

[REDACTED] (USAFLS)

From: [REDACTED] (USAFLS)
Sent: Monday, May 19, 2008 5:04 PM
To: [REDACTED]
Subject: Epstein



Esptein ltr 5 19
08.pdf

sure I do everything within my power to obviate a need for trial through a reasonable alternative resolution. Although it is clear that CEOS is not directing a prosecution here, and has stated only that you have the authority to commence such a prosecution, I am well aware that the decision whether to proceed, subject to any further process in Washington, is now within your discretion. I think the new facts should greatly influence your decision and accordingly, I hope you will agree to meet with me, both to discuss the new evidence and to discuss a resolution to this matter once and for all. I am available to meet with you at your earliest convenience subject to our mutual availability.

Respectfully,

Jay

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following the initiation of multiple civil lawsuits, Mr. Epstein's counsel was able to take limited discovery of certain women in this matter. The sworn statements provided by these women all confirm that federal prosecution is not appropriate in this case.

The consistent representations of witnesses such as [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED], and the civil complainants and their attorneys, confirm the following key points: First, there was no telephonic communication that met the requirements of § 2422(b). For example, as many other witnesses have stated, Ms. [REDACTED] testified in no unclear terms that there was never any discussion over the phone about her coming over to Mr. Epstein's home to engage in sexual activity: "The only thing that ever occurred on any of these phone calls [with [REDACTED] or another assistant] was, 'Are you willing to come over,' or, 'Would you like to come over and give a massage.'" [REDACTED] Tr. A at 15. Second, the underage women who visited Mr. Epstein have testified that they lied about their age in order to gain admittance into his home and women who brought their underage friends to Mr. Epstein counseled them to lie about their ages as well. Ms. [REDACTED] stated the following: "I would tell my girlfriends just like [REDACTED] approached me. Make sure you tell him you're 18. Well, these girls that I brought, I know that they were 18 or 19 or 20. And the girls that I didn't know and I don't know if they were lying or not, I would say make sure that you tell him you're 18." [REDACTED] Tr. at 22. Third, there was no routine or habit suggesting an intent to transform a massage into an illegal sexual act. For instance, Ms. [REDACTED] stated that Mr. Epstein "never touched [her] physically" and that all she did was "massage[] his back, his chest and his thighs and that was it." [REDACTED] Tr. at 12-13. Finally, as you are well aware, there was no force, coercion, fraud, violence, drugs, or even alcohol present in connection with Mr. Epstein's encounters with these women.

The civil suits confirm that the plaintiffs did not discuss engaging in sexually-related activities with anyone prior to arriving at Mr. Epstein's residence. This reinforces the fact that no telephonic or Internet persuasion, inducement, enticement or coercion of any kind occurred. Furthermore, Mr. Herman, the attorney for most of the civil complainants, was quoted in the Palm Beach Post as saying that "it doesn't matter" that his clients lied about their ages and told Mr. Epstein that they were 18 or 19. In short, the new evidence establishing that the women deliberately lied about their age because they knew Mr. Epstein did not want anyone under 18 in his house directly undercuts the claim that Mr. Epstein willfully blinded himself as to their ages. Willful blindness is not a substitute for evidence of knowledge nor is it a negligence standard. It requires proof beyond reasonable doubt of deliberate intent and specific action to hide one's knowledge. There is absolutely no such evidence of that here, so it is not even a jury issue. Furthermore, willful ignorance cannot constitute the required mens rea for a crime of conspiracy or aiding and abetting.

Through the recent witness statements, we have also discovered another serious issue that implicates the integrity of the federal investigation. We have learned that FBI Special Agent Kurkendayl attempted to convince these adult women, now in their twenties, that they were in fact "victims" even though the women themselves strongly disagreed with this characterization. This conduct, once again, goes to the heart of the integrity of the investigation. In a sworn statement, Ms. [REDACTED] was highly critical of the overreaching by federal law enforcement officers in this case. She testified—in no uncertain terms—that she does not, and never did, feel like a "victim," despite the fact that the FBI repeatedly tried to convince her otherwise.

I am mindful of the fact that we have a state court date of July 8 on which either to enter a plea or to commence trial. As I review the trial options with Mr. Epstein, I certainly want to make

Acosta, Alex (USAFLS)

From: Jay Lefkowitz [REDACTED]
Sent: Monday, May 19, 2008 10:54 AM
To: Acosta, Alex (USAFLS)
Subject: confidential communication
Attachments: Letter from CEOS.TIF

Dear Alex:

I am writing to you because I have just received the attached letter from Drew Oosterbaan. In light of that letter, and given the critical new evidence discussed below, I would like to request a meeting with you, mindful of our July 8 deadline, at your earliest opportunity. Given your personal involvement in this matter to date, and the fact that at this juncture it is clear that CEOS has referred the matter back to you, I respectfully request that you not shunt me off to one of your staff. You and I have both spent a great deal of time on this matter, and I know that we both would like to resolve this matter in a way that bestows integrity both on the Department and the process.

In our prior discussions, you expressed that you were "not unsympathetic" to our various federalism concerns, but stated that because you serve within the "unitary Executive," you believed your hands were tied by Main Justice. You were also extremely gracious in stating that you did not want the United States to be "unfair". Although CEOS limited its assessment to the federal statutes your Office had brought forth and to the application of those laws to the facts as presented, it is abundantly clear from Drew's letter that Main Justice is not directing this prosecution. In fact, CEOS plainly acknowledged that a federal prosecution of Mr. Epstein would involve a "novel application" of federal statutes and that our arguments against federal involvement are "compelling." Moreover, the language used by Drew in his concluding paragraph, that he cannot conclude that a prosecution by you in this case "would be an abuse of discretion" is hardly an endorsement that you move forward.

Moreover, as you know, Drew made clear that the scope of his review did not extend to the other significant issues we have raised with you, such as the undo interest by some members of your staff with the financial and civil aspects of this matter, or with the inappropriate discussion one member of your Office had with a senior reporter at the New York Times. (In fact, I have met with that reporter and have reviewed copious notes of his conversation with Mr. Weinstein). At this stage, we have no alternative but to raise our serious concerns regarding the issues Drew refused to address with the Deputy or, if necessary, the Attorney General, because we believe those issues have significantly impacted the investigation and any recommendation by your staff to proceed with an indictment. That being said, it would obviously be much more constructive and efficient if we could resolve this matter directly with you in the advance of further proceedings in Washington.

Because it is clear that national policy, as determined by Main Justice, is not driving this case, the resolution of this matter is squarely, and solely, your responsibility. I know you want to do the right thing, and it is because you have made clear to me on several occasions that you will always look at all of the relevant and material facts that I call the following to your attention.

New information that has come to light strongly suggests that the facts of this case cannot possibly implicate a federal prosecutorial priority. Due to established state procedures and

[REDACTED] (USAFLS)

From: Villafana, Ann Marie C. (USAFLS)
Sent: Friday, June 13, 2008 2:45 PM
To: Atkinson, Karen (USAFLS)
Subject: RE: Call

Hi Karen -- Not today. I am going to meet with Bob about the indictment.

-----Original Message-----

From: Atkinson, Karen (USAFLS)
Sent: Friday, June 13, 2008 2:23 PM
To: [REDACTED] (USAFLS)
Subject: RE: Call

Are you coming back home?

-----Original Message-----

From: Villafana, Ann Marie C. (USAFLS)
Sent: Friday, June 13, 2008 11:56 AM
To: Atkinson, Karen (USAFLS)
Subject: Call

Hi karen. We had a good call with the dag's chief of staff. They seem ready to greenlight us. Strangely, just an hour later roy black called jeff to propose a "final solution" (his words not mine). Jeff told him to call me. (Imagine that). So are you free later for a conf call if he actually calls?

Villafana, Ann [REDACTED] C. (USAFLS)

From: [REDACTED] (USAFLS)
Sent: Friday, June 13, 2008 2:52 PM
To: Atkinson, Karen (USAFLS)
Subject: RE: Call

One week. We told the DAG that we need his decision by end of next week so we can indict on July 1st before the July 7th state trial.

-----Original Message-----

From: Atkinson, Karen (USAFLS)
Sent: Friday, June 13, 2008 2:51 PM
To: [REDACTED] (USAFLS)
Subject: RE: Call

How long after the final decision--if there is such a thing--does he have before we indict?

-----Original Message-----

From: [REDACTED] (USAFLS)
Sent: Friday, June 13, 2008 2:45 PM
To: Atkinson, Karen (USAFLS)
Subject: RE: Call

Hi Karen -- Not today. I am going to meet with Bob about the indictment.

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[REDACTED] (USAFLS)

From: Sloman, Jeff (USAFLS)
Sent: Friday, June 13, 2008 6:15 PM
To: [REDACTED] (USAFLS)
Subject: FW: Epstein

Sorry, forgot to cc you.

From: Sloman, Jeff (USAFLS)
Sent: Friday, June 13, 2008 6:09 PM
To: Roth, John (ODAG) (SMO)
Cc: Senior, Robert (USAFLS)
Subject: Epstein

John,

Epstein is facing trial on a felony charge of solicitation of prostitution. This does not resemble the charges that Epstein agreed to plead guilty to in the September 24th Agreement nor what he would face federally. That case is set for trial on Monday July 7.

If we are given the go ahead from the DAG's office, we would give Epstein one final chance to comply with the September 24th Agreement. In that regard, it would be most preferable to have a decision by next week. That would give us the opportunity to seek an indictment on Tuesday July 1st if Epstein fails to comply with the September 24th Agreement by Monday June 30th.

The reason this timetable is important is to address our concern that Epstein may continue to keep us in a holding pattern if he pleads to the pending state solicitation of prostitution charge before a federal indictment is returned. In that scenario, I anticipate Epstein's counsel raising petit policy issues, thus throwing another possible monkey wrench in the process. Although I don't believe that the petit policy would be affected, I can imagine someone calling a timeout until the issue is vetted. That's why I would prefer being able to seek an indictment before Epstein pleads to the pending charge and after he has repudiated the September 24th Agreement. Thanks,

Jeff

[REDACTED] (USAFLS)

From: [REDACTED] (USAFLS)
Sent: Tuesday, June 03, 2008 10:43 AM
To: [REDACTED] (USAFLS)
Cc: Senior, Robert (USAFLS)
Subject: Draft Indictment

Hi Cyndee – Bob called and said that Jeff needed a copy of this. The first copy has a “draft” watermark on it, and the second is exactly the same except that the watermark is removed.



080429 revised
ndictment with...

Thanks!



080429 revised
ndictment with...

A. [REDACTED] *Villafañã*
Assistant U.S. Attorney
500 S. Australian Ave, Suite 400
West Palm Beach, FL 33401
Phone 561 209-1047
Fax 561 820-8777

Tracking:

[REDACTED] (USAFLS)

From: Senior, Robert (USAFLS)
Sent: Tuesday, May 27, 2008 3:25 PM
To: [REDACTED] (USAFLS); Sloman, Jeff (USAFLS)
Cc: Atkinson, Karen (USAFLS)
Subject: RE: Epstein

Marie, are you back ? We need to spend some time together on the indictment. I was planning on Monday because I thought you were back that day but if you're already back let me know. By the way, Jeff and Alex have been very clear that we are not negotiating with this guy any more in any way.

Thx. Bob

-----Original Message-----

From: Villafana, Ann Marie C. (USAFLS)
Sent: Tuesday, May 27, 2008 2:54 PM
To: Sloman, Jeff (USAFLS); Senior, Robert (USAFLS)
Cc: Atkinson, Karen (USAFLS)
Subject: Epstein

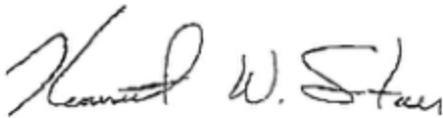
Hi jeff. Karen sent me an email about epstein wanting to do less time. I hope that his request will be denied. The original deal was supposed to be 2 years so he has already gotten a big break. Plus we have identified more victims since we agreed to the 18 months. Please keep me posted. Thanks.

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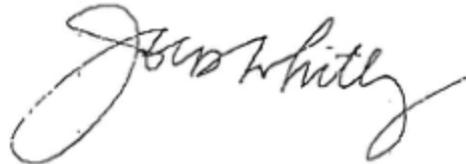
prosecution *is fair and appropriate* has been placed, once again, in U.S. Attorney Acosta's hands.

In light of the foregoing, we respectfully ask that you review this matter and discontinue all federal involvement so that the State can appropriately bring this matter to closure. We would greatly appreciate the opportunity to meet with you to discuss these important issues. Such a meeting would provide the Department with an opportunity to review the paramount issues of federalism and the appearance of selectivity that are generated by the unprecedented attempts to broaden the ambit of federal statutes to places that they have never before reached. We sincerely appreciate your attention to this matter.

Respectfully submitted,



Kenneth W. Starr
Kirkland & Ellis LLP



Joe D. Whitley
Alston & Bird LLP

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Government's confidential "list of victims." Most of these lawsuits seek \$50 million in money damages.⁴

- Assistant U.S. Attorney David Weinstein spoke about the case in great detail to Landon Thomas, a reporter with the *New York Times*, and revealed confidential information about the Government's allegations against Mr. Epstein. The Assistant U.S. Attorney also revealed the substance of confidential plea negotiations.
- When counsel for Mr. Epstein complained about the media leaks, First Assistant Stoman responded by asserting that "Mr. Thomas was given, pursuant to his request, non-case specific information concerning specific federal statutes." Based on Mr. Thomas' contemporaneous notes, that assertion appears to be false. For example, Mr. Weinstein told Mr. Thomas that federal authorities believed that Mr. Epstein had lured girls over the telephone and traveled in interstate commerce for the purpose of engaging in underage sex. He recounted to Mr. Thomas the USAO's theory of prosecution against Mr. Epstein, replete with an analysis of the key statutes being considered. Furthermore, after Mr. Epstein's defense team complained about the leak to the USAO, Mr. Weinstein, in Mr. Thomas' own description, then admonished him for talking to the defense, and getting him in trouble. Mr. Weinstein further told him not to believe the "spin" of Mr. Epstein's "high-priced attorneys," and then, according to Mr. Thomas, Mr. Weinstein forcefully "reminded" Mr. Thomas that all prior conversations were merely hypothetical.

We are constrained to conclude that the actions of federal officials in this case strike at the heart of one of the vitally important, enduring values in this country: the honest enforcement of federal law, free of political considerations and free of the taint of personal financial motivations on the part of federal prosecutors that, at a minimum, raise the appearance of serious impropriety.

We were told by U.S. Attorney Acosta that as part of the review he requested, the Department had the authority, and his consent, to make any determination it deemed appropriate regarding this matter, including a decision to decline federal prosecution. Yet, CEOS's only conclusion, based on its limited review of the investigation, is that U.S. Attorney Acosta would not abuse his discretion by proceeding against Mr. Epstein. Thus, the decision of whether

⁴ As recently as two months ago, Mr. Stoman was still listed publicly as a part of his former law firm. While we assume this was an oversight, Mr. Stoman's identification as part of the firm raises the appearance of impropriety.

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- Federal prosecutors made the unprecedented demand that Mr. Epstein pay a minimum of \$150,000 per person to an unnamed list of women they referred to as minors and whom they insisted required representation by a guardian ad litem. Mr. Epstein's counsel later established that all but one of these individuals were actually adults, not minors. Even then, though demanding payment to the women, the USAO eventually asserted that it could not vouch for the veracity of any of the claims that these women might make.
- Federal prosecutors made the highly unusual demand that Mr. Epstein pay the fees of a civil attorney chosen by the prosecutors to represent these alleged "victims" should they choose to bring any civil litigation against him. They also proposed sending a notice to the alleged "victims," stating, in an underlined sentence, that should they choose their own attorney, Mr. Epstein would not be required to pay their fees. The prosecutors further demanded that Mr. Epstein waive his right to challenge any of the allegations made by these "victims."
- The Assistant U.S. Attorney involved in this matter recommended for the civil attorney, a highly lucrative position, an individual that we later discovered was closely and personally connected to the Assistant U.S. Attorney's own boyfriend.
- Federal prosecutors represented to Mr. Epstein's counsel that they had identified (and later rechecked and re-identified) several alleged "victims" of federal crimes that qualified for payment under 18 U.S.C. § 2255, a civil remedy designed to provide financial benefits to victims. Only through state discovery provisions did we later learn that many of the women on the rechecked "victim list" could not possibly qualify under § 2255. The reason is that they, themselves, testified that they did not suffer any type of harm whatsoever, a prerequisite for the civil recovery under § 2255. Moreover, these women stated that they did not, now or in the past, consider themselves to be victims.
- During the last few months, Mr. Herman, First Assistant Sloman's former law partner, has filed several civil lawsuits against Mr. Epstein on behalf of the alleged "victims." It is our understanding that each of Mr. Herman's clients are on the

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In fact, recent testimony of several alleged "victims" contradicts claims made by federal prosecutors during the negotiations of a deferred prosecution agreement. The consistent representations of key Government witnesses (such as Tatum Miller, Brittany Beale, Saige Gonzalez, and Jennifer Laduke) confirm the following critical points: *First*, there was no communication, telephonic or otherwise, that meets the requirements of § 2422(b). For instance, Ms. Gonzalez confirmed that Mr. Epstein never emailed, text-messaged, or used any facility of interstate commerce whatsoever, before or after her one (and only) visit to his home. Gonzalez Tr. (deposition) at 30. *Second*, the women who testified admitted that they lied to Mr. Epstein about their age in order to gain admittance into his home. Indeed, the women who brought their underage friends to Mr. Epstein testified that they would counsel their friends to lie about their ages as well. Ms. Miller stated the following: "I would tell my girlfriends just like Carolyn approached me. Make sure you tell him you're 18. Well, these girls that I brought, I know that they were 18 or 19 or 20. And the girls that I didn't know and I don't know if they were lying or not, I would say make sure that you tell him you're 18." Miller Tr. at 22. *Third*, there was no routine or habit of improper communication expressing an intent to transform a massage into an illegal sexual act. In fact, there was often no sexual activity at all during the massage. Ms. Miller testified that "[s]ometimes [Mr. Epstein] just wanted his feet massaged. Sometimes he just wanted a back massage." Miller Tr. at 19. Jennifer Laduke also stated that Mr. Epstein "never touched [her] physically" and that all she did was "massage[] his back, his chest and his thighs and that was it." Laduke Tr. at 12-13. *Finally*, there was no force, coercion, fraud, violence, drugs, or even alcohol present in connection with Mr. Epstein's encounters with these women. Ms. Beale stated that "[Mr. Epstein] never tried to force me to do anything." Beale Tr. A at 12. These accounts are far from the usual testimony in sex slavery, Internet stings and sex tourism cases previously brought. The women in actuality were not younger than 16, which is the age of consent in most of the 50 states, and the sex activity was irregular and in large part consisted of solo self-pleasuring.

The recent crop of civil suits brought against Mr. Epstein confirm that the plaintiffs did not discuss any sexually-related activities with anyone prior to arriving at Mr. Epstein's residence. This reinforces our contention that no telephonic or Internet persuasion, inducement, enticement or coercion of a minor, or of any other individual, occurred. In addition, Mr. Jeffrey Herman, the former law partner of one of the federal prosecutors involved in this matter and the attorney for most of the civil complainants (as described in detail below), was quoted in the *Palm Beach Post* as saying that "it doesn't matter" that his clients lied about their ages and told Mr. Epstein that they were 18 or 19.

Not only is a federal prosecution of this matter unwarranted, but the irregularity of conduct by prosecutors and the unorthodox terms of the deferred prosecution agreement are beyond any reasonable interpretation of the scope of a prosecutor's responsibilities. The list of improprieties includes, but is not limited to, the following facts:

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These statutes are intended to target crimes of a truly national and international scope. Specifically, § 1591 was enacted to combat human trafficking, § 2422 is aimed at sexual predation of minors through the Internet, and § 2423 deals with sex tourism. The nature of these crimes results in multi-jurisdictional problems that state and local authorities cannot effectively confront on their own. However, Mr. Epstein's conduct was purely local in nature and, thus, does not implicate federal involvement. After researching every reported case brought under 18 U.S.C. §§ 1591, 2422(b), and 2423(b), we found that not a single case involves facts or a scenario similar to the situation at hand. Our review of each precedent reflects that there have been no reported prosecutions under § 1591 of a 'john' whose conduct with a minor lacked force, coercion, or fraud and who was not profiting from commercial sexual trafficking. There have likewise been no cases under § 2422(b)—a crime of communication—where there was no use of the Internet, and where the content of phone communications did not contain any inducing or enticing of a minor to have illegal sexual activity as expressly required by the language of the statute. Furthermore, the Government's contention that "routine and habit" can fill the factual and legal void created by the lack of evidence that such a communication ever occurred sets this case apart from every reported case brought under § 2422(b). Lastly, there are no reported cases of violations of § 2423(b) of a person whose dominant purpose in traveling was merely to go to his own home.³

Although these matters were within the scope of the CEOS review, rather than considering whether federal prosecution is appropriate, CEOS only determined that U.S. Attorney Acosta "would not be abusing his prosecutorial discretion should he authorize federal prosecution" in this case. The "abuse of discretion" standard constitutes an extremely low bar of evaluation and while it may be appropriate when the consideration of issues are exclusively factual in nature, this standard fails to address concerns particular to this situation, namely the "novel application" of federal statutes. The "abuse of discretion" standard in such pure legal matters of statutory application risks causing a lack of uniformity. The same federal statutes that would be stretched beyond their bounds in Miami have been limited to their heartland in each of the other federal districts. Also, because this case implicates broader issues of the administration of equal justice, federal prosecution in this matter risks the appearance of selectivity in its stretching of federal law to fit these facts.

³ Federal prosecution of a man who engaged in consensual conduct in his home that amounted to, at most, the solicitation of prostitution, is unprecedented. Since prostitution is fundamentally a state concern, (*see United States v. Evans*, 476 F.3d 1176, n.1 (11th Cir. 2007) (federal law "does not criminalize all acts of prostitution (a vice traditionally governed by state regulation)"), and there is no evidence that Palm Beach County authorities and Florida prosecutors cannot effectively prosecute and punish the conduct, there is no reason why this matter should be extracted from the hands of state prosecutors in Florida.

