

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

JANE DOE

UNITED STATES OF AMERICA

DECLARATION OF [REDACTED]

1. I, A. Marie Villafaña, do hereby declare that I am a member in good standing of the Bar of the State of Florida. I graduated from the University of California at Berkeley School of Law (Boalt Hall) in 1993. After serving as a judicial clerk to the Hon. David F. Levi in Sacramento, California, I was admitted to practice in California in 1995. I also am admitted to practice in all courts of the states of Minnesota and Florida, the Eighth, Eleventh, and Federal Circuit Courts of Appeals, and the U.S. District Courts for the Southern District of Florida, the District of Minnesota, and the Northern District of California. My bar admission status in California and Minnesota is currently inactive. I am currently employed as an Assistant United States Attorney in the Southern District of Florida and was so employed during all of the events described herein.
2. I was the Assistant United States Attorney assigned to the investigation of Jeffrey Epstein. The case was investigated by the Federal Bureau of Investigation ("FBI"). The federal investigation was initiated in 2006 at the request of the Palm Beach Police Department ("PBPB") into allegations that Jeffrey Epstein and his personal assistants had used facilities of interstate commerce to induce young girls between the ages of thirteen and seventeen to engage in prostitution, amongst other offenses. PBPB had asked for federal assistance after it perceived that Mr. Epstein was receiving preferential treatment from the Palm Beach County State Attorney's Office ("SAO").
3. Throughout the investigation, when a victim was identified, victim notification letters were provided to her both from your Affiant and from the FBI's Victim-Witness Specialist. Attached hereto are copies of the letters provided to two of Bradley Edwards' clients, [REDACTED] <sup>F1</sup>. The letter to [REDACTED] was hand-delivered by the FBI agents. The letter to [REDACTED] was hand-delivered by myself to [REDACTED] at the time that she was interviewed.
4. Throughout the investigation, the FBI agents, the FBI's Victim-Witness Specialist, and your Affiant had contact with [REDACTED] Attorney Edwards' other client, [REDACTED] was represented by counsel and, accordingly, all contact with [REDACTED] was made through that attorney. That attorney was James Eisenberg, and his fees were paid by Jeffrey Epstein, the target of the investigation. <sup>F2</sup>

5. In the summer of 2007, the U.S. Attorney's Office for the Southern District of Florida ("the Office") decided to enter into negotiations with Epstein to resolve the investigation. In September 2007, an agreement was reached. Pursuant to that agreement, Epstein was required to enter into negotiations with the SAO to enter into a guilty plea to the indictment already pending against him in state court, which charged felony solicitation of prostitution. <sup>F3</sup> Epstein also would have to convince the State Attorney's Office to file an Information charging him with a more serious offense, that is, an offense for which sex offender registration was required, specifically, the procurement of minors to engage in prostitution, and Epstein would have to plead guilty to that offense. Epstein also would have to negotiate a harsher sentence than the one requested by the State Attorney's Office, that is, eighteen months' imprisonment, to be followed by twelve months of home confinement. Finally, Epstein would have to agree that the victims identified by the United States would be entitled to damages under federal law as though Epstein had been convicted at trial. This last provision was included at the Office's insistence, to put the victims in the same position that they would have been if Epstein had been convicted at trial.

6. As explained above, one of the terms of the deferred prosecution agreement provided for damages for the victims

7. Prior to the final resolution, the agents and your Affiant made contact with several of the victims to advise them of this result. One of those victims who was contacted was [REDACTED] via her attorney, James Eisenberg. Your Affiant informed Mr. Eisenberg that [REDACTED] was on a list that would be submitted to Epstein of victims whom the Office had identified as being entitled to seek damages against Epstein. Your Affiant does not know whether Attorney Eisenberg ever provided this information to his client. However, less than twenty-four hours after this conversation, and before anyone from the Office had communicated the victim list to Epstein, attorneys for Epstein made contact with the Office complaining of the designation of [REDACTED] as a victim. Epstein's attorneys used the designation of [REDACTED] as a basis to allege prosecutorial misconduct against your Affiant, the agents, and others in the Office, and to raise those claims throughout the Office and up to the Department of Justice in Washington, D.C.

1. After the signing of the deferred prosecution agreement, your Affiant drafted a victim notification letter informing each victim of the resolution of the matter, the terms of the Agreement, and the date of the scheduled change of plea in state court. The Office provided a copy of that letter to Epstein's attorneys, who again complained about improper conduct by your Affiant and the agents. Epstein's counsel further argued that the CVRA did not apply because the proceedings would be held in state court, not federal

court. The Office agreed to leave the issue of victim notification regarding the change of plea hearing to the State Attorney's Office, and your Affiant's letter was never sent to the victims.

2. Following several months of delay by Epstein's counsel, Epstein finally agreed to perform pursuant to the terms of the deferred prosecution agreement. On Friday, June 27, 2008, at approximate 4:15 p.m., your Affiant received a copy of the proposed state plea agreement and learned that the plea was scheduled for 8:30 a.m., Monday, June 30, 2008. Your Affiant, the agents, and the Palm Beach Police Department all attempted to provide notification to the victims, and your Affiant specifically called Attorney Edwards to provide notice to his clients regarding the hearing. Attorney Edwards informed your Affiant that he could not attend but that someone would be present at the hearing. Your Affiant attended the hearing, but none of Attorney Edwards' clients was present.

3. In order to facilitate the last piece of the deferred prosecution agreement, your Affiant prepared a Victim Notification document that informed each victim of the resolution of the matter and her right to pursue damages against Epstein. Before those notices could be distributed, Epstein must approve the victim list, and, despite your Affiant's repeated attempts to resolve this with Epstein's counsel, your Affiant has received no response. On July 8, 2008, your Affiant sent a letter to counsel for Epstein, informing him that, in light of Epstein's failure to object to the notification, your Affiant would distribute the Notification to each victim either directly, or via counsel, beginning on July 9, 2008.

4.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge and belief.

Executed this \_\_\_\_\_ day of February, 2007.

\_\_\_\_\_  
Esq.

<sup>F1</sup>Attorney Edwards filed his Motion on behalf of "Jane Doe," without identifying which of his clients is the purported victim. Accordingly, I will address facts related to both [REDACTED] and [REDACTED]. Both of those clients were victims of Jeffrey Epstein's while they were minors beginning when they were fifteen years old.

<sup>F2</sup>The undersigned does not know when Mr. Edwards began representing [REDACTED] or whether [REDACTED] ever formally terminated Mr. Eisenberg's representation.

<sup>F3</sup>The indictment contained no reference to the victims' ages.