisonment in the Palm Beach County Work Release Program.

1. He is currently serving his sentence in the Palm Beach County Work Release Program, not in the State-Regulated Community Control Program. Thus he is not on community control.

o The County Jail sentence he is presently serving is being served under the auspices of the Palm Beach County Sheriff's Office.

o The Palm Beach County Sheriff's Office has a policy of allowing work release under certain criteria for those sentenced to the Palm Beach County Detention Center or Stockade. It has already been determined that Mr. Epstein qualifies under the Palm Beach County Sheriff's Office policy for work release. The Florida statute authorizing work release for someone imprisoned in county jail is at 951.24 (2)(a).

o The statute provides that when punishment by imprisonment in the county jail is prescribed, the sentencing court, in its discretion, may at any time during the sentence consider granting the privilege to the prisoner to leave the confines of the jail or county facility during necessary and reasonable hours, subject to the rules and regulations prescribed by the court, to work at paid employment or to conduct his or her own business or profession. See Fla. Stat. § 951.24(2)(a).

o In Palm Beach County, the Sheriff's Office has discretion over work release. The local rules state that placement into House Arrest and Work Release "is at the discretion of the Sheriff and the presiding Judge" and offer no defined scope of the type of offenders that are eligible—or that are barred—from serving their time in Work Release." See Palm Beach

County Department of Corrections Inmate Rule G-16.

2. The Non Prosecution Agreement does not prohibit work release.

o The Agreement does not regulate what programs Mr. Epstein can participate in while he is serving the County Jail sentence.

3. The Agreement expressly provides that he is to be afforded the same benefits that any other inmate might receive. See ¶ 12 of the Agreement.

5. Under Florida Law, work release is considered part of the confinement. See Rule 33-601.602, Fla. Admin. Code. (work release “allows inmates to work at paid employment in the community while continuing as inmates of the facility where they are confined.”). So he is an inmate.

6. Alex Acosta recognized that Mr. Epstein might serve a portion of his sentence through the Work Release Program.

o. On December 6, 2007, after the Agreement had been executed, counsel received a draft notification letter in which US Attorney Acosta expresses this intention. The draft document provides that the recipient is “entitled to notification when Mr. Epstein is released from imprisonment at the end of his prison term and/or if he is allowed to participate in a work release program.” See December 6, 2007 letter to J. Lefkowitz from A. Acosta attaching draft notification letter, p. 8.

7. I am told that on July 3, 2008, you wrote an email to the Deputy Sherriff stating that the US Attorney's Office had no objection to work release as long as Epstein is treated as any similarly situated inmate. If anything he is being treated more harshly than any other inmate in the program. He can't leave the office. He has a guard and is wearing a GPS device. So his terms are not more lenient but rather more restrictive than any other inmate in the program.

Clearly we do not feel this is a violation of the agreement and we have no intent to violate it. We will meet with you and anyone in the executive office to resolve this matter. Certainly it would be best for us to meet and discuss.

11/24/08 12:28 PM >>>

Dear Roy:

EFTA00216022

Please review