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private practice in South Florida with personal relationships to some of the prosecutors involved. Federal prosecutors then leaked highly sensitive information about the case to a New York Times reporter.¹ The immediate result of this confluence of extraordinary circumstances is an onslaught of civil lawsuits, all save one brought by the First Assistant's former boutique law firm in Miami.

The facts in this case all revolve around the classic state crime of solicitation of prostitution.² The State Attorney's Office in Palm Beach County had conducted a diligent investigation, convened a Grand Jury that returned an indictment, and made a final determination about how to proceed. That is where, in our federal republic, this matter should rest. Mr. Epstein faces a felony conviction in state court by virtue of his conduct, and the only reason the State has not resolved this matter is that the federal prosecutors in Miami have continued to insist that we, Mr. Epstein's counsel, approach and demand from the State Attorney's Office a harsher charge and a more severe punishment than that Office believes are appropriate under the circumstances. Yet despite the USAO's refusal to allow the State to resolve this matter on the terms the State has determined are appropriate, the USAO has not made any attempt to coordinate its efforts with the State. In fact, the USAO mandated that any federal agreement would be conditioned on Mr. Epstein persuading the State to seek a criminal punishment unlike that imposed on other defendants within the jurisdiction of the State Attorney for similar conduct.

From the inception of the USAO's involvement in this case, which at the end of the day is a case about solicitation of prostitution within the confines of Palm Beach County, Florida, we have asked ourselves why the Department of Justice is involved. Regrettably, we are unable to suggest any appropriate basis for the Department's involvement. Mr. Epstein has no criminal history whatsoever. Also, Mr. Epstein has never been the subject of general media interest until a few years ago, after it was widely perceived by the public that he was a close friend of former President Bill Clinton.

The conduct at issue is simply not within the purview of federal jurisdiction and lies outside the heartland of the three federal statutes that have been identified by prosecutors—18 U.S.C. §§ 1591, 2422(b), and 2423(b).

¹ One of the other members of Mr. Epstein's defense team, Jay Lefkowitz, has personally reviewed the reporter's contemporaneous notes.

² Although some of the women alleged to be involved were 16 and 17 years of age, several of these women openly admitted to lying to Mr. Epstein about their age in their recent sworn statements.

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By way of background, we were informed by Mr. Acosta that, at his request, CEOS would be conducting a review to determine whether federal prosecution was both appropriate and, in his words, "fair." That is not what occurred. Instead, CEOS has now acknowledged that we had raised "many compelling arguments" against the USAO's suggested "novel application" of federal law in this matter. Even so, CEOS concluded, in minimalist fashion, that "we do not see anything that says to us *categorically* that a federal case should not be brought" and that the U.S. Attorney "would not be *abusing his prosecutorial discretion* should he authorize federal prosecution of Mr. Epstein," thus delegating back to Mr. Acosta the decision of whether federal prosecution was warranted (emphasis added). Rather than assessing whether prosecution would be *appropriate*, CEOS, using a low baseline for its evaluation, determined only that "it would not be impossible to prove . . ." certain allegations made against Mr. Epstein. The CEOS review failed to address the significant problems involving the appearance of impermissible selectivity that would necessarily result from a federal prosecution of Mr. Epstein.

We respect CEOS's conclusion that its authority to review "misconduct" issues was precluded by Criminal Division practice. We further respect CEOS's view that it understood its mission as significantly limited. Specifically, the contemplated objective was to determine whether the USAO would be abusing its discretion by bringing a federal prosecution rather than making its own *de novo* recommendations on the appropriate reach of federal law. However, we respectfully submit that a full review of all the facts is urgently needed at senior levels of the Justice Department. In an effort to inform you of the nature of the federal investigation against Mr. Epstein, we summarize the facts and circumstances of this matter below.

The two basic-level concerns we hold are that (1) federal prosecution of this matter is not warranted based on the purely-local conduct and the unprecedented application of federal statutes to facts such as these and (2) the actions of federal authorities are both highly questionable and give rise to an appearance of substantial impropriety. The issues that we have raised, but which have not yet been addressed or resolved by the Department, are more than isolated allegations of professional mistakes or misconduct. These issues, instead, affect the appearance and administration of criminal justice with profound consequences beyond the resolution in the matter at hand.

In a precedent-shattering investigation of Jeffrey Epstein that raises important policy questions—and serious issues as to the fair and honorable enforcement of federal law—the USAO in Miami is considering extending federal law beyond the bounds of precedent and reason. Federal prosecutors stretched the underlying facts in ways that raise fundamental questions of basic professionalism. Perhaps most troubling, the USAO in Miami, as a condition of deferring prosecution, required a commingling of substantive federal criminal law with a proposed civil remedy engineered in a way that appears intended to profit particular lawyers in

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May 19, 2008

VIA FACSIMILE (202) 514-0467

CONFIDENTIAL

Honorable Mark Filip
Office of the Deputy Attorney General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Judge Filip:

In his confirmation hearings last fall, Judge Mukasey admirably lifted up the finest traditions of the Department of Justice in assuring the United States Senate, and the American people, of his solemn intent to ensure fairness and integrity in the administration of justice. Your own confirmation hearings echoed that bedrock determination to assure that the Department conduct itself with honor and integrity, especially in the enforcement of federal criminal law.

We come to you in that spirit and respectfully ask for a review of the federal involvement in a quintessentially state matter involving our client, Jeffrey Epstein. While we are well aware of the rare instances in which a review of this sort is justified, we are confident that the circumstances at issue warrant such an examination. Based on our collective experiences, as well as those of other former senior Justice Department officials whose advice we have sought, we have never before seen a case more appropriate for oversight and review. Thus, while neither of us has previously made such a request, we do so now in the recognition that both the Department's reputation, as well as the due process rights of our client, are at issue.

Recently, the Criminal Division concluded a very limited review of this matter at the request of U.S. Attorney Alex Acosta. Critically, however, this review deliberately excluded many important aspects of this case. Just this past Friday, on May 16, 2008, we received a letter from the head of CEOS informing us that CEOS had conducted a review of this case. By its own admission, the CEOS review was "limited, both factually and legally." Part of the self-imposed limitation was CEOS's abstention from addressing our "allegations of professional misconduct by federal prosecutors"—even though such misconduct was, as we contend it is, inextricably intertwined with the credibility of the accusation being made against Mr. Epstein by the United States Attorney's Office in Miami ("USAO"). Moreover, CEOS did not assess the terms of the Deferred Prosecution Agreement now in effect, nor did CEOS review the federal prosecutors' inappropriate efforts to implement those terms. We detail this point below.

KIRKLAND & ELLIS LLP

Fax Transmittal

5/19 copy to e.s.

777 South Figueroa Street
Los Angeles, California 90017
Phone: (213) 680-8400
Fax: (213) 680-8500

Please notify us immediately if any pages are not received.

THE INFORMATION CONTAINED IN THIS COMMUNICATION IS CONFIDENTIAL, MAY BE ATTORNEY-CLIENT PRIVILEGED, MAY CONSTITUTE INSIDE INFORMATION, AND IS INTENDED ONLY FOR THE USE OF THE ADDRESSEE UNAUTHORIZED USE, DISCLOSURE OR COPYING IS STRICTLY PROHIBITED AND MAY BE UNLAWFUL.

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To:	Company:	Fax #:	Direct #:	
Honorable Mark Filip	Office of the Deputy Attorney General United States Department of Justice	(202) 514-0467	(202) 514-2101	
From:	Date:	Pages w/cover:	Fax #:	Direct #:
Kenneth W. Starr	May 19, 2008	9	(213) 680-8500	(213) 680-8440
Message:				

Honorable Mark Filip
May 27, 2008
Page 2

to a charge that the State Attorney has not, despite a two year investigation, determined to be appropriate. Mr. Epstein's counsel must also successfully expedite a plea of guilty to this charge on a date prior to July 8, 2008, which is the date presently set by the state court Judge.

Further, the unnecessary deadline is even more problematic because Mr. Epstein's effort to reconcile the state charge and sentence with the terms of the Agreement requires an unusual and unprecedented threatened application of federal law. Thus, it places Mr. Epstein in the highly unusual position of having to demand that the State acquiesce to a more severe punishment than it had already determined was appropriate.

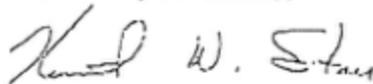
We have attempted to resolve these and other issues through the USAO and CEOA, including raising our concerns about the USAO's inappropriate conduct with respect to this matter. But those avenues have now been shut down. Mr. Sloman's letter purports to prohibit any further contact between Mr. Epstein's defense team and U.S. Attorney Acosta, and instead requires us to communicate with the USAO only through Mr. Sloman's subordinates.

While it pains us to say this, this misguided prosecution from the outset gives the appearance that it may have been politically motivated. Mr. Epstein is a highly successful, self-made businessman and philanthropist who entered the public arena only by virtue of his close personal association with former President Bill Clinton. There is little doubt in our minds that the USAO never would have contemplated a prosecution in this case if Mr. Epstein were just another "John."

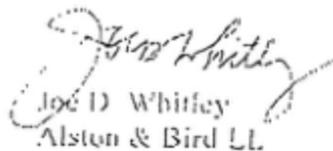
U.S. Attorney Acosta previously has stated that he is "sympathetic" to our federalism-related concerns, but he has taken the position that his authority is limited by enforcement policies set forth in Washington, D.C. As expressed in our prior communication to you, we believe that a complete and independent appraisal and resolution of this case most appropriately would be undertaken by your Office beginning with the rescission of the arbitrary, unfair, and unprecedented deadline that Mr. Sloman demands to have imposed in this case. At the very least, we would appreciate a tolling of the arbitrary timeline imposed on our client by the USAO in order to allow time for your office to consider our request that you undertake a review of this case.

Thank you for your time and attention.

Respectfully submitted,



Kenneth W. Starr
Kirkland & Ellis LLP



Joe D. Whitley
Alston & Bird LL

Kenneth W. Starr
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May 27, 2008

VIA FACSIMILE (202) 514-0467

CONFIDENTIAL

Honorable Mark Filip
Office of the Deputy Attorney General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Judge Filip:

This letter briefly supplements our prior submission to you dated May 19, 2008. In that communication, we urgently requested that your Office conduct an independent review of the proposed federal prosecution of our client, Jeffrey Epstein. The dual reasons for our request that you review this matter are (i) the bedrock need for integrity in the enforcement of federal criminal laws, and (ii) the profound questions raised by the unprecedented extension of federal law by the United States Attorney's Office in Miami (the "USAO") to a prominent public figure who has close ties to former President Clinton.

The need for review is now all the more exigent. On Monday, May 19, 2008, First Assistant Jeffrey Sloman of the USAO responded to an email from Jay Lefkowitz informing U.S. Attorney Alex Acosta that we would be seeking your Office's review. Mr. Sloman's letter, which imposed a deadline of June 2, 2008 to comply with all the terms of the current Non-Prosecution Agreement (the "Agreement"), plus new unilateral modifications, on pain of being deemed in breach of that Agreement, appears to have been deliberately designed to deprive us of an adequate opportunity to seek your Office's review in this matter.

The USAO's desire to foreclose a complete review is understandable, given that the Child Exploitation and Obscenity Section ("CEOS") has already determined that our substantive arguments regarding why a federal prosecution of Mr. Epstein is not warranted were "compelling." However, in contradiction to Mr. Sloman's assertion that CEOS had provided an independent, *de novo* review, CEOS made clear that it did not do so, indeed, CEOS declined to examine several of the more troubling aspects of the investigation of Mr. Epstein, including the deliberate leak to the *New York Times* of numerous highly confidential aspects of the investigation and negotiations between the parties as well as the recent crop of civil lawsuits filed against Mr. Epstein by Mr. Sloman's former law partner.

The unnecessary and arbitrarily imposed deadline set by the USAO was done without any respect for the normal functioning and scheduling of state judicial matters. It requires that Mr. Epstein's counsel persuade the State Attorney of Palm Beach to issue a criminal information



U.S. Department of Justice

United States Attorney
Southern District of Florida

UNITED STATES ATTORNEY'S OFFICE
SOUTHERN DISTRICT OF FLORIDA
99 NE 4TH STREET
MIAMI, FLORIDA 33132-2111

Jeffrey H. Sloman
First Assistant U.S. Attorney
305 961 9299

Cyndee Campos
Staff Assistant

[Redacted] fax

FACSIMILE TRANSMISSION
COVER SHEET

DATE: June 2, 2008

TO: [Redacted] Villafana

FAX NUMBER: (561) 820 8777

SUBJECT: Epstein

NUMBER OF PAGES, INCLUDING THIS PAGE: 9

Message/Comments:

This facsimile contains PRIVILEGED AND CONFIDENTIAL INFORMATION intended only for the use of the Addressee(s) named above. If you are not the intended recipient of this facsimile, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination or coping of this facsimile is strictly prohibited. If you have received this facsimile in error, please immediately notify us by telephone and return the original facsimile to us at the above address via the U.S. Postal Service. Thank you.

5/27/08 STARR SUBMISSION
TO THE DAG

EXHIBIT B-33

EFTA00225694

Conclusion

On February 25, 2008, I sent you an e-mail setting forth a timetable for moving forward in the event that CEOS disagreed with your position. That time is now. As you know, my February 25th email stated that I would give you one week to comply with the terms and conditions of the Agreement, as modified by the USA's December 19th letter to Ms. Sanchez. In light of the upcoming Memorial Day weekend, I have decided to extend that timetable to the close of business on Monday, June 2, 2008, which is a full two weeks.

Sincerely,

R. Alexander Acosta
United States Attorney

By:



Jeffrey H. Sloman
First Assistant United States Attorney

cc: R. Alexander Acosta
United States Attorney

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

Karen Atkinson
Assistant U.S. Attorney

C. "Mr. Epstein Does Not Believe He Is Guilty Of The Federal Charges Enumerated Under Section 2255."

At our December 14, 2007 meeting at the U.S. Attorney's Office in Miami, counsel for Epstein announced, *inter alia*, that it was a "profound injustice" to require Epstein to register as a sex offender and reiterated that no federal crime, especially 18 U.S.C. Section 2422(b), had been committed since the statute is only violated if a telephone or means of interstate commerce is used to do the persuading or inducing. This particular attack on this statute had been previously raised and thoroughly considered and rejected by the SDFL and CEOS prior to the execution of the Agreement. You also argued that the facts were inapplicable to the contemplated state statutes and that Epstein should not have been allowed to have been induced into the Agreement because the facts were not what he understood them to be. It should be noted that the SDFL has never provided you with any evidence supporting its investigation. This is not, and has never been, an *Alford* plea situation (*see North Carolina v. Alford*, 400 U.S. 25, 91 S.Ct. 160 (1970)). Ultimately, you requested an independent review.

Subsequent to the above-mentioned meeting, the SDFL received three letters from you and/or Mr. Starr which expanded on some of the themes announced in the December 14th meeting. Essentially, you portrayed the SDFL as trying to coerce a plea to unknown allegations and incoherent theories. On December 17, 2007, you decreed that Epstein's conduct did not meet the requirements of solicitation of minors to engage in prostitution (Fl. Stat. Section 796.03) one of the enumerated crimes Epstein had previously agreed to plead guilty to; that Epstein's conduct does not require registration under Florida law; and the State Attorney's Office does not believe the conduct is registrable. On December 21, 2007, you rejected the USA's proposed resolution of the 2255 provision because you "strongly believe that the provable conduct of Mr. Epstein with respect to these individuals fails to satisfy the requisite elements of either 18 U.S.C. Section[s] 2422(b) ... or ... 2423(b)." In your December 26, 2007 correspondence you stated that "we have reiterated in previous submissions that Mr. Epstein does not believe he is guilty of the federal charges enumerated under section 2255" and requiring "Mr. Epstein to in essence admit guilt, though he believes he did not commit the requisite offense."

As the SDFL has reiterated time and time again, it does not want, nor does it expect, Epstein to plead guilty to a charge he does not believe he committed. As a result, we obliged your request for an independent *de novo* review of the investigation and facilitated such a review at the highest levels of the Department of Justice. It is our understanding that that independent review is complete and a determination has been made that there are no impediments to a federal prosecution by the SDFL.

B. Method of Compensation and Notification.

During this same time period, you and others, including the former Solicitor General of the United States Kenneth Starr, took issue with the *implementation* of the methodology of compensation (hereinafter "the 2255 provision")³ and the SDFL's intention to notify the victims under 18 U.S.C. Section 3771 (you objected to victims being notified of time and place of Epstein's state court sentencing hearing). In response, the SDFL offered, in my opinion, numerous and various reasonable modifications and accommodations which ultimately resulted in United States Attorney R. Alexander Acosta's December 19, 2007 letter to Lilly Ann Sanchez. In that letter, the United States Attorney tried to eliminate *all* concerns which, quite frankly, the SDFL was not obligated to address, let alone consider. He proposed the following language regarding the 2255 provision:

"Any person, who while a minor, was a victim of a violation of an offense enumerated in Title 18, United States Code, Section 2255, will have the same rights to proceed under Section 2255 as she would have had, if Mr. Epstein been tried federally and convicted of an enumerated offense. For purposes of implementing this paragraph, the United States shall provide Mr. Epstein's attorneys with a list of individuals whom it was prepared to name in an Indictment as victims of an enumerated offense by Mr. Epstein. Any judicial authority interpreting this provision, including any authority determining which evidentiary burdens if any a plaintiff must meet, shall consider that it is the intent of the parties to place these identified victims in the same position as they would have been had Mr. Epstein been convicted at trial. No more; no less."

Regarding the issue of notice to the victims, USA Acosta proposed to notify them of the federal resolution as required by law; however, "[w]e will defer to the discretion of the State Attorney regarding whether he wishes to provide victims with notice of the state proceedings, although we will provide him with the information necessary to do so if he wishes." As you know, you rejected these proposals as well. See December 26, 2007 correspondence from Jay Lefkowitz to USA Acosta.

³ Prior to any issues arising concerning the implementation of the 2255 provision, the SDFL unilaterally agreed to assign its responsibility to select the attorney representative for the alleged victims to an independent third-party. This was done to avoid even the appearance of favoritism in the selection of the attorney representative. As a result, on October 29, 2007, the parties executed an Addendum wherein it was mutually agreed that former United States District Court Judge Edward B. [REDACTED] would serve as the independent third-party. Judge Davis selected the venerable law firm of Podhurst and Josefsberg to represent the approximately 34 alleged identified victims.

JAY P. LEFKOWITZ, ESQ.
May 19, 2008
PAGE 3 OF 6

of the guilty plea and sentence no later than October 26, 2007; and (5) the start of the above-mentioned sentence no later than January 4, 2008.

Furthermore, and significantly, Epstein agreed that he had the burden of ensuring compliance of the Agreement with the Palm Beach County State Attorney's Office and the Judge of the 15th Judicial Circuit and "*that the failure to do so will be a breach of the agreement*" (emphasis added).

Post-Execution of the Agreement

Within weeks of the execution of the Agreement, you sought to delay the entry of Epstein's guilty plea and sentence. After the SDFL agreed to accommodate your request, counsel for Epstein began taking issue with the methodology of compensation, notification to the victims, and the issues that had been previously considered and rejected during negotiations, *i.e.*, that the conduct does not require registration and the contemplated state and federal statutes have no applicability to the instant matter.

A. Delay.

The Agreement required that "Epstein shall use his best efforts *to enter his guilty plea and be sentenced not later than October 26, 2007*. The United States has no objection to Epstein self-reporting to begin serving his sentence not later than January 4, 2008." Agreement, pages 4-5, paragraph 11 (emphasis added). After the Agreement was executed, the SDFL accommodated your request to extend the October 26th plea deadline to November 20th based upon, what seemed to be, reasonable scheduling conflict issues.¹ By early November, you represented that the presiding state court judge would not "stagger the plea and sentencing as contemplated in the Agreement." Although the Agreement clearly did not contemplate a staggered "plea and sentencing," the SDFL again agreed to accommodate Epstein's request to appear in state court for plea and sentencing on January 4, 2008.²

¹ "Accordingly, I have now confirmed with Mr. Epstein's Florida counsel that the state's attorney's office and the court will be available to have him enter his plea on November 20. So we will plan to proceed on one that date." October 18, 2007 email from Jay Lefkowitz to USA R. Alexander Acosta.

On the same day, Mr. Lefkowitz confirmed with First Assistant Jeffrey H. Sloman that this postponement "will not affect when Epstein begins serving his sentence."

² Correspondence from Jay Lefkowitz to FAUSA Sloman dated November 8, 2007 ("the judge has invited the parties to appear for the plea and sentencing on January 4th, we do not anticipate any delay beyond that date.")

Background

The Agreement was the product of months of negotiations. Specifically, you requested and received numerous meetings, at the highest levels of the SDFL and DOJ's Child Exploitation and Obscenity Section (CEOS) concerning claims that (a) the investigation merely produced evidence of relatively innocuous sexual conduct with some minors who, unbeknownst to Epstein, misrepresented their ages; (b) the authorities investigating Epstein engaged in misconduct; (c) the contemplated federal statutes have no applicability to this matter; and (d) the federal authorities disregarded the fundamental policy against federal intervention with state criminal proceedings. After careful review, the SDFL ultimately rejected those claims. Subsequent to its decision, however, but before proceeding any further, the SDFL provided you with 30 days to appeal the decision to the Assistant Attorney General of the United States, Alice Fisher. As you recall, you chose to forego an appeal to AAG Fisher, and instead pursued a negotiated resolution which, ultimately, resulted in the execution of the Agreement.

The Negotiation Phase

During negotiations, you tried to avoid a resolution that called for incarceration and registration as a sexual offender – both of which would be triggered by a successful federal prosecution. The SDFL believed and continues to believe that should this matter proceed to trial, your client would be convicted of the federal statutes identified in the Agreement. In order to achieve a global resolution, the SDFL indicated a willingness to defer to the State the length of incarceration; however, it remained adamant that Epstein register as a sex offender and that all victims identified during the investigation remain eligible for compensation. In order to achieve this result, the parties considered two alternatives, a plea to federal charges that limited Epstein's sentencing exposure, or, as suggested by you, a plea to state charges encompassing Epstein's conduct. Ultimately, the parties agreed to, *inter alia*, a plea to the state charges outlined in the Agreement, registration and a method of compensation.

The Agreement

The crux of the Agreement defers in favor of the State federal prosecution of Epstein for his sexual conduct involving those minor victims identified as of September 24, 2007, in exchange for a guilty plea to a state offense that requires registration as a sex offender; a sufficient term of imprisonment; and a method of compensation for the victims such that they would be placed in the same position as if Epstein had been convicted of one of the enumerated offenses set forth in Title 18, United States Code, Section 2255. Specifically, the Agreement mandates, *inter alia*, (1) a guilty plea in Palm Beach County Circuit Court to solicitation of prostitution (Fl. Stat. Section 796.07) and procurement of minors to engage in prostitution (Fl. Stat. Section 796.03) (an offense that requires him to register as a sex offender); (2) a 30-month sentence including 18 months' incarceration in county jail; (3) a methodology to compensate the victims identified by the United States; (4) entry



U.S. Department of Justice

United States Attorney
Southern District of Florida

First Assistant U.S. Attorney

99 N.E. 4 Street
Miami, FL 33132
(305) 961-9100

DELIVERY BY FACSIMILE

May 19, 2008

Jay P. Lefkowitz, Esq.
Kirkland & Ellis LLP
Citigroup Center
153 East 53rd Street
New York, New York 10022-4675

Re: Jeffrey Epstein

Dear Mr. Lefkowitz,

I am in receipt of your e-mail dated May 19, 2008 to the United States Attorney. The U.S. Attorney would like me to advise you that all communications and inquiries related to the Epstein matter, will be handled by AUSA [REDACTED] Villafana and/or her supervisor, Karen Atkinson, so he does not intend to respond to your e-mail or calls unless AUSA Villafana and/or her supervisors advise him otherwise. Furthermore, you make reference to "our July 8 deadline." Respectfully, the United States Attorney's Office for the Southern District of Florida ("SDFL") has never agreed to any such deadline. Should you decide to provide the SDFL with any additional information, please do so through AUSA Villafana, and, in her absence, AUSA Atkinson.

On September 24, 2007, your client, Jeffrey Epstein, in consultation with Gerald Lefcourt, Esq. and Lilly Ann Sanchez, Esq., as well as numerous other nationally-renowned lawyers, including but not limited to Harvard Law Professor Alan Dershowitz, former Independent Counsel and Solicitor General of the United States Kenneth Starr, just to name a few, entered into a global resolution of state and federal liabilities faced by your client ("the Agreement") with the SDFL. Although you and other members of the defense team have since claimed that the Agreement was the product of *adhesion*, the following facts demonstrate that Epstein knowingly and voluntarily entered into the Agreement in order to avoid a federal indictment regarding his sexual conduct involving minor victims. Despite the fact that by signing the Agreement, Epstein gave up the right to object to its provisions, the SDFL bent over backwards to exhaustively consider and re-consider your objections. Since these objections have finally been exhausted and Epstein has previously expressed his intent to not comply with several of the terms and conditions of the Agreement as set forth below, the SDFL hereby notifies you that unless he complies with all of the terms and conditions of the Agreement, as modified by the United States Attorney's December 19, 2007 letter to Ms. Sanchez by close of business on Monday, June 2, 2008, the SDFL will elect to terminate the Agreement.

EXHIBIT B-32

EFTA00225700

Conclusion

On February 25, 2008, I sent you an e-mail setting forth a timetable for moving forward in the event that CEOS disagreed with your position. That time is now. As you know, my February 25th email stated that I would give you one week to comply with the terms and conditions of the Agreement, as modified by the USA's December 19th letter to Ms. Sanchez. In light of the upcoming Memorial Day weekend, I have decided to extend that timetable to the close of business on Monday, June 2, 2008, which is a full two weeks.

Sincerely,

R. Alexander Acosta
United States Attorney

By:



Jeffrey H. Sloman
First Assistant United States Attorney

cc: R. Alexander Acosta
United States Attorney

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

Karen Atkinson
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C. "Mr. Epstein Does Not Believe He Is Guilty Of The Federal Charges Enumerated Under Section 2255."

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JAY P. LEFKOWITZ, ESQ.
May 19, 2008
PAGE 3 OF 6

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During negotiations, you tried to avoid a resolution that called for incarceration and registration as a sexual offender – both of which would be triggered by a successful federal prosecution. The SDFL believed and continues to believe that should this matter proceed to trial, your client would be convicted of the federal statutes identified in the Agreement. In order to achieve a global resolution, the SDFL indicated a willingness to defer to the State the length of incarceration; however, it remained adamant that Epstein register as a sex offender and that all victims identified during the investigation remain eligible for compensation. In order to achieve this result, the parties considered two alternatives, a plea to federal charges that limited Epstein's sentencing exposure, or, as suggested by you, a plea to state charges encompassing Epstein's conduct. Ultimately, the parties agreed to, *inter alia*, a plea to the state charges outlined in the Agreement, registration and a method of compensation.

The Agreement

The crux of the Agreement defers in favor of the State federal prosecution of Epstein for his sexual conduct involving those minor victims identified as of September 24, 2007, in exchange for a guilty plea to a state offense that requires registration as a sex offender; a sufficient term of imprisonment; and a method of compensation for the victims such that they would be placed in the same position as if Epstein had been convicted of one of the enumerated offenses set forth in Title 18, United States Code, Section 2255. Specifically, the Agreement mandates, *inter alia*, (1) a guilty plea in Palm Beach County Circuit Court to solicitation of prostitution (Fl. Stat. Section 796.07) and procurement of minors to engage in prostitution (Fl. Stat. Section 796.03) (an offense that requires him to register as a sex offender); (2) a 30-month sentence including 18 months' incarceration in county jail; (3) a methodology to compensate the victims identified by the United States; (4) entry



U.S. Department of Justice

United States Attorney
Southern District of Florida

First Assistant U.S. Attorney

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Miami, FL 33132
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DELIVERY BY FACSIMILE

May 19, 2008

Jay P. Lefkowitz, Esq.
Kirkland & Ellis LLP
Citigroup Center
153 East 53rd Street
New York, New York 10022-4675

Re: Jeffrey Epstein

Dear Mr. Lefkowitz,

I am in receipt of your e-mail dated May 19, 2008 to the United States Attorney. The U.S. Attorney would like me to advise you that all communications and inquiries related to the Epstein matter, will be handled by AUSA [REDACTED] Villafana and/or her supervisor, Karen Atkinson, so he does not intend to respond to your e-mail or calls unless AUSA Villafana and/or her supervisors advise him otherwise. Furthermore, you make reference to "our July 8 deadline." Respectfully, the United States Attorney's Office for the Southern District of Florida ("SDFL") has never agreed to any such deadline. Should you decide to provide the SDFL with any additional information, please do so through AUSA Villafana, and, in her absence, AUSA Atkinson.

On September 24, 2007, your client, Jeffrey Epstein, in consultation with Gerald Lefcourt, Esq. and Lilly Ann Sanchez, Esq., as well as numerous other nationally-renowned lawyers, including but not limited to Harvard Law Professor Alan Dershowitz, former Independent Counsel and Solicitor General of the United States Kenneth Starr, just to name a few, entered into a global resolution of state and federal liabilities faced by your client ("the Agreement") with the SDFL. Although you and other members of the defense team have since claimed that the Agreement was the product of *adhesion*, the following facts demonstrate that Epstein knowingly and voluntarily entered into the Agreement in order to avoid a federal indictment regarding his sexual conduct involving minor victims. Despite the fact that by signing the Agreement, Epstein gave up the right to object to its provisions, the SDFL bent over backwards to exhaustively consider and re-consider your objections. Since these objections have finally been exhausted and Epstein has previously expressed his intent to not comply with several of the terms and conditions of the Agreement as set forth below, the SDFL hereby notifies you that unless he complies with all of the terms and conditions of the Agreement, as modified by the United States Attorney's December 19, 2007 letter to Ms. Sanchez by close of business on Monday, June 2, 2008, the SDFL will elect to terminate the Agreement.

EXHIBIT B-32

EFTA00225706

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription 10/04/2007

██████████ LANE RIVERA, date of birth 06/17/1988, Social Security Account Number 593-70-9393, telephone number (561)689-4717, was contacted telephonically regarding a federal investigation involving the sexual exploitation of minors. After being advised of the identity of the interviewing agent and the nature of the interview, RIVERA stated that she would not provide any information regarding JEFFREY EPSTEIN. The interviewing agent provided ██████████ with FBI contact information. RIVERA was informed to contact the FBI should she decide to cooperate with authorities.

It should be noted that RIVERA had an active warrant with the State of Florida for failure to appear regarding an arrest for shoplifting.

Investigation on 10/02/2007 at West Palm Beach, Florida (telephonically)

File # 31E-MM-108062 Date dictated 10/02/2007

by SA E. Nesbitt Kuyrkendall

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31E-MM-108062

Continuation of FD-302 of Molly Smythe , On 06/12/2007 , Page 3

[REDACTED] described one of the UWFs as tan with long brown hair. [REDACTED] her UWF was described as having short, bobbed, blonde hair. [REDACTED] said that both UWFs spoke with an accent.

SMYTHE believed that an individual named STEPHANIE LNU, who is FIGUEROA's age, also provided [REDACTED] with massages. She believed she drove a Jeep Cherokee. [REDACTED] knew of only one other female she believed may have provided EPSTEIN with massages. Her name was [REDACTED]. She was a student at RPBHS who died of a drug overdose.

EPSTEIN told [REDACTED] that he was a scientist.

31E-MM-108062

Continuation of FD-302 of Moll Smythe, On 06/12/2007, Page 2

he responded by telling her to relax. EPSTEIN told [REDACTED] several times to relax. EPSTEIN also insinuated that he wanted [REDACTED] to touch him. [REDACTED] stated that she believed EPSTEIN wanted her to do more than just massage him. She said that EPSTEIN propositioned her when he told her that she would get more money if she did more. She understood that to [REDACTED] sex. SMYTHE viewed EPSTEIN climax and the massage [REDACTED] over. [REDACTED] believed EPSTEIN got up and took a shower. [REDACTED] did not provide EPSTEIN with any further massages because she did not want to be put in that position again.

[REDACTED] was unsure who paid her [REDACTED] \$200.00 she received for providing EPSTEIN with the massage. [REDACTED] stated that FIGUEROA was also paid \$200.00. This was the only time [REDACTED] provided EPSTEIN with a massage. After departing the residence, FIGUEROA stated that she could [REDACTED] more money if she was willing to do [REDACTED] according to [REDACTED] [REDACTED] of an exgirlfriend, [REDACTED] identified as [REDACTED] who had gone to EPSTEIN's residence [REDACTED] many occasions. FIGUEROA said that was the reason that [REDACTED] had so much money and was able to support him. [REDACTED] stated that ROBERTS had a nice apartment and nice clothes. [REDACTED] believed ROBERTS had sex with EPSTEIN.

[REDACTED] and [REDACTED] [REDACTED] of [REDACTED] friend, [REDACTED] identified as [REDACTED] told [REDACTED] that she took her shirt off when providing EPSTEIN with the massage and that she might have to do the same. She told [REDACTED] that if asked her age she should say she was eighteen and that if [REDACTED] called back she could receive more money. FIGUEROA and [REDACTED] sat by the pool while [REDACTED] went upstairs to provide EPSTEIN with the massage. [REDACTED] received \$50.00 from FIGUEROA's \$200.00 he received for bringing [REDACTED] to EPSTEIN.

[REDACTED] went to ROYAL PALM BEACH HIGH SCHOOL where she completed [REDACTED] grade and a few classes during her eleventh grade year. [REDACTED] was unable to recall her exact [REDACTED] at the time she provided EPSTEIN with a massage. However, [REDACTED] recalled that she had provided EPSTEIN with a massage shortly before she approached [REDACTED] about massaging EPSTEIN.

[REDACTED] left her jewelry on a bench at EPSTEIN's residence during one of her visits to the EPSTEIN residence. She and FIGUEROA returned to the residence to retrieve her jewelry.

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription 06/12/2007

MOLLY [REDACTED] was interviewed in West Palm Beach, Florida, regarding a federal investigation involving the sexual exploitation of minors. After being advised of the [REDACTED] of the interviewing agent and the nature of the interview, [REDACTED] provided the following information:

[REDACTED] was introduced to JEFFREY EPSTEIN by a friend of hers, "TONY" (identified as TONY FIGUEROA). [REDACTED] stated that she knew FIGUEROA through her neighbors. She had known FIGUEROA for about a year when he said that she could make some easy [REDACTED] providing a massage to a guy who lived in Palm Beach. [REDACTED] said that FIGUEROA used the name "JEFFREY". She was aware of EPSTEIN's last name only because she saw it in a Vanity Fair magazine she was looking at on [REDACTED] second visit to Epstein's Palm Beach residence. FIGUEROA told [REDACTED] that she would make \$200.00 for providing the massage. He also told her if asked her age she was to say she was eighteen.

Prior to going to the residence with FIGUEROA, [REDACTED] that she had "smoked weed" with FIGUEROA to calm her down. [REDACTED] said that during that time in her life she believed she was also using Cocaine and Ecstasy. Once at the residence, EPSTEIN walked her through the house and upstairs to the spa/bathroom. One of two Unidentified White Females (UWFs) she had met previously downstairs was upstairs preparing the room for the massage. The UWF, who was topless, set out [REDACTED] lotions to be used during the massage. [REDACTED] UWF "coached" [REDACTED] and had her remove her shirt and bra. [REDACTED] was very nervous and tensed. The UWF started to perform the massage on EPSTEIN. Later, [REDACTED] began providing EPSTEIN with the massage and the UWF left the room.

EPSTEIN began the massage by lying on his stomach and instructing [REDACTED] to perform the massage over and lower down on his back. At one point, EPSTEIN asked [REDACTED] to take his towel. After a short time EPSTEIN turned over and [REDACTED] continued the massage. EPSTEIN soon began to masturbate while SMYTHE was performing the massage. Epstein asked [REDACTED] if she [REDACTED] nervous because she did not watch him while he masturbated. [REDACTED] said that [REDACTED] feeling uncomfortable. During the massage, EPSTEIN told [REDACTED] she had nice shaped breasts. EPSTEIN fondled her breasts. [REDACTED] told EPSTEIN again that she was uncomfortable and

Investigation on 06/12/2007 at West Palm Beach, Florida

File # 31E-MM-108062

Date dictated 06/12/2007

by SA E. Nesbitt Kuyrkendall
SA Jason R. Richards

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription 10/04/2007

AMANDA BJORKLAND FREELING, date of birth 08/22/1987, Social Security Account Number 594-56-7772, cellular telephone number (██████████) FREELING's father, MARK LNU's telephone number (██████████) was interviewed telephonically regarding a federal investigation involving the sexual exploitation of minors. After being advised of the identity of the interviewing agent and the nature of the interview, FREELING provided the following information:

FREELING currently resides with her husband, BRAD FREELING, at GROTON NAVY BASE located in Connecticut. The interviewing agent inquired if FREELING was able to speak freely over the phone with her husband in the car with her. FREELING stated she was fine. When FREELING was asked about JEFFREY EPSTEIN, she told the interviewing agent that she believed she knew an EPSTEIN that had been a math teacher in the middle school she had attended. FREELING stated that she could not recall traveling with her friend ALEX HALL to EPSTEIN's Palm Beach residence. FREELING stated that she could not recall providing EPSTEIN with a massage. She asked the interviewing agent if she could take some time to think about it. At this time, FREELING was advised that she was not in any trouble but that she needed to be completely honest with the interviewing agent. FREELING stated that she was unable to remember any details regarding a JEFFREY EPSTEIN that resided in Palm Beach. The interview was concluded.

Investigation on 10/02/2007 at Groton Base, Connecticut

File # 31E-MM-108062

Date dictated 10/02/2007

by SA E. Nesbitt Kuyrkendall

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription 10/04/2007

AMANDA LASZLO, date of birth 01/21/1986, Social Security Account Number 595-42-6272, cellular telephone number (561)577-0988, [REDACTED] LNU's cellular number (954)436-9315 was interviewed telephonically regarding a federal investigation involving the sexual exploitation of minors. After being advised of the identity of the interviewing agent and the nature of the interview, LASZLO provided the following information:

LASZLO informed the interviewing agent that she was at her new job, GROUND WORKS, a landscaping business, and did not want to get involved in an investigation regarding JEFFREY EPSTEIN. The interviewing agent attempted to set up a better time for the interview but LASZLO did not want to be interviewed. However, [REDACTED] confirmed that she first met JEFFREY EPSTEIN when she was fifteen or sixteen years old. She was taken to EPSTEIN's residence in Palm Beach by one of her good friends. [REDACTED] stated that she provided EPSTEIN with massages and that she had provided these massages alone. LASZLO stated that EPSTEIN had not inappropriately touched her and that EPSTEIN had not masturbated in her presence. [REDACTED] said that her friend was paid more so she thought more was taking place between her friend and EPSTEIN. [REDACTED] again stated to the interviewing agent that she did not want to get involved and was not going to provide anymore information. [REDACTED] said, "good luck with the case" and disconnected from the line.

Investigation on 10/03/2007 at Boynton Beach, FL (telephonically)

File # 31E-MM-108062 Date dictated 10/03/2007

by SA E. Nesbitt Kuyrkendall

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription 10/29/2007

[REDACTED] date of birth 05/30/1986, Social Security Account Number 589-98-0143, cellular telephone number (561)294-8542, telephone number (561)863-9461(aunt), and telephone number (561)718-7220(father), was interviewed in West Palm Beach, Florida, regarding a federal investigation involving the sexual exploitation of minors. After being advised of the identity of the interviewing agents and the nature of the interview, HENDERSON provided the following information:

[REDACTED] believed she was first approached about providing JEFF EPSTEIN with a massage during her Junior year in High School. [REDACTED] stated that she was sixteen or seventeen when she first met EPSTEIN. [REDACTED] friend, [REDACTED], [REDACTED] she could make at least \$200.00 by [REDACTED] massage. [REDACTED] drove HENDERSON and another friend, [REDACTED] to [REDACTED] residence. EPSTEIN gave them a tour of the house. [REDACTED] recalled naked photographs of girls, especially in the room [REDACTED] where she would later provide EPSTEIN with a massage. On [REDACTED] first visit, she and RADABAUGH stayed downstairs and waited while [REDACTED] went upstairs.

A few days to a week later [REDACTED] returned to EPSTEIN's residence with [REDACTED]. [REDACTED] was taken upstairs by EPSTEIN. HENDERSON began the massage by massaging EPSTEIN's feet and lower legs. EPSTEIN wearing only a towel was lying on his stomach and talking on the telephone. After approximately 10-15 minutes on the telephone, EPSTEIN hung up and turned over. EPSTEIN asked HENDERSON if she had been told that [REDACTED] should remove her shirt when providing him the massage. [REDACTED] told EPSTEIN that she was not told that and that she would not remove her shirt. EPSTEIN stood up completely [REDACTED] uneasy and upset, told EPSTEIN, "I'm done." [REDACTED] was paid \$100.00.

[REDACTED] approximately ten minutes after leaving EPSTEIN's residence [REDACTED] and AMEN [REDACTED] 911 to get the police department's phone number. [REDACTED] was unsure of which police department they contacted to report the incident that had occurred with EPSTEIN.

[REDACTED] stated that there were no telephone calls to or from EPSTEIN or his assistants.

Investigation on 10/03/2007 at West Palm Beach, Florida

File # 31E-MM-108032

Date dictated 10/03/2007

by SA E. Nesbitt Kuyrkendall
SA Jason R. Richards

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31E-MM-108062

Continuation of FD-302 of Danielle DICENSO . On 10/25/2007 . Page 2

pulled her underwear to side, and stroked her vagina. EPSTEIN also fondled DICENSO's breasts.

DICENSO stated that EPSTEIN climaxed during both massages and that he would make really weird noises while masturbating.

DICENSO said that GARCIA and EPSTEIN argued. DICENSO believed GARCIA stood up for herself regarding the payment of a girl GARCIA brought to EPSTEIN to provide him with a massage.

DICENSO received \$200.00 each time she provided EPSTEIN with a massage. She believed GARCIA received the same amount. According to DICENSO, KELLEN may have paid their taxi fare.

DICENSO stated that [REDACTED] would call her once in a while on her cellphone to see if she was available to provide a massage.

DICENSO said that EPSTEIN told her that he was a Brain Scientist.

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 10/26/2007

DANIELLE DICENSO, maiden name HEDRICK, dob 08/15/2007, 4608 Diana Drive, Apartment 3, Great Falls, Montana 59405, cellular telephone (954)801-0217, was interviewed telephonically regarding a federal investigation involving the sexual exploitation of minors. After being advised of the identity of the interviewing agents and the nature of the interview, DICENSO provided the following information:

DICENSO learned through friends that there was a rich guy in Palm Beach that had a lot of models at his house and that his house was a place to hang out and have fun. DICENSO and a friend, ANGELIQUE GARCIA, maiden name CAVALLARO, traveled to JEFFREY EPSTEIN's residence in Palm Beach via a taxi cab. DICENSO believed this occurred during her 10th grade year, while attending Wellington High School.

DICENSO stated that SARAH LNU (identified as [REDACTED]) answered the door and showed the girls around the house. Eventually, [REDACTED] took DICENSO and GARCIA upstairs. The girls were sitting on the couch when EPSTEIN entered the room. He told them he had just come from a run and needed to shower. After showering, EPSTEIN entered the room wearing a towel. EPSTEIN conversed with DICENSO and GARCIA. DICENSO stated that when EPSTEIN asked her age she told him her true age at that time. She believed she was sixteen when she went to his residence. Later during the massage, EPSTEIN asked both girls to remove their tops. DICENSO complied with EPSTEIN's request. DICENSO stated that GARCIA refused. DICENSO believed that GARCIA was self conscious about being heavy. Both girls continued to massage EPSTEIN. At one point, EPSTEIN turned over on to his back and began to masturbate while the girls massaged him. He instructed them to massage and touch his chest. EPSTEIN rubbed and touched the girls legs and buttocks during the massage. DICENSO believed the massage lasted approximately twenty to thirty minutes.

On the second visit to EPSTEIN's residence, DICENSO believed she accompanied her friends, GARCIA and [REDACTED]. EPSTEIN again took a shower and wore a towel. Per EPSTEIN's request, DICENSO provided EPSTEIN with a massage wearing only her underwear. During the massage, EPSTEIN put DICENSO on the table,

Investigation on 10/25/2007 at West Palm Beach, Florida (telephonically)
 File # 31E-MM-108062 Date dictated 10/25/2007
 by SA E. Nesbitt Kuyrkendall
SA Jason R Richards

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31E-MM-108062

Continuation of FD-302 of [REDACTED] Ellen Pitts , On 10/02/2007 , Page 2

[REDACTED] touched her. [REDACTED] stated that when Epstein noticed she was uneasy [REDACTED] would pull her back closer to him. Epstein continued to touch [REDACTED] and digitally penetrated her vagina. Epstein also placed a vibrating massager on [REDACTED]'s vagina. [REDACTED] stated that Epstein touched her for approximately 2-5 minutes. [REDACTED] described the massager as a large, white back massager. Epstein told [REDACTED], "don't be nervous." Epstein made a comment about how much he liked [REDACTED]'s body and how good it felt. Epstein commented that he liked her large, firm breasts and firm butt. Pitts had no knowledge that Epstein might attempt to touch her the way he did and she believed she would only provide him a massage in [REDACTED] underwear. At the conclusion of the massage, Epstein paid [REDACTED] \$200-\$300 in one hundred dollar bills and he asked, "does Sarah have your number?" [REDACTED] does not recall providing her former telephone number, [REDACTED] to anyone at the Epstein residence. [REDACTED] was also paid \$200-\$300 by someone at the residence.

[REDACTED] Pitts went to Epstein's residence on one occasion. Pitts believed [REDACTED]'s residence multiple times. Pitts believed [REDACTED] have gone to Epstein's residence a couple of times. [REDACTED] married Andy Garcia. Garcia is serving in the military and may be based in North Carolina. Garcia formerly lived at Bahia Bay Circle, Wellington, Florida. [REDACTED] is pregnant and due in a couple of months. [REDACTED] (phonetic) may have also gone to Epstein's residence.

[REDACTED] later heard that Epstein sometimes had multiple massage sessions in a day and would masturbate during each massage but would not ejaculate until the final massage of the day.

Pitts stated Epstein's penis was really little and there wasn't much there.

[REDACTED] stated she went to a Florida Marlins baseball game the weekend after her visit to Epstein's residence.

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 10/18/2007

Pursuant to a [redacted] investigation regarding the sexual exploitation of minors, [redacted] Ellen Pitts, was interviewed by the Federal Bureau of Investigation (FBI). After being advised of the identity of the interviewing agents and purpose of the interview, [redacted] voluntarily provided the following information:

[redacted] Spring [redacted]'s Junior year of high school, [redacted] drove [redacted] to Jeffrey Epstein's [redacted] Palm Beach, Florida residence. Epstein answered the door and [redacted] and [redacted] went inside the residence. Epstein engaged in conversation with Pitts. Epstein asked about [redacted]'s life plans and her interests. Epstein was aware [redacted] and Pitts were in high school because he wanted to know what high school they attended. [redacted] and [redacted] both attended Palm Beach Central High School.

[redacted] described the house as maze-like and "kind of creepy." It appeared that Epstein had girls living at the residence with him. Pitts also observed many vehicles at the residence. [redacted] walked through the main part of the house and sat on a couch where she began reading a magazine to try to learn a little bit about Epstein. While she was seated on the couch [redacted] met Sarah Last Name Unknown (LNU).

[redacted] went upstairs with Hedrick to an area that had two glass showers, a massage table and a couch. There were pictures of naked girls on a shelf located next to the couch in the shower room. [redacted] knew what to do for Epstein and told [redacted] to remove her clothing. [redacted] and [redacted] were wearing only their thong panties when Epstein entered the shower area wearing his sweat pants and a T-shirt. Epstein disrobed and was wearing a towel when he laid down on the massage table. [redacted] gave [redacted] guidance and they both began massaging Epstein's legs. Epstein later asked [redacted] to leave. [redacted] put her clothes on and left Pitts alone with Epstein.

After [redacted] left the shower area, Pitts continued massaging Epstein's legs. Epstein told Pitts to "come here" and he began masturbating. Epstein began touching [redacted]'s body all over. Pitts thought to herself, "Oh my god, I'm gonna throw up." Epstein grabbed her butt, touched her breasts and tried to pull her panties off. [redacted] was very uneasy and pulled away from Epstein when he

Investigation on 10/02/2007 at Palm Beach Gardens, Florida

File # 31E-MM-108062

Date dictated 10/18/2007

by SA E. Nesbitt Kuyrkendall

by SA Jason R. Richards

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31E-MM-108062

Continuation of FD-302 of Sabrina Marie Ewart, On 10/26/2007, Page 2

told [REDACTED] that she also was paid that evening. [REDACTED] told [REDACTED], "if you bring someone you'll get \$200." Ewart was upset with [REDACTED] and did not talk much on the cab ride home.

Approximately one week later Epstein's assistant named Sarah called [REDACTED]. Sarah invited [REDACTED] to come back to the residence and told her if you come back with a friend he will pay you. Ewart believed Sarah obtained her telephone number from [REDACTED]'s telephone number may have been 561-676-5619 or [REDACTED]. Sarah called 2-3 more times. [REDACTED] told Sarah she had moved out of state to get Sarah to stop calling. [REDACTED] did not return to Epstein's residence.

[REDACTED] was aware that Angelique [REDACTED] and [REDACTED] Hedrick had been to Epstein's residence. [REDACTED] also heard rumors that Carrie Kincaid, who was older than [REDACTED] had sex with Epstein.

[REDACTED] stated her mother was suspicious about a text message that [REDACTED] had sent her. The text message was in reference to going to Jeffrey's home at a certain time and the time the cab would pick her up. [REDACTED] told her mother she was going downtown.

Approximately two months ago, Ewart was contacted by private investigators working on behalf of Epstein. She met with a female and a male investigator and told them the details of her relationship with Epstein. She described the male private investigator as an older man.

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription 10/29/2007

Pursuant to a [REDACTED] investigation regarding the sexual exploitation of minors, [REDACTED] was interviewed by the Federal Bureau of Investigation (FBI). After being advised of the identity of the interviewing agents and purpose of the interview, Ewart voluntarily provided the following information:

Ewart was introduced to Jeffrey Epstein when she [REDACTED] approximately 16 or 17 years old. During the beginning of [REDACTED] 11th [REDACTED] year at Palm Beach Central High School, [REDACTED] told [REDACTED] about a "filthy rich" guy who would pay girls for giving him a massage. Miller told [REDACTED] she could make \$300 by giving Epstein a massage.

[REDACTED] traveled with Miller to Epstein's residence in a taxi cab. [REDACTED] in the kitchen area of the residence prior to going upstairs. [REDACTED] noticed pictures of naked women in the upstairs room. She also observed a massage table and a shower/sauna area in the room.

Epstein entered the massage room wearing a robe and told [REDACTED] he was going to take a shower. Epstein disrobed and took a shower as [REDACTED] waited. He finished showering and placed a towel around his waist. Epstein [REDACTED] on his back on the massage table. Epstein inquired about [REDACTED] interests and she told him she wanted to be a Pharmaceutical Representative. Epstein offered to send her books regarding Pharmaceutical Representatives.

Epstein instructed [REDACTED] to massage his chest and asked her to remove her shirt. During the massage, [REDACTED] was wearing her sports bra, a skirt and thong panties. Ewart stated she was very uncomfortable. Epstein also asked Ewart to remove her underwear. Epstein removed his towel exposing [REDACTED] his penis and began masturbating. Epstein fondled [REDACTED] by reaching under her skirt and touching her butt and rubbing her vagina over her underwear. [REDACTED] pulled her underwear to the side and rubbed her vagina. [REDACTED] backed away from Epstein multiple times but he continued persuading her. Epstein stated, "this is normal, nothing's wrong." Epstein fondled [REDACTED] for approximately 5-10 minutes as he masturbated. Epstein ejaculated and paid [REDACTED] \$200-\$300. [REDACTED] observed Epstein get the cash from a desk. [REDACTED] left the residence with Miller in a taxi cab. On the cab ride home Miller

Investigation on 10/26/2007 at West Palm Beach, Florida

File # 31E-MM-108062 Date dictated 10/29/2007

by SA E. Nesbitt Kuyrkendall
SA Jason R. Richards

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription 10/10/2007

JENNIFER AMENOLD was interviewed in Royal Palm Beach, Florida regarding a federal investigation involving the sexual exploitation of minors. After being advised of the identity of the interviewing agents and the nature of the interview, AMENOLD provided the following information:

[REDACTED] was first approached to provide massages to JEFFREY EPSTEIN by her brother's friend, TONY FIGUEROA. FIGUEROA told [REDACTED] that she would receive \$200.00 for providing the massage. The only other instruction [REDACTED] was told by FIGUEROA was that she should say she was eighteen if asked by EPSTEIN.

[REDACTED] stated that she provided EPSTEIN with less than ten massages. AMENOLD was paid \$200.00 for each massage. After the first massage EPSTEIN asked AMENOLD for her number. AMENOLD was unsure of how she provided EPSTEIN with her phone number. AMENOLD believed that FIGUEROA was paid for bring her to the residence. [REDACTED] provided EPSTEIN with a false name, Veronica. EPSTEIN later called her on providing a false name to him. She believed EPSTEIN's assistant discovered her true name when leaving her [REDACTED] a massage regarding massage appointments. AMENOLD could not remember the cellular telephone number she was using at that time.

[REDACTED] said as the massages with EPSTEIN progressed they became more and more sexual. During the second to last massage AMENOLD provided to EPSTEIN, EPSTEIN digitally penetrated AMENOLD. EPSTEIN would also masturbate during the massages. The last time AMENOLD went to EPSTEIN's residence she brought two friends (later identified as NICOLE RADABAUGH and [REDACTED]). Both of AMENOLD's friends refused EPSTEIN's sexual requests. [REDACTED] stated that EPSTEIN called her upstairs and was upset with her because her friends refused him.

Upon leaving EPSTEIN's residence, [REDACTED] her friends contacted ROYAL PALM BEACH POLICE DEPARTMENT (RPBPD). RPBPD referred them to PALM BEACH POLICE DEPARTMENT. AMENOLD was unable to recall what official they spoke with regarding what had transpired between EPSTEIN and the girls. [REDACTED] also stated that they had provided false names when making the report.

Investigation on 10/10/2007 at Royal Palm Beach, Florida

File # 31E-MM-108062

Date dictated 10/10/2007

by SA E. Nesbitt Kuyrkendall

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Continuation of FD-302 of _____, On 03/25/2008, Page 2

other girlfriends to massage him. He told her she could accompany any of the girls she referred.

After that second time of going by herself she decided not to return by herself and that is when she took _____ with her for the third session with JEFFREY.

DANIELLE claimed she did not refer other girls to JEFFREY because all her other friends were from the Performing Arts School and they were very "straightlaced kids with good morals and good upbringing". The only friend she referred to JEFFREY was _____

DANIELLE was asked if she ever heard about JEFFREY taking pictures or videos of the girls who provided massage services. She stated she had no knowledge regarding that aspect of JEFFREY EPSTEIN's life.

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription 03/26/2008

[REDACTED] (hereafter referred to as DANIELLE), date of birth October 11, 1986, address 405 W. 45th Street, New York, NY 10019, cellular telephone number [REDACTED] telephonically contacted Special Agent (SA) MARIA E. JOHNSON of the New York Division of the Federal Bureau of Investigation (FBI). DANIELLE provided the following information:

DANIELLE stated her friend [REDACTED] had called her after DANIELLE had spoken to FBI agents on March 20, 2008. She stated they spoke briefly about captioned investigation but did not "swap notes" about details of the information they provided to interviewing agents. DANIELLE informed SA JOHNSON that she was concerned about providing the correct time frame regarding her involvement with JEFFREY EPSTEIN.

DANIELLE stated AMANDA had told her it was sometime in the summer months of 2004 when she first met JEFFREY EPSTEIN because she recalled it was hot and sunny outside. DANIELLE then remembered purchasing a summer sleeveless dress during that time frame and she had worn tank tops and short skirts whenever she visited JEFFREY at his home. DANIELLE apologized for the confusion of the time line. If this time line is correct, she was 17 years old when she first met JEFFREY.

DANIELLE stated she had also recalled a particularly embarrassing situation she had not disclosed to interviewing agents when she first spoke to them (SAs JOHNSON AND KRISTINA L. NORRIS) on March 20, 2008. She stated she wanted to block that memory because she was ashamed.

DANIELLE added that on the second occasion when she had gone to JEFFREY's home, by herself to give him a massage, he had masturbated in front of her. DANIELLE stated he had disrobed in front of her and laid down on the massage table with a towel around his mid-section face down. After a few minutes, JEFFREY had placed his hand underneath him and started stroking his penis. He began making sounds and she stopped massaging him. He then asked her if she was uncomfortable and she answered "yes". He then got upset, stopped masturbating, and paid her \$300.00. She asked if she could leave and he told her that he did not want her to massage him anymore. However, he offered to pay her \$200.00 if she referred

Investigation on 03/25/2008 at New York, NY (telephonically)

File # 31E-MM-108062

Date dictated _____

by Maria E. Johnson

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Continuation of FD-302 of

[REDACTED] Hannah Bensky

, On 03/20/2008 . Page 5

also lived in Queens, NY. It is her belief that MARINA was recruited by another female (name unknown) who went to high school in Queens, NY, DANIELLE never met this other female. MARINA then seemed to be the one recruiting more girls for JEFFREY by the time DANIELLE met MARINA. MARINA did not graduate high school and seemed content enough to make money giving JEFFREY massages.

DANIELLE heard through [REDACTED] that [REDACTED] MARINA, and LEANNE "would do things with JEFFREY". When asked what she meant by that she replied they would have sex with him.

Moreover, DANIELLE went with AMANDA to JEFFREY's office to collect money he owed her. She described the building being located on 53rd street between Madison and Park avenues in NYC. She remembered seeing the exterior of the building as marble with large columns on either side. She believes this was the only occasion she was ever in his office building.

When [REDACTED] was asked whether she had ever been asked to take trips with JEFFREY outside of NYC she stated she had not. However, she had overheard MARINA brag to the other girls about going on a trip with JEFFREY to West Palm Beach, Florida. She was going on about going to West Palm Beach on a boat and having a great time in Florida. DANIELLE believes that MARINA probably went on a trip if not several trips with JEFFREY to Miami and West Palm Beach, FL but did not have further information on this matter.

Once DANIELLE disassociated herself from those girls, she never heard anymore details of the trips. She stated that once she refused to take LESLIE's or JEFFREY's calls and did not refer any more girls to his house, she stopped hanging around so much with the other girls who did. The last time she saw MARINA was at a club when DANIELLE was 19 years old. She does not keep in contact with her but she knows that GIL is still very good friends with MARINA.

DANIELLE stated that JEFFREY EPSTEIN used to like to boast about all the celebrities he knew and loved to "name drop" and make calls to celebrities in the movie industry while he was getting a massage. JEFFREY at one point had claimed to know, GELSEY KIRKLAND, a famous ballet star, KIERA [REDACTED] among others. He thought this would impress her but since [REDACTED] mother was in show business for a long time she was not easily impressed.

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Continuation of FD-302 of

[REDACTED] Hannah Bensky

, On 03/20/2008 , Page 4

worked at JEFFREY EPSTEIN's office and he was the same JEFFREY that she had met and had massaged. MARINA told her to give LESLIE a call to make an appointment. DANIELLE called the number on her caller ID and it was the business number for JEFFREY's office. A woman by the name of CECILIA LNU called and said LESLIE would call her right back.

LESLIE immediately called [REDACTED] and told her that she needed to contact AMANDA to make another appointment and needed her cell phone number which DANIELLE provided.

A few minutes later, AMANDA called DANIELLE and asked that she go with her to JEFFREY's house. DANIELLE agreed and it was the same scenario as the previous visit. Once again, after a few minutes of DANIELLE in the mass [REDACTED] pm she was asked to leave. When she returned to the room, [REDACTED] and JEFFREY were both nude. [REDACTED] they got paid \$300.00 each. AMANDA again refused to tell [REDACTED] what happened once she left the room. DANIELLE recalled going with [REDACTED] to JEFFREY's house a total of three times.

DANIELLE knew from talking to the other girls like MARINA and LEANNE that [REDACTED] was still going to JEFFREY's house even after DANIELLE stopped going.

On one occasion AMANDA went to see JEFFREY and she came home crying. She stated that JEFFREY had asked [REDACTED] to straddle him on the massage table and simulate sexual intercourse with him. AMANDA became very upset and JEFFREY ended up throwing the money at her and yelled for her to get out of his home.

DANIELLE added JEFFREY called her directly on her cell phone and asked her to refer more girls to him. DANIELLE stopped taking calls from JEFFREY or any of his assistants because she did not want to refer any other girls to JEFFREY. She stated she had made a mistake by giving out AMANDA's number to LESLIE in the first place and did not want to make the same mistake again. [REDACTED] recalls getting paid about \$1000.00 in the few months she had visited JEFFREY's home.

DANIELLE stated that her apartment was like a revolving door where all her friends stopped by. DANIELLE would hear things about JEFFREY once the girls and some of the boys (like CHRIS TROUSDALE and GIL). She recalled that one of MARINA's friends, [REDACTED] who was about 15 at the time, would also give JEFFREY massages. DANIELLE did not know her very well but knew that she

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Continuation of FD-302 of

[REDACTED] Hannah Bensky

, On 03/20/2008 , Page 3

towel he had wrapped around his waist. JEFFREY laid [REDACTED] on the massage table face down and kept the towel on. [REDACTED] then massaged his back and legs. JEFFREY at no time touched her or disrobed in front of her. After 20 minutes of being massaged he got off the table and paid her \$300.00 in \$100.00 bills. (It should be noted that JEFFREY always paid her using \$100.00 bills only).

After the massage was over, JEFFREY told DANIELLE he did not want her to massage him again because she reminded him of his niece. He told her that he wanted her to bring him other girls instead. At no time did he discuss her age or asked about the ages of her friends. He did not ask that he bring a girl with a specific hair color or age but did ask for slim and petite girls.

About a week later, MARINA called DANIELLE again and told her she had set up another appointment. DANIELLE had told [REDACTED] about it and said that she should go with her and they could both make some easy money. DANIELLE told AMANDA about her experience and since he never touched her or tried anything sexual with her, she thought it was okay to get AMANDA involved.

The girls then went to JEFFREY's apartment and he again led them to the massage room. He asked them both to take their clothes off which they refused. They came to a compromise and they agreed to strip down to their bras and panties. JEFFREY then went to the other room, and came back undressed with a towel wrapped around his waist.

The girls then began to massage [REDACTED] and then JEFFREY asked [REDACTED] to leave the room and for [REDACTED] to stay. After some time, DANIELLE went back into the room and she noticed that both AMANDA and JEFFREY were nude. JEFFREY was on the massage table and AMANDA was closer to the door. JEFFREY then paid each girl \$400.00 in \$100.00 bills. The girl [REDACTED] undressed and left JEFFREY's home. AMANDA refused to tell [REDACTED] what had happened in the room but she seemed upset.

About a week later, DANIELLE received a call from a LESLIE LNU, who identified herself as calling on behalf of JEFFREY EPSTEIN's office. She left a message on DANIELLE's cell phone (which is the same number she has currently) telling her that she needed to call LESLIE back as soon as possible. DANIELLE did not return her call as she did not know who these people were. A few minutes later, MARINA called DANIELLE. MARINA told her LESLIE LNU

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Continuation of FD-302 of

[REDACTED] Hannah Bensky

, On 03/20/2008 , Page 2

MARINA told the girls that she and LEANNE knew a man by the name of JEFFREY LNU who would pay \$200.00 to girls who would give him a massage. MARINA told [REDACTED] and DANIELLE that it was very legitimate and that he never touched them, he just wanted to see a pretty girl giving him a massage at home.

DANIELLE was suspicious and wondered why he would pay so much money just for a just a massage. MARINA told her it was very easy money and she [REDACTED] required to do anything else but massage him. MARINA told [REDACTED] that JEFFREY just wanted to have pretty young girls around him.

About a week later, MARINA called DANIELLE and told her that she had made an appointment for DANIELLE to go to JEFFREY's house to give him a massage. DANIELLE had never agreed to this but felt obligated to go to the appointment now that MARINA had set it up. MARINA gave her the address of JEFFREY's apartment which was located on 63rd street at Central Park East (from what she can recall). She also remembered the apartment was adjacent to the Ralph Lauren store in the Upper East Side, NYC. DANIELLE was still apprehensive about going but since the appointment was during the day she figured nothing bad could happen.

She recalled that the apartment was a four story brownstone and when she pressed the buzzer a maid answered the door. She noticed two security cameras facing the front doorstep. The maid asked her to sit in the foyer and then the maid left. DANIELLE was very nervous and she sent a text to AMANDA telling her that she was nervous and was thinking about leaving. After five minutes she got up to leave but just then the maid showed up and told her that JEFFREY would be with her shortly and not to leave.

In a minute or so JEFFREY came downstairs and introduced himself. She described him as a man in his 60's with salt and pepper hair and about 5'9". He then led her to an elevator where they went up to the fourth floor. He then took her to a room that was set up like a massage parlor complete with massage table and an assortment of massage oils, lotions, and other aroma-therapy products.

JEFFREY then explained that he wanted her to strip to her underwear and massage him. DANIELLE declined but did take some of her clothes off. She left on a tank top and what she called "booty shorts" which she was wearing underneath her clothes. JEFFREY then left the room and returned fully undressed with the exception of a

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription 03/24/2008

██████████ DANIELLE HANNAH BENSKY (hereafter referred to as ██████████, date of birth October 11, 1986, address 405 W. 45th Street, Apt. 6A, New York, NY 10019, cellular telephone number (646) 226-1463, was interviewed at the New York Office of the Federal Bureau of Investigation (FBI), located at 26 Federal Plaza, New York, NY 10278. After being advised of the identity of the interviewing agents and the nature of the interview, ██████████ provided the following information:

DANIELLE stated she is currently employed at the 49 Grove Street club (located at that address) in New York, NY and is also a student at H.B. Studios studying to be an actor.

DANIELLE added that prior to that she was a student at the Professional Performing Arts School (PPAS) located on 48th Street between 8th and 9th avenues in New York City (NYC). DANIELLE added she was not living with her parents while attending high school; she lived with her then boyfriend, CHRIS TROUSDALE (he was in a boy band called Dream Street) and her friend AMANDA LAST NAME UNKNOWN (LNU). All three lived in an apartment located at 218 East 96th Street between 2nd and 3rd avenues in NYC.

DANIELLE had a best friend by the name of GIL CASTILLANE. He attended a high school (name unknown) in Queens, NY and it was through GIL that DANIELLE met a girl by the name of MARINA LNU. GIL and MARINA LNU had met at middle school (name unknown) also in Queens, NY and since they both had moved from Brazil to NYC, they had this bond and became very close friends. ██████████ was about 17 years of age when she met MARINA LNU who was about 14 or 15 years old at the time, but who was very street savvy. DANIELLE stated that MARINA LNU hung out with an older crowd and was smart beyond her years. DANIELLE stated that she actually deferred to her whenever they went out "to party" because MARINA seemed to know everyone in the club scene.

DANIELLE stated she and AMANDA LNU began hanging out with MARINA LNU and her friend LEANNE LNU. She recalled that sometime after her 18th birthday (to be sometime in November 2004), MARINA, LEANNE, AMANDA, AND ██████████ were taking a cab to a club. MARINA and LEANNE were talking about something in a quiet tone and DANIELLE asked them what was going on. After some hesitation,

Investigation on 03/20/2008 at New York, NY

File # 31E-MM-108062

Date dictated _____

by Maria E. Johnson

Kristina L. Norris

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription 10/09/2007

[REDACTED] date of birth 10/11/1986, was telephonically interviewed regarding a federal investigation involving the sexual exploitation of minors. After being advised of the identity of the interviewing agent and the nature of the interview, BENSKY provided the following information:

BENSKY believed she first met JEFFREY EPSTEIN during the end of her Junior Year. BENSKY was attending the Professional Performing Art School located near 48th Street and 8th or 9th Avenue. LEANN Last Name Unknown(LNU) told BENSKY she could make a lot of money providing a quick massage. BENSKY was taken by LEANN LNU to EPSTEIN's residence. BENSKY only provided EPSTEIN with a massage on one occasion. EPSTEIN told BENSKY that he would pay her to find and bring him other girls. BENSKY believed she was paid \$200.00.

BENSKY stated that there were other girls she was aware of that had provided EPSTEIN with massages prior to her. LEANN LNU attended Queens High School, Astoria, New York. ENISA LNU who was at least a year younger than BENSKY also attended Queens High School. MARINA LNU, who was taught from home, brought [REDACTED] LNU and [REDACTED] date of birth 10/08/1986, old cellular telephone number [REDACTED] like MARINA LNU, was also being taught from home. BENSKY stated that [REDACTED] would go to EPSTEIN's residence weekly. BENSKY stated that [REDACTED] would be paid more money by EPSTEIN. BENSKY believed the amount was \$300.00. BENSKY told the interviewing agents that [REDACTED] has had a difficult time coping with her contact with EPSTEIN.

BENSKY stated that they would telephone CEICLA LNU or LESLIE LNU, EPSTEIN's assistants, to schedule appointments with EPSTEIN. LESLIE LNU would also contact BENSKY to set up appointments. EPSTEIN told BENSKY that he could trust her to find new girls. EPSTEIN would also ask BENSKY, "When are you getting more girls?"

Investigation on 10/05/2007 at _____ (telephonically)
 File # 31E-MM-108062 Date dictated 10/05/2007
 by SA E. Nesbitt Kuyrkendall

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a. A parcel of land located at 358 El Brillo Way, Palm Beach, Florida 33480, including all buildings, improvements, fixtures, attachments, and easements found therein **D**ereon, and more particularly described as:

Being all of Lot 40 and the West 24.3 feet of Lot 39, El Bravo Park, as recorded in Plat Book 9, Page 9, in the records of Palm Beach County, Florida and

BEING that portion lying West of Lot 40, El Bravo Park, in Section 27, Township 43 South, Range 43 East, as recorded in Plat Book 9, Page 9, Public Records of Palm Beach County, Florida, being bounded on the West by the West side **R** of an existing concrete seawall and the northerly extension thereof as shown on the Adair & Brady, Inc., drawing IS-1298, dated March 25, 1981, and bounded on the East by the shoreline as shown on the plat of El Bravo Park, and bounded on the North and South by the Westerly extensions of the North and South lines respectively of Lot 40, containing 0.07 acres, more or less.

Pursuant to Title 18, United States Code, Section 1594(b).

A

A TRUE BILL.

FOREPERSON

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

F

A. MARIE VILLAFANA
ASSISTANT UNITED STATES ATTORNEY

T

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third person;
- (c) **D** has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without

difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 2253(o), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

Pursuant to Title 18, United States Code, Section 2253.

FORFEITURE 3

Upon conviction of any of the violations alleged in Counts 2-11 of this indictment, the defendants, **A** JEFFREY EPSTEIN, [REDACTED] [REDACTED] [REDACTED], " and [REDACTED], shall forfeit to the United States any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of such violation; and any property, real or personal, constituting or derived from any proceeds that such person obtained, directly or indirectly, as a result of such violation, including but not limited to the following:

a/k/a " [REDACTED] " and [REDACTED] shall forfeit to the United States any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and any property, real or personal, used or intended to be used to commit or to promote the commission of such offense, including but not limited to the following:

a. A parcel of land located at 358 El Brillo Way, Palm Beach, Florida 33480, including all buildings, improvements, fixtures, attachments, and easements found therein or thereon, and more particularly described as:

Being all of Lot 40 and the West 24.3 feet of Lot 39, El Bravo Park, as recorded in Plat Book 9, Page 9, in the records of Palm Beach County, Florida and

BEING that portion lying West of Lot 40, El Bravo Park, in Section 27, Township 43 South, Range 43 East, as recorded in Plat Book 9, Page 9, Public Records of Palm Beach County, Florida, being bounded on the West by the West side of an existing concrete seawall and the northerly extension thereof as shown on the Adair & Brady, Inc., drawing IS-1298, dated March 25, 1981, and bounded on the East by the shoreline as shown on the plat of El Bravo Park, and bounded on the North and South by the Westerly extensions of the North and South lines respectively of Lot 40, containing 0.07 acres, more or less.

Pursuant to Title 18, United States Code, Section 2253.

If any of the forfeitable property described in the forfeiture section of this indictment, as a result of any act or omission of the defendants JEFFREY EPSTEIN,

[REDACTED] [REDACTED] and [REDACTED]
[REDACTED],

Pursuant to Title 28, United States Code, Section 2461; Title 18, United States Code, Section 981(a)(1)(C); and Title 21, United States Code, Section 853.

D If the property described above as being subject to forfeiture, as a result of any act or

omission of the defendants, JEFFREY EPSTEIN, [REDACTED], ADRIANA [REDACTED] [REDACTED], and [REDACTED],

- (1) cannot be located upon the exercise of due diligence;
- (2) **R** has been transferred or sold to, or deposited with a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided

without difficulty;

A it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

All pursuant to Title 28 United States Code, Section 2461; Title 18, United States Code, Section 981(a)(1)(C); and Title 21 United States Code, Section 853.

FORFEITURE 2

Upon conviction of any of the violations alleged in Counts 12-29 of this indictment, the defendants, JEFFREY EPSTEIN, [REDACTED], ADRIANA ROSS,

sexual conduct as defined in 18 U.S.C. § 2423(f), with a person under 18 years of age, that is, the person(s) listed in each count below:

Count	Date(s)	Minor(s) Involved	Defendant(s)
26	7/16/2004	Jane Doe #7 Jane Doe #8 Jane Doe #9 Jane Doe #10	JEFFREY EPSTEIN [REDACTED]
27	3/31/2005	Jane Doe #14 Jane Doe #15 Jane Doe #16	JEFFREY EPSTEIN [REDACTED]
28	9/18/2005	Jane Doe #16	JEFFREY EPSTEIN SARAH KELLEN ADRIANA [REDACTED]
29	9/29/05	Jane Doe #16	JEFFREY EPSTEIN [REDACTED] a/k/a "[REDACTED]"

All in violation of Title 18, United States Code, Sections 2423(b) and 2.

FORFEITURE 1

Upon conviction of the violation alleged in Count 1 of this indictment, the defendants, JEFFREY EPSTEIN, SARAH KELLEN, [REDACTED], Mucinska," and [REDACTED], shall forfeit to the United States any property, real or personal, which constitutes or is derived from proceeds traceable to the violation.

18 U.S.C. § 2423(f), with another person, in violation of Title 18, United States Code, Section 2423(b); all in violation of Title 18, United States Code, Section 2423(e).

D COUNT 25
(Facilitation of Unlawful Travel of Another: 18 U.S.C. § 2423(d))

61. Paragraphs 1 through 25 of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

62. From at least as early as in or about 2001 through in or around October 2005, the exact dates being unknown to the Grand Jury, in Palm Beach County, in the Southern District of Florida, and elsewhere, **R** the Defendant,

[REDACTED],

did, for the purpose of commercial advantage or private financial gain, arrange and facilitate the travel of a person, that is Defendant Jeffrey Epstein, knowing that such person was traveling in interstate commerce for the purpose of engaging in illicit sexual conduct, as defined in 18 U.S.C. § 2423(f); in violation of Title 18, United States Code, Section 2423(d). **A**

COUNTS 26 THROUGH 29
(Travel to Engage in Illicit Sexual Conduct: 18 U.S.C. § 2423(b))

63. Paragraphs 1 through 25 of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

64. On or about the dates enumerated as **F** to each count listed below, from a place outside the Southern District of Florida to a place inside the Southern District of Florida, the Defendant(s) listed below traveled in interstate commerce for the purpose of engaging in illicit

JEFFREY EPSTEIN,
SARAH KELLEN,

[REDACTED],
and [REDACTED],

Did use a facility or means of interstate commerce, that is, the telephone, to knowingly persuade, induce or entice Jane Doe #16, who was a person who had not attained the age of 18 years, to engage in prostitution and in a sexual activity for which a person can be charged with a criminal offense, that is a violation of Florida Statutes Section 794.05; in violation of Title 18, **R** United States Code, Sections 2422(b) and 2.

COUNT 22
(Enticement of a Minor: 18 U.S.C. § 2422(b))

55. Paragraphs 1 through 25 of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

56. From in or around February 2005 through in or around April 2005, the exact dates being unknown to the Grand Jury, in **A** Palm Beach County, in the Southern District of Florida, and elsewhere, the defendants,

JEFFREY EPSTEIN,
[REDACTED], and
[REDACTED],

did use a facility or means of interstate commerce, **F** that is, the telephone, to knowingly persuade, induce and entice Jane Doe #17, who was a person who had not attained the age of 18 years, to engage in prostitution; in violation of Title 18, United States Code, Sections 2422(b) and 2.

COUNT 20
(Enticement of a Minor: 18 U.S.C. § 2422(b))

51. Paragraphs 1 through 25 of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

52. From in or around December 2004 through on or about June 5, 2005, the exact dates being unknown to the Grand Jury, in Palm Beach County, in the Southern District of Florida, and elsewhere, the defendants,

R JEFFREY EPSTEIN,
[REDACTED], and
ADRIANA ROSS, a/k/a "[REDACTED],"

did use a facility or means of interstate commerce, that is, the telephone, to knowingly persuade, induce and entice Jane Doe #15, who was a person who had not attained the age of 18 years, to engage in prostitution; in violation of Title 18, United States Code, Sections 2422(b) and 2.

ACCOUNT 21
(Enticement of a Minor: 18 U.S.C. § 2422(b))

53. Paragraphs 1 through 25 of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

54. From in or around February 2005 through in or around the first week of October 2005, the exact dates being unknown to the Grand Jury, in Palm Beach County, in the Southern District of Florida, and elsewhere, the defendants,

did use a facility or means of interstate commerce, that is, the telephone, to knowingly persuade, induce and entice Jane Doe #13, who was a person who had not attained the age of 18 years, to engage in prostitution; in violation of Title 18, United States Code, Sections 2422(b) and 2.

D

COUNT 19
(Enticement of a Minor: 18 U.S.C. § 2422(b))

49. Paragraphs 1 through 25 of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

50. From in or around November 2004 through in or around March 2005, the exact dates being unknown to the Grand Jury, in Palm Beach County, in the Southern District of Florida, and elsewhere, the defendants,

JEFFREY EPSTEIN,
[REDACTED]
and [REDACTED]."

did use a facility or means of interstate commerce, that is, the telephone, to knowingly persuade, induce and entice Jane Doe #14, who was a person who had not attained the age of 18 years, to engage in prostitution and in a sexual activity for which a person can be charged with a criminal offense, that is a violation of Florida Statutes Section 794.05; in violation of Title 18, United States Code, Sections 2422(b) and 2.

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engage in prostitution and in a sexual activity for which a person can be charged with a criminal offense, that is a violation of Florida Statutes Section 794.05; in violation of Title 18, United States Code, Sections 2422(b) and 2.

D

COUNT 16
(Enticement of a Minor: 18 U.S.C. § 2422(b))

43. Paragraphs 1 through 25 of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

44. From in or around July 2004 through on or about January 31, 2005, the exact dates being unknown to the Grand Jury, in Palm Beach County, in the Southern District of Florida, and elsewhere, the defendants,

R

JEFFREY EPSTEIN
and

[REDACTED],

did use a facility or means of interstate commerce, that is, the telephone, to knowingly persuade, induce and entice Jane Doe #10, who was a person who had not attained the age of 18 years, to engage in prostitution; in violation of Title 18, United States Code, Sections 2422(b) and 2.

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(Enticement of a Minor: 18 U.S.C. § 2422(b))

39. Paragraphs 1 through 25 of this Indictment are re-alleged and incorporated by reference **D** as though fully set forth herein.

40. From in or around July 2004 through in or around October 2004, the exact dates being unknown to the Grand Jury, in Palm Beach County, in the Southern District of Florida, and elsewhere, the defendants,

R JEFFREY EPSTEIN
and
[REDACTED],

did use a facility or means of interstate commerce, that is, the telephone, to knowingly persuade, induce and entice Jane Doe #8, who was a person who had not attained the age of 18 years, to engage in prostitution; in violation of Title 18, United States Code, Sections 2422(b) and 2.

COUNT 15
(Enticement of **A Minor: 18 U.S.C. § 2422(b))**

41. Paragraphs 1 through 25 of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

42. From in or around July 2004 through on or around December 29, 2004, the exact dates being unknown to the Grand Jury, in Palm Beach County, in the Southern District of Florida, and elsewhere, the defendants,

F
JEFFREY EPSTEIN
and
SARAH KELLEN,

did use a facility or means of interstate commerce, that is, the telephone, to knowingly persuade, induce and entice Jane Doe #9, who was a person who had not attained the age of 18 years, to

36. From in or around the spring of 2003 through on or about October 2, 2005, the exact dates being unknown to the Grand Jury, in Palm Beach County, in the Southern District of Florida, **D** and elsewhere, the defendants,

JEFFREY EPSTEIN
and

[REDACTED],

did use a facility or means of interstate commerce, that is, the telephone, to knowingly persuade, induce and entice Jane Doe #3, who was a person who had not attained the age of 18 years, to engage in prostitution **R** and in a sexual activity for which a person can be charged with a criminal offense, that is violations of Florida Statutes Sections 800.04(5)(a), 800.04(6)(a), and 800.04(7)(a); in violation of Title 18, United States Code, Sections 2422(b) and 2.

COUNT 13
(Enticement of a Minor: 18 U.S.C. § 2422(b))

37. Paragraphs 1 through 25 of this Indictment are re-alleged and incorporated by reference as though fully set forth herein. **A**

38. In or around July 2004, the exact dates being unknown to the Grand Jury, in Palm Beach County, in the Southern District of Florida, and elsewhere, the defendants,

JEFFREY EPSTEIN
and
SARAH KELLEN,

F

did use a facility or means of interstate commerce, that is, the telephone, to knowingly persuade, induce and entice Jane Doe #7, who was a person who had not attained the age of 18 years, to engage in prostitution; in violation of Title 18, United States Code, Sections 2422(b) and 2.

COUNT 14

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COUNT 11
(Sex Trafficking: 18 U.S.C. § 1591(a)(2))

33. Paragraphs 1 through 25 of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

34. From at least as early as in or about 2001 through in or about October 2005, the exact dates being unknown to the Grand Jury, in Palm Beach County, in the Southern District of Florida, and elsewhere, the defendants,

RADRIANA [REDACTED],
and
[REDACTED],

did knowingly benefit, financially or by receiving anything of value, from participation in a venture, as defined in 18 U.S.C. § 1591(c)(3), which had engaged in an act described in violation of 18 U.S.C. § 1591(a)(1), that is, the recruiting, enticing, providing, and obtaining by any means a person, in or affecting interstate commerce, knowing that the person or persons had not attained the age of 18 years and would be caused to engage in a commercial sex act as defined in 18 U.S.C. § 1591(c)(1); in violation of Title 18, United States Code, Sections 1591(a)(2), 1591(b)(2), and 2.

COUNT 12
(Enticement of a Minor: 18 U.S.C. § 2422(b))

35. Paragraphs 1 through 25 of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

Count	Date(s)	Minor Involved	Defendant(s)
	2004		
5 D	July 2004 through January 31, 2005	Jane Doe #10	JEFFREY EPSTEIN SARAH KELLEN
6	Mid-2004 through April 22, 2005	Jane Doe #12	JEFFREY EPSTEIN [REDACTED]
7	August 2004 through May 17, 2005 R	Jane Doe #13	JEFFREY EPSTEIN [REDACTED]
8	November 2004 through March 2005	Jane Doe #14	JEFFREY EPSTEIN [REDACTED]"
9	December 2004 through June 5, 2005	Jane Doe #15 A	JEFFREY EPSTEIN [REDACTED]"
10	February 2005 through first week of October 2005	Jane Doe #16	JEFFREY EPSTEIN SARAH KELLEN [REDACTED]"

All in violation of Title 18, United States Code, Sections 1591(a)(1) and 2.

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from Teterboro, New Jersey to Palm Beach County, Florida aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

D All in violation of Title 18, United States Code, Section 371.

COUNTS 2 THROUGH 10
(Sex Trafficking: 18 U.S.C. § 1591(a)(1))

31. Paragraphs 1 through 25 of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

32. On or **R** about the dates enumerated as to each count listed below, the exact dates being unknown to the Grand Jury, in Palm Beach County, in the Southern District of Florida, and elsewhere, the Defendants listed below did knowingly, in and affecting interstate and foreign commerce, recruit, entice, provide, and obtain by any means a person, that is, the person in each count listed below, knowing that the person had not attained the age of 18 years and **A** would be caused to engage in a commercial sex act as defined in 18 U.S.C. § 1591(c)(1):

Count	Date(s)	Minor Involved	Defendant(s)
2	2001 - 2004	Jane Doe #2	JEFFREY EPSTEIN [REDACTED]
3	January 2004 through July 2004	Jane Doe # F	JEFFREY EPSTEIN SARAH KELLEN
4	July 2004 through December 29,	Jane Doe #9	JEFFREY EPSTEIN SARAH KELLEN

New Jersey to Palm Beach County, Florida, aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

D (220) On or about June 30, 2005, Defendants JEFFREY EPSTEIN and [REDACTED] [REDACTED] traveled from Teterboro, New Jersey to Palm Beach County, Florida aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

(221) On or about July 22, 2005, Defendants JEFFREY EPSTEIN and [REDACTED] [REDACTED] traveled from Teterboro, New Jersey to Palm Beach County, Florida aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

R (222) On or about August 18, 2005, Defendants JEFFREY EPSTEIN, [REDACTED] and [REDACTED] traveled from Teterboro, New Jersey to Palm Beach County, Florida aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

A (223) On or about September 3, 2005, Defendants JEFFREY EPSTEIN and [REDACTED], traveled from the U.S. Virgin Islands to Palm Beach County, Florida aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

(224) On or about September 18, 2005, Defendants JEFFREY EPSTEIN, [REDACTED] and [REDACTED] traveled from Westchester County, New York to Palm Beach County, Florida aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

F (225) On or about September 29, 2005, Defendants JEFFREY EPSTEIN, [REDACTED] and [REDACTED] traveled

traveled from New York, New York to Palm Beach County, Florida, aboard the Boeing 727 aircraft owned by JEGE, INC.

D (214) On or about February 21, 2005, Defendants JEFFREY EPSTEIN, [REDACTED], and [REDACTED] traveled from the U.S. Virgin Islands to Palm Beach County, Florida, aboard the Boeing 727 aircraft owned by JEGE, INC.

(215) On or about February 24, 2005, Defendants JEFFREY EPSTEIN, [REDACTED], and [REDACTED] traveled from Teterboro, New Jersey to Palm Beach County, Florida, aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

R (216) On or about March 4, 2005, Defendants JEFFREY EPSTEIN, ADRIANA [REDACTED] and [REDACTED] traveled from New York, New York to Palm Beach County, Florida aboard the Boeing 727 aircraft owned by JEGE, INC.

A (217) On or about March 18, 2005, Defendant JEFFREY EPSTEIN traveled from New York, New York to Palm Beach County, Florida aboard the Boeing 727 aircraft owned by JEGE, INC.

(218) On or about March 31, 2005, Defendant JEFFREY EPSTEIN traveled from New York, New York to Palm Beach County, Florida, aboard the Boeing 727 aircraft owned by JEGE, INC.

F (219) On or about May 19, 2005, Defendants JEFFREY EPSTEIN, [REDACTED], and [REDACTED] traveled from Teterboro,

(208) On or about January 1, 2005, Defendants JEFFREY EPSTEIN, [REDACTED], and [REDACTED] traveled from Anguilla, British **D** Indies to Palm Beach County, Florida aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

(209) On or about January 6, 2005, Defendant JEFFREY EPSTEIN traveled from Teterboro, New Jersey to Palm Beach County, Florida, aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

(210) **R** On or about January 14, 2005, Defendants JEFFREY EPSTEIN, [REDACTED], [REDACTED], [REDACTED], and [REDACTED] traveled from the U.S. Virgin Islands to Palm Beach County, Florida, aboard the Boeing 727 aircraft owned by JEGE, INC.

(211) On or about January 19, 2005, Defendants JEFFREY EPSTEIN, [REDACTED], [REDACTED], **A** ADRIANA ROSS, a/k/a [REDACTED], and [REDACTED] traveled from New York, New York to Palm Beach County, Florida aboard the Boeing 727 aircraft owned by JEGE, INC.

(212) On or about February 3, 2005, Defendants JEFFREY EPSTEIN, SARAH [REDACTED], and [REDACTED] traveled from Columbus, Ohio, to Palm Beach **F** County, Florida, aboard the Boeing 727 aircraft owned by JEGE, INC.

(213) On or about February 10, 2005, Defendants JEFFREY EPSTEIN, [REDACTED], [REDACTED], ADRIANA [REDACTED], and [REDACTED]

(202) On or about October 29, 2004, Defendants JEFFREY EPSTEIN and [REDACTED] traveled from Teterboro, New Jersey to Palm Beach County, Florida aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

(203) On or about November 10, 2004, Defendants JEFFREY EPSTEIN and [REDACTED] traveled from Teterboro, New Jersey to Palm Beach County, Florida aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

(204) On or about November 18, 2004, Defendants JEFFREY EPSTEIN, SARAH KELLY, [REDACTED] and NADIA [REDACTED] traveled from Teterboro, New Jersey to Palm Beach County, Florida aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

(205) On or about December 3, 2004, Defendants JEFFREY EPSTEIN, [REDACTED], and ADRIANA ROSS, a/k/a "[REDACTED]," traveled from New York, New York to Palm Beach County, Florida aboard the Boeing 727 aircraft owned by JEGE, INC.

(206) On or about December 13, 2004, Defendant JEFFREY EPSTEIN traveled from the U.S. Virgin Islands to Palm Beach County, Florida, aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

(207) On or about December 17, 2004, Defendants JEFFREY EPSTEIN and [REDACTED] traveled from Teterboro, New Jersey to Palm Beach County, Florida aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

(196) On or about July 4, 2004, Defendants JEFFREY EPSTEIN, [REDACTED], [REDACTED], and [REDACTED] traveled from Aspen, Colorado to Palm Beach County, Florida aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

(197) On or about July 16, 2004, Defendants JEFFREY EPSTEIN, [REDACTED], [REDACTED], and [REDACTED] traveled from Teterboro, New Jersey to Palm Beach County, Florida aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

(198) On or about July 22, 2004, Defendants JEFFREY EPSTEIN, [REDACTED], [REDACTED], and [REDACTED] traveled from the U.S. Virgin Islands to Palm Beach County, Florida aboard the Boeing 727 aircraft owned by JEGE, INC.

(199) On or about August 19, 2004, Defendants JEFFREY EPSTEIN and [REDACTED] traveled from Van Nuys, California to Palm Beach County, Florida aboard the Boeing 727 aircraft owned by JEGE, INC.

(200) On or about August 25, 2004, Defendants JEFFREY EPSTEIN, [REDACTED], and [REDACTED] traveled from Ecuador to Palm Beach County, Florida aboard the Boeing 727 aircraft owned by JEGE, INC.

(201) On or about October 2, 2004, Defendants JEFFREY EPSTEIN, [REDACTED], [REDACTED], and [REDACTED] traveled from the U.S. Virgin Islands to Palm Beach County, Florida aboard the Boeing 727 aircraft owned by JEGE, INC.

(190) On or about March 5, 2004, Defendant JEFFREY EPSTEIN verbally reprimanded Jane Doe #18 for bringing Jane Doe #19 to 358 El Brillo Way when she was not willing to undress for him.

D

The Defendants' Travel

(191) On or about March 11, 2004, Defendants JEFFREY EPSTEIN, [REDACTED], and [REDACTED] traveled from Teterboro, New Jersey, to Palm Beach County, Florida aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

R

(192) On or about May 1, 2004, Defendants JEFFREY EPSTEIN, [REDACTED], [REDACTED], and [REDACTED] traveled from New York, New York to Palm Beach County, Florida aboard the Boeing 727 aircraft owned by JEJE, INC.

(193) On or about May 14, 2004, Defendants JEFFREY EPSTEIN, [REDACTED], and NAOMI [REDACTED] traveled from Canada to Palm Beach County, Florida aboard the Boeing 727 aircraft owned by JEJE, INC.

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(194) On or about June 11, 2004, Defendants JEFFREY EPSTEIN and [REDACTED] traveled from Chicago, Illinois to Palm Beach County, Florida aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

F

(195) On or about June 20, 2004, Defendants JEFFREY EPSTEIN and [REDACTED] traveled from the U.S. Virgin Islands to Palm Beach County, Florida aboard the Boeing 727 aircraft owned by JEJE, INC.

Jane Does #18 and #19

(182) In or around the last half of 2003, Jane Doe #18 was approached by A.F. **D** and was asked whether she would be willing to provide a massage to Defendant JEFFREY EPSTEIN in exchange for \$200.

(183) In or around the last half of 2003, Defendant JEFFREY EPSTEIN asked Jane Doe #18 to provide her telephone number.

(184) On or around August 27, 2003, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #18. **R**

(185) In or around the last half of 2003, Defendant JEFFREY EPSTEIN masturbated in the presence of Jane Doe #18, who was then a seventeen-year-old-girl.

(186) On or around November 16, 2003, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #18.

(187) In or around the **A** last half of 2003, Defendant JEFFREY EPSTEIN digitally penetrated Jane Doe #18, who was then a seventeen-year-old-girl.

(188) In or around the last half of 2003, Defendant JEFFREY EPSTEIN asked Jane Doe #18 to recruit other females to travel to 358 El Brillo Way.

(189) On or about March 5, 2004, Defendant JEFFREY EPSTEIN asked Jane Doe #19, who was then a seventeen-**I**ear-old-**F**girl, to leave when she refused to remove her shirt.

(174) On or about September 30, 2005, Defendant [REDACTED] a/k/a "[REDACTED]," placed a telephone call to a telephone used by Jane Doe #16.

D (175) On or about October 1, 2005, Defendant [REDACTED] left a telephone message for Defendant JEFFREY EPSTEIN stating: "[Jane Doe #15] confirmed at 11 AM and [Jane Doe #16] - 4PM".

(176) On or about October 2, 2005, Defendant SARAH [REDACTED] placed a telephone call to a telephone used by Jane Doe #16.

R (177) On or about October 3, 2005, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #16.

(178) On or about October 3, 2005, Defendant [REDACTED] left a telephone message for Defendant JEFFREY EPSTEIN stating: "[Jane Doe #16] will be ½ hour late".

A (179) In or around the first week of October, 2005, Defendant JEFFREY EPSTEIN engaged in sexual intercourse with Jane Doe #16, who was then a seventeen-year-old girl.

(180) In or around the first week of October, 2005, Defendant JEFFREY EPSTEIN made a payment of \$350.00 **F** to Jane Doe #16, who was then a seventeen-year-old girl.

(181) In or around the first week of October, 2005, Defendant JEFFREY EPSTEIN provided a gift of [REDACTED] Secret lingerie to Jane Doe #16 for her eighteenth birthday.

(164) On or about June 30, 2005, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #16.

D (165) On or about July 2, 2005, Defendant SARAH [REDACTED] placed a telephone call to a telephone used by Jane Doe #16.

(166) On or about July 22, 2005, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #16.

(167) On or about August 18, 2005, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #16.

R (168) On or about August 19, 2005, Defendant [REDACTED]
[REDACTED], placed a telephone call to a telephone used by Jane Doe #16.

(169) On or about August 21, 2005, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #16.

(170) On or about **A** September 3, 2005, Defendant [REDACTED] a/k/a
"[REDACTED]," placed a telephone call to a telephone used by Jane Doe #16.

(171) On or about September 18, 2005, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #16.

(172) On or about September 19, 2005, Defendant [REDACTED] sent a text message to a telephone used by Jane Doe #16 **F**

(173) On or about September 29, 2005, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #16.

(156) In or around the first nine months of 2005, Defendant JEFFREY EPSTEIN placed a massaging device on the vagina of Jane Doe #16, who was then a seventeen-year-old girl.

(157) In or around the first nine months of 2005, Defendant JEFFREY EPSTEIN asked Jane Doe #16, who was then a seventeen-year-old girl, how old she was, and she responded that she was seventeen years old.

(158) In or around the first nine months of 2005, Defendant JEFFREY EPSTEIN engaged in sexual activity with Defendant [REDACTED] in the presence of Jane Doe #16, who was then a seventeen-year-old girl.

(159) In or around the first nine months of 2005, Defendant JEFFREY EPSTEIN asked Jane Doe #16, who was then a seventeen-year-old girl, to touch the breast of Defendant [REDACTED].

(160) On or about April 11, 2005, Defendant [REDACTED], placed a telephone call to a telephone used by Jane Doe #16.

(161) On or about April 11, 2005, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #16.

(162) On or about April 11, 2005, Defendant [REDACTED] left a message for Defendant JEFFREY EPSTEIN stating: "[Jane Doe #16] can work tomorrow at 4pm."

(163) On or about May 19, 2005, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #16.

Jane Does #16 & #17

(149) In or around February 2005, Defendant JEFFREY EPSTEIN masturbated in the presence of Jane Doe #16, who was then a seventeen-year-old girl.

(150) In or around the first quarter of 2005, Defendants JEFFREY EPSTEIN and [REDACTED] caused Jane Doe #16 to place a telephone call to Jane Doe #17 to ask her to travel to 358 El Brillo Way.

(151) In or around the first quarter of 2005, Defendant JEFFREY EPSTEIN caused a payment to be made to Jane Doe #16 for recruiting Jane Doe #17 to travel to 358 El Brillo Way.

(152) In or around the first quarter of 2005, Defendant JEFFREY EPSTEIN masturbated in the presence of Jane Doe #17, who was then a sixteen-year-old girl.

(153) In or around the first quarter of 2005, Defendant JEFFREY EPSTEIN instructed Jane Doe #17, who was then a sixteen-year-old girl, to remove all of her clothing.

(154) In or around the first quarter of 2005, Defendant JEFFREY EPSTEIN placed a massaging device on the vagina of Jane Doe #17, who was then a sixteen-year-old girl.

(155) In or around the first quarter of 2005, Defendant JEFFREY EPSTEIN made a payment of \$200 to Jane Doe #17, who was then a sixteen-year-old girl.

(139) On or about February 4, 2005, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #15.

D (140) On or about February 10, 2005, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #15.

(141) On or about February 21, 2005, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #15.

(142) On or about February 24, 2005, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #15.

(143) On or about March 17, 2005, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #15.

(144) On or about March 30, 2005, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #15.

A (145) On or about March 31, 2005, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #15.

(146) On or about March 31, 2005, Defendant [REDACTED], placed a telephone call to a telephone used by Jane Doe #15.

(147) On or about April 1, 2005, one of Defendant JEFFREY EPSTEIN's employees prepared a note for Defendant **F** JEFFREY EPSTEIN's review that read: "10:30 [Jane Doe #15]/[Jane Doe #10] on Fri around 2'Oclock".

(148) In or around June 2005, Defendant JEFFREY EPSTEIN provided Jane Doe #15 with a gift of [REDACTED] Secret lingerie for her eighteenth birthday.

(131) On or about March 29, 2005, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #14.

D

Jane Doe #15

(132) On or about December 6, 2004, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #15.

(133) On or about December 14, 2004, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #15.

(134) **R** In or around the first half of 2005, Defendant [REDACTED] led Jane Doe #15 from the kitchen of 358 El Brillo Way upstairs to Defendant JEFFREY EPSTEIN's bedroom at 358 El Brillo Way.

(135) In or around the first half of 2005, Defendant JEFFREY EPSTEIN instructed Jane Doe #15, who was then a seventeen-year-old girl, to pinch his nipples while he masturbated. **A**

(136) In or around the first half of 2005, Defendant JEFFREY EPSTEIN fondled the breasts of Jane Doe #15.

(137) In or around the first half of 2005, Defendant JEFFREY EPSTEIN made a payment of \$200 to Jane Doe #15.

F

(138) On or about January 7, 2005, Defendant [REDACTED] a/k/a "[REDACTED]," placed a telephone call to a telephone used by Jane Doe #15.

T

(122) In or around the first quarter of 2005, Defendant JEFFREY EPSTEIN performed oral sex on Jane Doe #14, who was then a seventeen-year-old girl.

D (123) In or around the first quarter of 2005, Defendant JEFFREY EPSTEIN made a payment of \$600 to Jane Doe #14.

(124) On or about January 8, 2005, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #14.

(125) On or about January 9, 2005, Defendant [REDACTED] [REDACTED],” placed **R**a telephone call to a telephone used by Jane Doe #14.

(126) On or about January 26, 2005, one of Defendant JEFFREY EPSTEIN’s employees prepared a written telephone message for Defendant [REDACTED] review regarding a call received from Jane Doe #14 that read: “She is confirming for 5:30”.

(127) On or about [REDACTED] 26, 2005, Defendant [REDACTED] [REDACTED],” placed a telephone call to a telephone used by Jane Doe #14.

(128) On or about February 1, 2005, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #14.

(129) On or about March 1, 2005, Defendant [REDACTED] [REDACTED],” placed a telephone call to a telephone used by Jane Doe #14. **F**

(130) On or about March 21, 2005, Defendant [REDACTED] a/k/a [REDACTED],” placed a telephone calls to a telephone used by Jane Doe #14.

(114) In or around the last half of 2004, Defendant JEFFREY EPSTEIN instructed Jane Doe #14, who was then a seventeen-year-old girl, to pinch his nipples.

D (115) In or around the last half of 2004, Defendant JEFFREY EPSTEIN masturbated in the presence of Jane Doe #14, who was then a seventeen-year old girl.

(116) In or around the last half of 2004, Defendant JEFFREY EPSTEIN made a payment of \$300 to Jane Doe #14.

(117) In or around the end of 2004 and the beginning of 2005, Defendant JEFFREY EPSTEIN **R** digitally penetrated Jane Doe #14, who was then a seventeen-year-old girl.

(118) In or around the end of 2004 and the beginning of 2005, Defendant JEFFREY EPSTEIN asked Jane Doe #14, who was then a seventeen-year-old girl, whether she had any plans for her eighteenth birthday and acknowledged that she had not yet turned eighteen. **A**

(119) On or about December 23, 2004, Defendant JEFFREY EPSTEIN caused a Western Union wire transfer order to be sent to Jane Doe #14.

(120) In or around the first quarter of 2005, Defendant JEFFREY EPSTEIN placed a massaging device on the vagina of Jane Doe #14, who was then a seventeen-year-old girl. **F**

(121) In or around the first quarter of 2005, Defendant JEFFREY EPSTEIN engaged in sexual intercourse with Jane Doe #14, who was then a seventeen-year-old girl.

(106) In or around the end of 2004, Defendant JEFFREY EPSTEIN placed a massaging device on the vagina of Jane Doe #13, who was then a seventeen-year-old girl.

D (107) In or around the last half of 2004, Defendant JEFFREY EPSTEIN made a payment of \$200 to Jane Doe #13.

(108) In or around the last half of 2004, Defendant JEFFREY EPSTEIN digitally penetrated Jane Doe #13, who was then a seventeen-year-old girl.

(109) In or around the last half of 2004, Defendant JEFFREY EPSTEIN asked Jane Doe #13, **R** who was then a seventeen-year-old girl, about her age.

(110) In or around the last half of 2004, Defendant JEFFREY EPSTEIN told Jane Doe #13 that he wanted to take her to Paris but he could not because Jane Doe #13 was not yet eighteen years old.

(111) In or around the last half of 2004, Defendant JEFFREY EPSTEIN asked Jane Doe #13 to bring her friends **A** to his home, especially "girls who looked like [Jane Doe #13]."

Jane Doe #14

(112) In or around the last half of 2004, Defendant [REDACTED] led Jane Doe #14 from the kitchen of 358 El Brillo Way upstairs to Defendant JEFFREY EPSTEIN's bedroom at 358 El **F** Brillo Way.

(113) In or around the last half of 2004, Defendant JEFFREY EPSTEIN asked Jane Doe #14 to provide her telephone number.

(97) On or about August 21, 2004, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #13.

D (98) In or around the last half of 2004, Defendant JEFFREY EPSTEIN masturbated in the presence of Jane Doe #12, who was then a seventeen-year-old girl.

(99) In or around the last half of 2004, Defendant JEFFREY EPSTEIN digitally penetrated Jane Doe #12, who was then a seventeen-year-old girl.

R (100) In or around the last half of 2004, Defendant JEFFREY EPSTEIN attempted to place a massaging device on the vagina of Jane Doe #12, who was then a seventeen-year-old girl.

(101) In or around the last half of 2004, Defendant JEFFREY EPSTEIN made a payment of \$200 to Jane Doe #12.

A (102) In or around the last half of 2004, Defendant JEFFREY EPSTEIN asked Jane Doe #12, who was then a seventeen-year-old girl, about her age.

(103) In or around the last half of 2004, Defendant JEFFREY EPSTEIN told Jane Doe #12 that he would take her to Los Angeles when she turned eighteen.

(104) In or around the last half of 2004, Defendants JEFFREY EPSTEIN and [REDACTED] caused Jane Doe #12 to recruit Jane Doe #13 to travel to 358 El Brillo Way.

(105) In or around the last half of 2004, Defendant JEFFREY EPSTEIN masturbated in the presence of Jane Doe #13, who was then a seventeen-year-old girl.

(91) In or around 2004, Defendant JEFFREY EPSTEIN told Jane Doe #11 that he would pay her to find and bring him more girls.

D (92) In or around 2004, Defendant JEFFREY EPSTEIN paid \$200 to Jane Doe #11 for recruiting a minor female to travel to his New York home.

(93) In or around 2004, Defendant JEFFREY EPSTEIN asked Jane Doe #11 when she would be getting more girls.

(94) On or about April 5, 2005, one of Defendant JEFFREY EPSTEIN's employees prepared a written message for Defendant JEFFREY EPSTEIN's review regarding a telephone call received from Jane Doe #11 that read: "Re does she have any new friends you can meet - I was away over the weekend so I have not spoken to anyone new. But, [unidentified Jane Doe] will be around later today and I know she really wants to work. The others should be back around Thursday. Let me know about [unidentified Jane Doe]." **A**

(95) On or about June 22, 2005, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #11.

Jane Does #12 and #13

(96) On or about August 2, 2004, an employee of Defendant JEFFREY EPSTEIN prepared a written telephone **F** message for Defendant JEFFREY EPSTEIN's review regarding a telephone call received from T.M. and Jane Doe #12 that stated: "They are available all weekend and maybe [Jane Doe #13] too".

(83) On or about December 30, 2004, Defendants JEFFREY EPSTEIN and [REDACTED] caused the purchase of Broadway tickets as an eighteenth birthday gift for Jane Doe #9.

(84) In or around the last half of 2004 or January 2005, Defendant JEFFREY EPSTEIN masturbated in the presence of Jane Doe #10, who was then a seventeen-year-old girl.

(85) In or around the last half of 2004 or January 2005, Defendant JEFFREY EPSTEIN fondled the breasts of Jane Doe #10, who was then a seventeen-year-old girl.

(86) On or about January 14, 2005, Defendant [REDACTED] placed one or more telephone calls to a telephone used by Jane Doe #10.

(87) On or about January 27, 2005, Defendant [REDACTED] a/k/a "[REDACTED]," placed one or more telephone calls to a telephone used by Jane Doe #10.

(88) On or about January 28, 2005, Defendant [REDACTED] placed one or more telephone calls to a telephone used by Jane Doe #10.

(89) On or about February 1, 2005, Defendant [REDACTED] placed one or more telephone calls to a telephone used by Jane Doe #10.

(90) In or around February 2005, Defendant JEFFREY EPSTEIN caused a payment of \$200 to be made to Jane Doe #9 for recruiting Jane Doe #16 to travel to 358 El Brillo Way.

Jane Doe #11

(75) In or around the last half of 2004, Defendants JEFFREY EPSTEIN and [REDACTED] engaged in oral sex and sexual intercourse in the presence of Jane Doe #9, who was then a seventeen-year-old girl.

(76) In or around the last half of 2004, Defendant JEFFREY EPSTEIN forcibly inserted his penis into the vagina of Jane Doe #9, who was then a seventeen-year-old girl.

(77) In or around the last half of 2004, Defendant JEFFREY EPSTEIN made a payment of \$300 to Jane Doe #9.

(78) **R** In or around the last half of 2004, Defendant JEFFREY EPSTEIN rubbed the vagina of Jane Doe #10, who was then a seventeen-year-old girl.

(79) In or around the last half of 2004, Defendant JEFFREY EPSTEIN made a payment of \$200 to Jane Doe #10.

(80) On or about November 28, 2004, Defendant JEFFREY EPSTEIN arranged for one of his employees **A** to provide an envelope filled with cash to Jane Doe #9.

(81) On or about December 4, 2004, Defendant [REDACTED] provided a written message to Defendant JEFFREY EPSTEIN regarding Jane Does # 9 and 10, stating: "[Jane Doe #10] would like to work @ 4:00 pm if possible. [[Jane Doe #9] is scheduled for 5:00 today.] the movie is @ 7:30".

(82) On or about December 29, 2004, Defendant **F** [REDACTED] placed a telephone call to a telephone used by Jane Doe #9.

Jane Does #9 and #10

(66) On or about July 15, 2004, Defendant [REDACTED] placed one or more telephone calls to a telephone used by Jane Doe #9.

(67) On or about July 16, 2004, Defendant [REDACTED] caused Jane Doe #9 to make one or more telephone calls to a telephone used by Jane Doe #10.

(68) On or about July 17, 2004, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #9.

(69) On or about July 18, 2004, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #9.

(70) On or about July 22, 2004, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #9.

(71) In or around July 2004, Defendant JEFFREY EPSTEIN fondled the breasts of Jane Doe #9, who was then a seventeen-year-old girl.

(72) In or around July 2004, Defendant JEFFREY EPSTEIN masturbated in the presence of Jane Doe #9, who was then a seventeen-year-old girl.

(73) In or around July 2004, Defendant JEFFREY EPSTEIN made a payment of \$200 to Jane Doe #9.

(74) On or about July 22, 2004, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #10.

(64) In or around July 2004, Defendant JEFFREY EPSTEIN told Jane Doe #7 that if she reported to anyone what had occurred at Defendant JEFFREY EPSTEIN's home, bad things could happen to her.

(65) On or about July 24, 2004, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #8.

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(55) On or about July 15, 2004, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #8.

D (56) On or about July 15, 2004, Defendant [REDACTED] placed a telephone call to a telephone used by T.M.

(57) On or about July 16, 2004, Defendant [REDACTED] placed one or more telephone calls to a telephone used by Jane Doe #7.

(58) On or about July 16, 2004, Defendant [REDACTED] placed a telephone call to a telephone used by T.M.

(59) On or about July 17, 2004, one of Defendant JEFFREY EPSTEIN's employees prepared a written telephone message for Defendant JEFFREY EPSTEIN's review regarding a telephone call received from T.M. that read: "Me & [Jane Doe #7] can come tomorrow any time or [T.M.] alone".

A (60) In or around July 2004, Defendant JEFFREY EPSTEIN masturbated in the presence of Jane Doe #7, who was then a sixteen-year-old girl.

(61) In or around July 2004, Defendant JEFFREY EPSTEIN instructed Jane Doe #7, who was then a sixteen-year-old girl, to rub his nipples.

(62) In or around July 2004, Defendant JEFFREY EPSTEIN stroked the vagina of Jane Doe #7, who was then a sixteen-year-old girl.

E (63) In or around July 2004, Defendant JEFFREY EPSTEIN made a payment of \$200 to Jane Doe #7.

(46) In or around July 2004, Defendant JEFFREY EPSTEIN led T.M., who was then a fifteen-year-old girl, and Jane Doe #7, who was then a sixteen-year-old girl, from the kitchen of 358 El Brillo Way upstairs to Defendant JEFFREY EPSTEIN's bedroom at 358 El Brillo Way.

(47) On or about July 4, 2004, Defendant [REDACTED] made one or more telephone calls to a telephone used by Jane Doe #7.

(48) On or about July 5, 2004, Defendant [REDACTED] placed a telephone call to a telephone used by T.M.

(49) In or around July 2004, Defendant JEFFREY EPSTEIN masturbated in the presence of Jane Doe #8, who was then a seventeen-year-old girl.

(50) In or around July 2004, Defendant JEFFREY EPSTEIN stroked the vagina of Jane Doe #8, who was then a seventeen-year-old girl.

(51) In or around July 2004, Defendant JEFFREY EPSTEIN paid approximately \$200 to Jane Doe #8.

(52) In or around July 2004, Defendant JEFFREY EPSTEIN paid \$200 to T.M. for recruiting Jane Doe #8 to travel to 358 El Brillo Way.

(53) In or around July 2004, Defendant SARAH [REDACTED] told Jane Doe #8 that Defendant JEFFREY EPSTEIN would pay Jane Doe #8 if she returned with a friend.

(54) On or about July 15, 2004, Defendant [REDACTED] placed one or more telephone calls to a telephone used by Jane Doe #7.

(37) In or around the first half of 2004, Defendant JEFFREY EPSTEIN stroked the vagina of Jane Doe #4, who was then a seventeen-year-old girl.

D (38) In or around the first half of 2004, Defendant JEFFREY EPSTEIN paid \$200 to Jane Doe #4.

(39) In or around the first half of 2004, Defendant JEFFREY EPSTEIN paid \$200 to Jane Doe #5.

(40) In or around the first half of 2004, Defendant JEFFREY EPSTEIN asked Jane Doe #6 what high school she attended.

(41) In or around the first half of 2004, Defendant JEFFREY EPSTEIN instructed Jane Doe #4 to leave so that Jane Doe #6 could massage him alone.

(42) In or around the first half of 2004, Defendant JEFFREY EPSTEIN masturbated in the presence of Jane Doe #6, who was then a sixteen-year-old girl.

(43) In or around the first half of 2004, Defendant JEFFREY EPSTEIN digitally penetrated Jane Doe #6, who was then a sixteen-year-old girl.

(44) In or around the first half of 2004, Defendant JEFFREY EPSTEIN placed a large vibrating massager on the vagina of Jane Doe #6, who was then a sixteen-year-old girl.

(45) In or around the first half of 2004, Defendant JEFFREY EPSTEIN caused a payment of \$200 to be paid to Jane Doe #6.

Jane Does #7 and #8

(30) On or about January 14, 2005, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #3.

D (31) On or about January 29, 2005, one of Defendant JEFFREY EPSTEIN's employees prepared a written telephone message for Defendant JEFFREY EPSTEIN's review regarding a telephone call received from Jane Doe #3 that read: "I have a female for him."

Jane Does #4, #5, and #6

(32) **R** In or around the first half of 2004, Defendant [REDACTED] led Jane Doe #4 and Jane Doe #5 to Defendant JEFFREY EPSTEIN's bedroom at 358 El Brillo Way.

(33) In or around the first half of 2004, Defendant JEFFREY EPSTEIN asked Jane Doe #4 about her age, and Jane Doe #4 responded with her true age.

(34) **A** In or around the first half of 2004, Defendant JEFFREY EPSTEIN masturbated in the presence of Jane Doe #4, who was then a seventeen-year-old-girl, and Jane Doe #5, who was then a seventeen-year-old girl.

(35) **F** In or around the first half of 2004, Defendant JEFFREY EPSTEIN instructed Jane Doe #4, who was then a seventeen-year-old girl, to play with his nipples.

(36) **T** In or around the first half of 2004, Defendant JEFFREY EPSTEIN instructed Jane Doe #4, who was then a seventeen-year-old girl, to remove her clothing.

(22) On or about October 30, 2004, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #3.

D (23) In or around 2004, Defendant JEFFREY EPSTEIN directed Jane Doe #3, who was then a sixteen- or seventeen-year-old girl, to straddle an adult female and to touch the adult female's breasts.

(24) In or around 2004, Defendant JEFFREY EPSTEIN placed a massaging device on the vagina of an adult female in the presence of Jane Doe #3, who was then a sixteen- or seventeen-year-old girl.

R (25) In or around 2004, Defendant JEFFREY EPSTEIN made a payment of \$200 to Jane Doe #3.

(26) In or around 2004, Defendant JEFFREY EPSTEIN instructed Jane Doe #3 to rub his nipples.

A (27) In or around 2004, Defendant JEFFREY EPSTEIN placed a massaging device on the vagina of Jane Doe #3, who was then a sixteen- or seventeen-year-old girl.

(28) In or around 2004, Defendant JEFFREY EPSTEIN asked Jane Doe #3 to recruit additional females to come to 358 El Brillo Way.

(29) On or about November 8, 2004, one of Defendant JEFFREY EPSTEIN's employees prepared a written telephone message for Defendant JEFFREY EPSTEIN's review regarding a telephone call received from Jane Doe #3 that read: "I have a female for him."

(13) In or around 2003, Defendant [REDACTED] told Jane Doe #2 that Defendant JEFFREY EPSTEIN had asked [REDACTED] to take nude photographs of Jane Doe #2.

(14) In or around 2003, Defendant JEFFREY EPSTEIN masturbated in the presence of Jane Doe #2, who was then a sixteen-year-old girl.

(15) In or around 2003, Defendant JEFFREY EPSTEIN made a payment of \$200 to Jane Doe #2, who was then a sixteen-year-old girl.

(16) In or around 2003, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #2 to make an appointment for Jane Doe #2 to travel to 358 El Brillo Way.

(17) On or about April 23, 2004, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #2.

(18) On or about May 2, 2004, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #2.

Jane Doe #3

(19) In or around 2003, Defendant JEFFREY EPSTEIN masturbated in the presence of Jane Doe #3, who was then a fifteen-year-old girl.

(20) In or around 2003, Defendant JEFFREY EPSTEIN made a payment of \$200 to Jane Doe #3.

(21) On or about October 26, 2004, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #3.

(6) In or around 2001, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #2 to make an appointment for Jane Doe #2 to travel to 358 El Brillo Way.

(7) In or around 2001, JEFFREY EPSTEIN engaged in sexual intercourse with an unidentified female in the presence of Jane Doe #2, who was then a fourteen-year-old girl.

(8) In or around 2001, Defendant JEFFREY EPSTEIN paid \$300 to Jane Doe #2, who was then a fourteen-year-old girl, for allowing an unidentified female to perform oral sex on Jane Doe #2 in EPSTEIN's presence.

(9) On or about March 11, 2003, an employee of Defendant JEFFREY EPSTEIN prepared a written telephone message for Defendant JEFFREY EPSTEIN's review regarding a telephone call received from Jane Doe #2.

(10) In or around 2003, Defendant JEFFREY EPSTEIN asked Jane Doe #2 if she had any younger friends who would be interested in engaging in similar activities with him.

(11) In or around 2003, Defendant [REDACTED] took nude photographs of Jane Doe #2, who was then a sixteen-year-old girl.

(12) In or around 2003, Defendant SARAH [REDACTED] made a payment of \$500 to Jane Doe #2 in exchange for posing for nude photographs.

(e) It was further a part of the conspiracy that Defendant JEFFREY EPSTEIN would pay minor females to engage in lewd conduct with Defendant [REDACTED] to satisfy Defendant JEFFREY EPSTEIN's prurient interests.

Overt Acts

30. In furtherance of this conspiracy and to effect the objects thereof, there was committed by at least one of the co-conspirators herein, at least one of the following overt acts, among others, in the Southern District of Florida, and elsewhere:

R **Jane Does #1 and #2**

(1) In or around the beginning of 2001, Defendant JEFFREY EPSTEIN engaged in sexual activity with Jane Doe #1, who was then a seventeen-year-old girl, in the presence of Jane Doe #2, who was then a fourteen-year-old girl.

(2) In or around 2001, Defendant [REDACTED] led Jane Doe #2 from the kitchen of 358 El Brillo Way **A** upstairs to Defendant JEFFREY EPSTEIN's bedroom at 358 El Brillo Way.

(3) In or around 2001, Defendant JEFFREY EPSTEIN masturbated in the presence of Jane Doe #2, who was then a fourteen-year-old girl.

(4) In or around 2001, Defendant JEFFREY EPSTEIN asked Jane Doe #2, who was then fourteen years' old, to **F** pinch his nipples while he masturbated.

(5) In or around 2001, Defendant JEFFREY EPSTEIN made a payment of \$300 to Jane Doe #2.

29. The manner and means by which the Defendants and other participants sought to accomplish the purpose and object of the conspiracy included the following:

D (a) It was part of the conspiracy that Defendants [REDACTED], [REDACTED], and other participants would contact minor females via the use of cellular and other telephones to arrange appointments for minor females to travel to 358 El Brillo Way and the New York residence to allow Defendant JEFFREY EPSTEIN to engage in lewd conduct with them.

(b) **R** It was further a part of the conspiracy that Defendants JEFFREY EPSTEIN, [REDACTED] and [REDACTED], and other participants would make payments to, or cause payments to be made to, minor females in exchange for engaging in lewd conduct.

(c) It was further a part of the conspiracy that Defendants JEFFREY EPSTEIN, [REDACTED] **A** **ADRIANA** [REDACTED] and other participants would ask females to recruit other minor females to engage in lewd conduct with Defendant JEFFREY EPSTEIN.

(d) It was further a part of the conspiracy that Defendants JEFFREY EPSTEIN, [REDACTED] [REDACTED] and other participants would make payments to, or cause **F** payments to be made to, the recruiters for bringing additional minor females to 358 El Brillo Way and the New York residence to engage in lewd conduct with Defendant JEFFREY EPSTEIN.

COUNT 1
(Conspiracy: 18 U.S.C. § 371)

26. Paragraphs 1 through 25 of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

27. From at least as early as 2001, the exact date being unknown to the Grand Jury, through in or around October 2005, in Palm Beach County, in the Southern District of Florida, and elsewhere, the Defendants,

R JEFFREY EPSTEIN,
[REDACTED],
ADRIANA ROSS, a/k/a "[REDACTED]"
and
[REDACTED],

did knowingly and willfully combine, conspire, confederate and agree with each other and with others known and unknown to commit an offense against the United States, that is, to use a facility or means of interstate or foreign commerce to knowingly persuade, induce, and entice individuals who had not attained the age of 18 years to engage in prostitution, in violation of Title 18, United States Code, Section 2422(b).

Purpose and Object of the Conspiracy

28. It was the purpose and object of the conspiracy to procure females under the age of 18 to travel to 358 El Brillo Way and the New York residence so that JEFFREY EPSTEIN could, in exchange for money, engage in lewd conduct with those minor females in order to satisfy JEFFREY EPSTEIN's prurient interests.

Manner and Means

23. During the period of her involvement with the Defendants, Jane Doe #10 attended Lake Worth High School in Palm Beach County.

24. **D** During the period of her involvement with the Defendants, Jane Doe #11 attended the Professional Performing Arts School, a public high school, located in New York, New York.

25. During the period of her involvement with the Defendants, Jane Doe #13 attended John I. Leonard High School in Palm Beach County.

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of any act involving sexual activity in the presence of a victim who is less than 16 years of age, commits lewd or lascivious exhibition," which is a felony of the second degree.

14. Pursuant to Florida Statutes Section 800.04(2), "[n]either the victim's lack of chastity nor the victim's consent is a defense to the crimes proscribed by [Section 800.04]."

15. Pursuant to Florida Statutes Section 800.04(3), "[t]he perpetrator's ignorance of the victim's age, the victim's misrepresentation of his or her age, or the perpetrator's bona fide belief of the victim's age cannot be raised as a defense in a prosecution under [Section 800.04]."

16. Pursuant to Florida Statutes Section 800.02, a "person who commits any unnatural and lascivious act with another person commits a misdemeanor of the second degree."

17. Defendant JEFFREY EPSTEIN was over the age of 24 and did not have any medical license.

18. During the period of her involvement with the Defendants, Jane Doe #4 attended Wellington High School and Palm Beach Central High School in Palm Beach County.

19. During the period of her involvement with the Defendants, Jane Doe #5 attended Wellington High School in Palm Beach County.

20. During the period of their involvement with the Defendants, Jane Does # 6, 8 and 12 attended Palm Beach Central High School in Palm Beach County.

21. During the period of her involvement with the Defendants, Jane Doe #7 attended William T. Dwyer High School in Palm Beach County.

22. During the periods of their involvement with the Defendants, Jane Does # 9, 14, 15, 16, 17, 18, and 19 attended Royal Palm Beach High School in Palm Beach County.

of the second degree.” For purposes of “this section, ‘sexual activity’ means oral, anal, or vaginal penetration by, or union with, the sexual organ of another; however, sexual activity **D**oes not include an act done for a bona fide medical purpose.” Florida Statutes Section 794.021 states that “ignorance of the age [of the victim] is no defense,” and that neither “misrepresentation of age by [the victim] nor a bona fide belief that such person is over the specified age [shall] be a defense.”

11. Pursuant to Florida Statutes Sections 800.04(5)(a) and 800.04(5)(c)(2), an adult **R** “who intentionally touches in a lewd or lascivious manner the breasts, genitals, genital area, or buttocks, or the clothing covering them, of a person less than 16 years of age, or forces or entices a person under 16 years of age to so touch the perpetrator, commits lewd or lascivious molestation,” which is a felony of the second degree if the victim is 12 years of age or older **A** but less than 16 years of age.

12. Pursuant to Florida Statutes Sections 800.04(6)(a) and 800.04(6)(b), an adult “who [i]ntentionally touches a person under 16 years of age in a lewd or lascivious manner or [s]olicits a person under 16 years of age to commit a lewd or lascivious act commits lewd or lascivious conduct,” which is a felony of the second degree.

13. Pursuant to Florida Statutes Section **F** 800.04(7)(a) and 800.04(7)(c), an adult “who: (1) [i]ntentionally masturbates; (2) [i]ntentionally exposes the genitals in a lewd or lascivious manner; or (3) [i]ntentionally commits any other sexual act that does not involve actual physical or sexual contact with the victim, including, but not limited to . . . the simulation

2. Defendant JEFFREY EPSTEIN employed L.G. to perform, among other things, services as a personal assistant.

3. **D**efendants JEFFREY EPSTEIN and [REDACTED] paid T.M., H.R., and A.F. to perform, among other things, recruiting services.

4. Defendant JEFFREY EPSTEIN owned a property located at 358 El Brillo Way, Palm Beach, Florida, in the Southern District of Florida (hereinafter referred to as "358 El Brillo Way").

5. **R**efendant JEFFREY EPSTEIN owned a property located at 9 East 71st Street, New York, New York (hereinafter referred to as "the New York residence").

6. Defendant JEFFREY EPSTEIN was the principal owner of JEGE, INC., a Delaware corporation. JEGE, INC.'s sole business activities related to the operation and ownership of a Boeing 727-31 aircraft bearing tail number N908JE.

7. Defendant JEFFREY **A**STEIN served as president, sole director, and sole shareholder of JEGE, INC., and had the power to direct all of its operations.

8. Defendant JEFFREY EPSTEIN was the principal owner of Hyperion Air, Inc., a Delaware corporation. Hyperion Air, Inc.'s sole business activities related to the operation and ownership of a Gulfstream G-1159B aircraft bearing tail number N909JE.

9. Defendant JEFFREY EPSTEIN **F** served as president, sole director, and sole shareholder of Hyperion Air, Inc., and had the power to direct all of its operations.

10. Pursuant to Florida Statutes Section 794.05, a "person 24 years of age or older who engages in sexual activity with a person 16 or 17 years of age commits a felony

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

D

Case No: _____

- 18 U.S.C. § 371
- 18 U.S.C. § 1591(a)(1)
- 18 U.S.C. § 1591(a)(2)
- 18 U.S.C. § 2422(b)
- 18 U.S.C. § 2423(e)
- 18 U.S.C. § 2423(d)
- 18 U.S.C. § 2423(b)

UNITED STATES OF AMERICA

vs.

JEFFREY EPSTEIN,

[REDACTED],
and [REDACTED],

Defendants.

A _____

INDICTMENT

The Grand Jury charges that:

BACKGROUND

At all times relevant to this Indictment:

1. Defendant JEFFREY EPSTEIN employed defendants [REDACTED], [REDACTED], and [REDACTED] to perform, among other things, services as personal assistants.

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EXHIBIT B-30

A. [REDACTED] Villafaña, Esq.

December 9, 2009

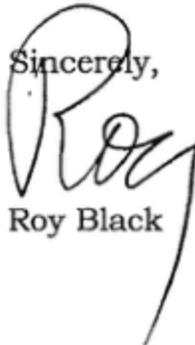
Page 3

our part would constitute a breach of the NPA. So the Rothstein lawyers, once again, are using the power of the federal government to perpetrate and further their fraud. And the expense of litigating these cases has been extreme. For example, Bob Josefsberg, who I do not believe was aware of the Rothstein crimes, is now demanding over \$2 million in legal fees.

As a lawsuit brought by some of the investors' claims, Rothstein and his partner Edwards used Jeffrey Epstein as bait. The litigation strategy, media pronouncements, and investigatory initiatives of Rothstein and Edwards were calculated to support Rothstein's deceptions rather than to advance the position of his clients. I bring these facts to your attention so that if you had contact with Edwards or those associated with him in the past concerning Mr. Epstein, you consider not continuing communications with any of them in the future.

I would like a short conference with you in person to talk about Mr. Epstein's progress through the state criminal justice system, to discuss several outstanding issues that I want to make sure you have accurate information about, and, from my perspective, most importantly, so that I can provide Mr. Epstein with proper counsel going forward. If you email me some dates when you are available this month, we can schedule a short meeting in your office hopefully before the year ends:

Sincerely,

A handwritten signature in black ink that reads "Roy Black". The signature is stylized with a large, looped "R" and a long, sweeping underline.

Roy Black

RB/wg

Enclosure

Black, Srebnick, Kornspan & Stumpf, P.A.

EFTA00225784

ROY BLACK
HOWARD M. SREBNICK
SCOTT A. KORNSPAN
LARRY A. STUMPF
MARIA NEYRA
JACKIE PERCZEK
MARK A.J. SHAPIRO
JARED LOPEZ

BLACK
SREBNICK
KORNSPAN
& STUMPF
P.A.

JESSICA FONSECA-NADER
KATHLEEN P. PHILLIPS
AARON ANTHON
MARCOS BEATON, JR.
MATTHEW P. O'BRIEN
JENIFER J. SOULIKIAS
NOAH FOX

E-Mail: RBlack@RoyBlack.com

December 9, 2009

A. [REDACTED] Villafaña, Esq.
Assistant United States Attorney
United States Attorney's Office
Southern District of Florida
500 South Australian Avenue
Suite 400
West Palm Beach, Florida 33401

RE: Jeffrey Epstein

Dear [REDACTED]:

You emailed me a letter on November 2, asking whether Jeffrey Epstein's place of employment remained constant. It has. I reviewed a Google map to confirm that the distance between that place of employment and the location where he was stopped by Palm Beach Police is less than 3 miles (and that the location where he was walking was on a direct route to his place of work).

It has taken us a while to respond to your letter because other matters have consumed our time and effort. Over the past five weeks, the massive billion-dollar conspiracy created and run by Scott Rothstein has been exposed. On Monday, Mr. Epstein filed a state civil RICO lawsuit charging Rothstein, his partner Brad Edwards, and others with tortuous and fraudulent abuses of process that resulted in serious injury to Mr. Epstein. A copy of the Complaint is enclosed with this letter.

As you know, Rothstein's firm represents [REDACTED], [REDACTED] and [REDACTED] Wilde, three of the plaintiffs who have brought civil actions against Mr. Epstein. The Rothstein firm was a criminal enterprise that used the litigation against Mr. Epstein to lure investors into its billion-dollar ponzi scheme. We believe that Rothstein and his co-conspirators used the government's criminal investigation as a means to perpetrate and further their fraud. For example:

West side of an existing concrete seawall and the northerly extension thereof as shown on the Adair & Brady, Inc., drawing IS-1298, dated March 25, 1981, and bounded on the East by the shoreline as shown on the plat of El Bravo Park, and bounded on the North and South by the Westerly extensions of the North and South lines respectively of Lot 40, containing 0.07 acres, more or less.

Pursuant to Title 18, United States Code, Section 1594(b).

A TRUE BILL.

R

FOREPERSON

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

A. [REDACTED] VILLAFANA A

ASSISTANT UNITED STATES ATTORNEY

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(e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 2253(o), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

Pursuant to Title 18, United States Code, Section 2253.

FORFEITURE 3

Upon conviction of any of the violations alleged in Counts 2-11 of this indictment, the defendants, JEFFREY EPSTEIN, SARAH KELLEN, [REDACTED], a/k/a "Adriana Mucinska," and NADIA MARCINKOVA, shall forfeit to the United States any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of such violation; and any property, real or personal, constituting or derived from any proceeds that such person obtained, directly or indirectly, as a result of such violation, including but not limited to the following:

a. A parcel of land located at 358 El Brillo Way, Palm Beach, Florida 33480, including all buildings, improvements, fixtures, attachments, and easements found therein or thereon, and more particularly described as:

Being all of Lot 40 and the West 24.3 feet of Lot 39, El Bravo Park, as recorded in Plat Book 9, Page 9, in the records of Palm Beach County, Florida and

BEING that portion lying West of Lot 40, El Bravo Park, in Section 27, Township 43 South, Range 43 East, as recorded in Plat Book 9, Page 9, Public Records of Palm Beach County, Florida, being bounded on the West by the

offense; and any property, real or personal, used or intended to be used to commit or to promote the commission of such offense, including but not limited to the following:

D a. A parcel of land located at 358 El Brillo Way, Palm Beach, Florida 33480, including all buildings, improvements, fixtures, attachments, and easements found therein or thereon, and more particularly described as:

Being all of Lot 40 and the West 24.3 feet of Lot 39, El Bravo Park, as recorded in Plat Book 9, Page 9, in the records of Palm Beach County, Florida and

R
BEING that portion lying West of Lot 40, El Bravo Park, in Section 27, Township 43 South, Range 43 East, as recorded in Plat Book 9, Page 9, Public Records of Palm Beach County, Florida, being bounded on the West by the West side of an existing concrete seawall and the northerly extension thereof as shown on the Adair & Brady, Inc., drawing IS-1298, dated March 25, 1981, and bounded on the East by the shoreline as shown on the plat of El Bravo Park, and bounded on the North and South by the Westerly extensions of the North and South lines respectively of Lot 40, containing 0.07 acres, more or less.

A
Pursuant to Title 18, United States Code, Section 2253.

If any of the forfeitable property described in the forfeiture section of this indictment, as a result of any act or omission of the defendants JEFFREY EPSTEIN, [REDACTED], ADRIANA ROSS, a/k/a "Adriana Mucinska," and NADIA [REDACTED],

- F
- (a) cannot be located upon the exercise of due diligence;
 - (b) has been transferred or sold to, or deposited with, a third person;
 - (c) has been placed beyond the jurisdiction of the Court;
 - (d) has been substantially diminished in value; or

Pursuant to Title 28, United States Code, Section 2461; Title 18, United States Code, Section 981(a)(1)(C); and Title 21, United States Code, Section 853.

If the property described above as being subject to forfeiture, as a result of any act or omission of the defendants, JEFFREY EPSTEIN, SARAH [REDACTED], [REDACTED], a/k/a "Adriana Mucinska," and [REDACTED],

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without

difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

All pursuant to Title 28 United States Code, Section 2461; Title 18, United States Code, Section 981(a)(1)(C); and Title 21 United States Code, Section 853.

FORFEITURE 2

Upon conviction of any of the violations alleged in Counts 12-29 of this indictment, the defendants, JEFFREY EPSTEIN, [REDACTED], [REDACTED], a/k/a "Adriana Mucinska," and NADIA MARCINKOVA, shall forfeit to the United States any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such

Defendant(s) listed below traveled in interstate commerce for the purpose of engaging in illicit sexual conduct as defined in 18 U.S.C. § 2423(f), with a person under 18 years of age, that is, the person(s) listed in each count below:

Count	Date(s)	Minor(s) Involved	Defendant(s)
26	7/16/2004	Jane Doe #7 Jane Doe #8 Jane Doe #9 Jane Doe #10	JEFFREY EPSTEIN [REDACTED] NADIA MARCINKOVA
27	3/31/2005	Jane Doe #14 Jane Doe #15 Jane Doe #16	JEFFREY EPSTEIN [REDACTED] ADRIANA ROSS, a/k/a "Adriana Mucinska"
28	9/18/2005	Jane Doe #16	JEFFREY EPSTEIN [REDACTED] a/k/a "Adriana Mucinska"
29	9/29/05	Jane Doe #16	JEFFREY EPSTEIN SARAH [REDACTED] ADRIANA ROSS, a/k/a "Adriana Mucinska" [REDACTED]

All in violation of Title 18, United States Code, Sections 2423(b) and 2.

FORFEITURE 1

Upon conviction of the violation alleged in Count 1 of this indictment, the defendants, JEFFREY EPSTEIN, SARAH KELLEN, ADRIANA ROSS, a/k/a "Adriana Mucinska," and [REDACTED], shall forfeit to the United States any property, real or personal, which constitutes or is derived from proceeds traceable to the violation.

did knowingly and willfully conspire with each other and with others known and unknown to travel in interstate commerce for the purpose of engaging in illicit sexual conduct, as defined in 18 U.S.C. § 2423(f), with another person, in violation of Title 18, United States Code, Section 2423(b); all in violation of Title 18, United States Code, Section 2423(e).

COUNT 25

(Facilitation of Unlawful Travel of Another: 18 U.S.C. § 2423(d))

61. Paragraphs 1 through 25 of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

62. From at least as early as in or about 2001 through in or around October 2005, the exact dates being unknown to the Grand Jury, in Palm Beach County, in the Southern District of Florida, and elsewhere, the Defendant,

SARAH KELLEN,

did, for the purpose of commercial advantage or private financial gain, arrange and facilitate the travel of a person, that is Defendant Jeffrey Epstein, knowing that such person was traveling in interstate commerce for the purpose of engaging in illicit sexual conduct, as defined in 18 U.S.C. § 2423(f); in violation of Title 18, United States Code, Section 2423(d).

COUNTS 26 THROUGH 29

(Travel to Engage in Illicit Sexual Conduct: 18 U.S.C. § 2423(b))

63. Paragraphs 1 through 25 of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

64. On or about the dates enumerated as to each count listed below, from a place outside the Southern District of Florida to a place inside the Southern District of Florida, the

COUNT 23
(Enticement of a Minor: 18 U.S.C. § 2422(b))

57. Paragraphs 1 through 25 of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

58. From in or around August 2003 through in or around February 2004, the exact dates being unknown to the Grand Jury, in Palm Beach County, in the Southern District of Florida, and elsewhere, the defendants,

R

JEFFREY EPSTEIN,
and

[REDACTED],

did use a facility or means of interstate commerce, that is, the telephone, to knowingly persuade, induce and entice Jane Doe #18, who was a person who had not attained the age of 18 years, to engage in prostitution; in violation of Title 18, United States Code, Sections 2422(b) and 2.

A

COUNT 24
(Conspiracy to Travel: 18 U.S.C. § 2423(e))

59. Paragraphs 1 through 25 of this indictment are re-alleged and incorporated by reference as fully set for the herein.

60. From at least as early as 2001 through in or around October 2005, the exact dates being unknown to the Grand Jury, the Defendants,

JEFFREY EPSTEIN,

[REDACTED],

ADRIANA ROSS, a/k/a "Adriana Mucinska,"

and

[REDACTED]

T

JEFFREY EPSTEIN,

SARAH [REDACTED],

[REDACTED], a/k/a "Adriana Mucinska,"

and [REDACTED],

D
did use a facility or means of interstate commerce, that is, the telephone, to knowingly persuade, induce or entice Jane Doe #16, who was a person who had not attained the age of 18 years, to engage in prostitution and in a sexual activity for which a person can be charged with a criminal offense, that is a violation of Florida Statutes Section 794.05; in violation of Title 18, United States Code, Sections 2422(b) and 2.

R
COUNT 22

(Enticement of a Minor: 18 U.S.C. § 2422(b))

55. Paragraphs 1 through 25 of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

56. From in or around February 2005 through in or around April 2005, the exact dates being unknown to the Grand Jury, in Palm Beach County, in the Southern District of Florida, and elsewhere, the defendants,

JEFFREY EPSTEIN,

[REDACTED], and

[REDACTED], a/k/a "Adriana Mucinska,"

F
did use a facility or means of interstate commerce, that is, the telephone, to knowingly persuade, induce and entice Jane Doe #17, who was a person who had not attained the age of 18 years, to engage in prostitution; in violation of Title 18, United States Code, Sections 2422(b) and 2.

COUNT 20

(Enticement of a Minor: 18 U.S.C. § 2422(b))

51. Paragraphs 1 through 25 of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

52. From in or around December 2004 through on or about June 5, 2005, the exact dates being unknown to the Grand Jury, in Palm Beach County, in the Southern District of Florida, and elsewhere, the defendants,

R

JEFFREY EPSTEIN,
SARAH [REDACTED], and
[REDACTED], a/k/a "Adriana Mucinska,"

did use a facility or means of interstate commerce, that is, the telephone, to knowingly persuade, induce and entice Jane Doe #15, who was a person who had not attained the age of 18 years, to engage in prostitution in violation of Title 18, United States Code, Sections 2422(b) and 2.

COUNT 21

(Enticement of a Minor: 18 U.S.C. § 2422(b))

53. Paragraphs 1 through 25 of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

54. From in or around February 2005 through in or around the first week of October 2005, the exact dates being unknown to the Grand Jury, in Palm Beach County, in the Southern District of Florida, and elsewhere, the defendants,

T

did use a facility or means of interstate commerce, that is, the telephone, to knowingly persuade, induce and entice Jane Doe #13, who was a person who had not attained the age of 18 years, to engage in prostitution; in violation of Title 18, United States Code, Sections 2422(b) and 2.

COUNT 19
(Enticement of a Minor: 18 U.S.C. § 2422(b))

49. Paragraphs 1 through 25 of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

50. From in or around November 2004 through in or around March 2005, the exact dates being unknown to the Grand Jury, in Palm Beach County, in the Southern District of Florida, and elsewhere, the defendants,

JEFFREY EPSTEIN,
SARAH [REDACTED],
and ADRIANA ROSS, a/k/a "[REDACTED]"

did use a facility or means of interstate commerce, that is, the telephone, to knowingly persuade, induce and entice Jane Doe #14, who was a person who had not attained the age of 18 years, to engage in prostitution and in a sexual activity for which a person can be charged with a criminal offense, that is a violation of Florida Statutes Section 794.05; in violation of Title 18, United States Code, Sections 2422(b) and 2.

COUNT 17
(Enticement of a Minor: 18 U.S.C. § 2422(b))

45. Paragraphs 1 through 25 of this Indictment are re-alleged and incorporated by reference ^Das though fully set forth herein.

46. From in or around the middle of 2004 through on or about April 22, 2005, the exact dates being unknown to the Grand Jury, in Palm Beach County, in the Southern District of Florida, and elsewhere, the defendants,

^R

JEFFREY EPSTEIN
and

[REDACTED],

did use a facility or means of interstate commerce, that is, the telephone, to knowingly persuade, induce and entice Jane Doe #12, who was a person who had not attained the age of 18 years, to engage in prostitution; in violation of Title 18, United States Code, Sections ^A2422(b) and 2.

COUNT 18
(Enticement of a Minor: 18 U.S.C. § 2422(b))

47. Paragraphs 1 through 25 of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

48. From in or around August 2004 through on or about May 27, 2005, the exact dates being unknown to the Grand Jury, in Palm Beach County, in the Southern District of Florida, and elsewhere, the defendants,

JEFFREY EPSTEIN
and

[REDACTED],

^T

JEFFREY EPSTEIN
and

[REDACTED]

did use a facility or means of interstate commerce, that is, the telephone, to knowingly persuade, induce and entice Jane Doe #9, who was a person who had not attained the age of 18 years, to engage in prostitution and in a sexual activity for which a person can be charged with a criminal offense, that is a violation of Florida Statutes Section 794.05; in violation of Title 18, United States Code, Sections 2422(b) and 2.

R

COUNT 16
(Enticement of a Minor: 18 U.S.C. § 2422(b))

43. Paragraphs 1 through 25 of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

44. From in or around July 2004 through on or about January 31, 2005, the exact dates being unknown to the Grand Jury, in Palm Beach County, in the Southern District of Florida, and elsewhere, the defendants,

JEFFREY EPSTEIN
and
SARAH KELLEN,

did use a facility or means of interstate commerce, that is, the telephone, to knowingly persuade, induce and entice Jane Doe #10, who was a person who had not attained the age of 18 years, to engage in prostitution; in violation of Title 18, United States Code, Sections 2422(b) and 2.

T

18 years, to engage in prostitution; in violation of Title 18, United States Code, Sections 2422(b) and 2.

D

COUNT 14
(Enticement of a Minor: 18 U.S.C. § 2422(b))

39. Paragraphs 1 through 25 of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

40. From in or around July 2004 through in or around October 2004, the exact dates being unknown to the Grand Jury, in Palm Beach County, in the Southern District of Florida, and elsewhere, the defendants,

JEFFREY EPSTEIN
and
SARAH KELLEN,

did use a facility or means of interstate commerce, that is, the telephone, to knowingly persuade, induce and entice Jane Doe #8, who was a person who had not attained the age of 18 years, to engage in prostitution; in violation of Title 18, United States Code, Sections 2422(b) and 2.

COUNT 15
(Enticement of a Minor: 18 U.S.C. § 2422(b))

41. Paragraphs 1 through 25 of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

42. From in or around July 2004 through on or around December 29, 2004, the exact dates being unknown to the Grand Jury, in Palm Beach County, in the Southern District of Florida, and elsewhere, the defendants,

T

36. From in or around the spring of 2003 through on or about October 2, 2005, the exact dates being unknown to the Grand Jury, in Palm Beach County, in the Southern District of Florida, and elsewhere, the defendants,

JEFFREY EPSTEIN
and
SARAH KELLEN,

did use a facility or means of interstate commerce, that is, the telephone, to knowingly persuade, induce and entice Jane Doe #3, who was a person who had not attained the age of 18 years, to engage in prostitution and in a sexual activity for which a person can be charged with a criminal offense, that is violations of Florida Statutes Sections 800.04(5)(a), 800.04(6)(a), and 800.04(7)(a); in violation of Title 18, United States Code, Sections 2422(b) and 2.

ACCOUNT 13
(Enticement of a Minor: 18 U.S.C. § 2422(b))

37. Paragraphs 1 through 25 of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

38. In or around July 2004, the exact dates being unknown to the Grand Jury, in Palm Beach County, in the Southern District of Florida, and elsewhere, the defendants,

JEFFREY EPSTEIN
and


did use a facility or means of interstate commerce, that is, the telephone, to knowingly persuade, induce and entice Jane Doe #7, who was a person who had not attained the age of

COUNT 11
(Sex Trafficking: 18 U.S.C. § 1591(a)(2))

33. Paragraphs 1 through 25 of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

34. From at least as early as in or about 2001 through in or about October 2005, the exact dates being unknown to the Grand Jury, in Palm Beach County, in the Southern District of Florida, and elsewhere, the defendants,

R [REDACTED],
ADRIANA ROSS, a/k/a "Adriana Mucinska,"
and
NADIA MARCINKOVA,

did knowingly benefit, financially or by receiving anything of value, from participation in a venture, as defined in 18 U.S.C. § 1591(c)(3), which had engaged in an act described in violation of 18 U.S.C. § 1591(a)(1), that is, the recruiting, enticing, providing, and obtaining by any means a person, in or affecting interstate commerce, knowing that the person or persons had not attained the age of 18 years and would be caused to engage in a commercial sex act as defined in 18 U.S.C. § 1591(c)(1); in violation of Title 18, United States Code, Sections 1591(a)(2), 1591(b)(2), and 2.

F
COUNT 12
(Enticement of a Minor: 18 U.S.C. § 2422(b))

35. Paragraphs 1 through 25 of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

Count	Date(s)	Minor Involved	Defendant(s)
3	January 2004 through July 2004	Jane Doe #4	JEFFREY EPSTEIN [REDACTED]
4	July 2004 through December 29, 2004	Jane Doe #9	JEFFREY EPSTEIN [REDACTED]
5	July 2004 through January 31, 2005	Jane Doe #10	JEFFREY EPSTEIN [REDACTED]
6	Mid-2004 through April 22, 2005	Jane Doe #12	JEFFREY EPSTEIN SARAH KELLEN
7	August 2004 through May 27, 2005	Jane Doe #13	JEFFREY EPSTEIN [REDACTED]
8	November 2004 through March 2005	Jane Doe #14	JEFFREY EPSTEIN [REDACTED], a/k/a "Adriana Mucinska"
9	December 2004 through June 5, 2005	Jane Doe #15	JEFFREY EPSTEIN SARAH [REDACTED], [REDACTED], a/k/a "Adriana Mucinska"
10	February 2005 through first week of October 2005	Jane Doe #16	JEFFREY EPSTEIN [REDACTED] ADRIANA ROSS, a/k/a "Adriana Mucinska" [REDACTED]

All in violation of Title 18, United States Code, Sections 1591(a)(1) and 2.

Westchester County, New York to Palm Beach County, Florida aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

D (225) On or about September 29, 2005, Defendants JEFFREY EPSTEIN, [REDACTED], a/k/a "Adriana Mucinska," and NADIA [REDACTED] traveled from Teterboro, New Jersey to Palm Beach County, Florida aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

All in violation of Title 18, United States Code, Section 371.

R

COUNTS 2 THROUGH 10
(Sex Trafficking: 18 U.S.C. § 1591(a)(1))

31. Paragraphs 1 through 25 of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

32. On or about the dates enumerated as to each count listed below, the exact dates being unknown to the Grand Jury, in Palm Beach County, in the Southern District of Florida, and elsewhere, the Defendants listed below did knowingly, in and affecting interstate and foreign commerce, recruit, entice, provide, and obtain by any means a person, that is, the person in each count listed below, knowing that the person had not attained the age of 18 years and would be caused to engage in a commercial sex act as defined in 18 U.S.C. § 1591(c)(1):

Count	Date(s)	Minor Involved	Defendant(s)
2	2001 - 2004	Jane Doe #2	JEFFREY EPSTEIN [REDACTED]

T

(219) On or about May 19, 2005, Defendants JEFFREY EPSTEIN, SARAH KELLEN, and [REDACTED] a/k/a "Adriana Mucinska," traveled from Teterboro, New Jersey to Palm Beach County, Florida, aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

(220) On or about June 30, 2005, Defendants JEFFREY EPSTEIN and [REDACTED] traveled from Teterboro, New Jersey to Palm Beach County, Florida aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

(221) On or about July 22, 2005, Defendants JEFFREY EPSTEIN and [REDACTED] traveled from Teterboro, New Jersey to Palm Beach County, Florida aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

(222) On or about August 18, 2005, Defendants JEFFREY EPSTEIN, ADRIANA ROSS, a/k/a "Adriana Mucinska," and [REDACTED] traveled from Teterboro, New Jersey to Palm Beach County, Florida aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

(223) On or about September 3, 2005, Defendants JEFFREY EPSTEIN and ADRIANA ROSS, a/k/a "Adriana Mucinska," traveled from the U.S. Virgin Islands to Palm Beach County, Florida aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

(224) On or about September 18, 2005, Defendants JEFFREY EPSTEIN, SARAH KELLEN, and [REDACTED], a/k/a "Adriana Mucinska," traveled from

MARCINKOVA traveled from New York, New York to Palm Beach County, Florida, aboard the Boeing 727 aircraft owned by JEGE, INC.

D (214) On or about February 21, 2005, Defendants JEFFREY EPSTEIN, [REDACTED], and [REDACTED] traveled from the U.S. Virgin Islands to Palm Beach County, Florida, aboard the Boeing 727 aircraft owned by JEGE, INC.

(215) On or about February 24, 2005, Defendants JEFFREY EPSTEIN, **R** SARAH KELLEN, and [REDACTED] traveled from Teterboro, New Jersey to Palm Beach County, Florida, aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

(216) On or about March 4, 2005, Defendants JEFFREY EPSTEIN, [REDACTED], a/k/a **A** "Adriana Mucinska," and NADIA MARCINKOVA traveled from New York, New York to Palm Beach County, Florida aboard the Boeing 727 aircraft owned by JEGE, INC.

(217) On or about March 18, 2005, Defendant JEFFREY EPSTEIN traveled from New York, New York to Palm Beach County, Florida aboard the Boeing 727 aircraft owned by JEGE, INC. **F**

(218) On or about March 31, 2005, Defendant JEFFREY EPSTEIN traveled from New York, New York to Palm Beach County, Florida, aboard the Boeing 727 aircraft owned by JEGE, INC. **T**

(208) On or about January 1, 2005, Defendants JEFFREY EPSTEIN, SARAH KELLEN, and NADIA MARCINKOVA traveled from Anguilla, British West Indies to Palm Beach County, Florida aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

(209) On or about January 6, 2005, Defendant JEFFREY EPSTEIN traveled from Teterboro, New Jersey to Palm Beach County, Florida, aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

(210) On or about January 14, 2005, Defendants JEFFREY EPSTEIN, [REDACTED], [REDACTED] a/k/a "Adriana Mucinska," and [REDACTED] [REDACTED] traveled from the U.S. Virgin Islands to Palm Beach County, Florida, aboard the Boeing 727 aircraft owned by JEGE, INC.

(211) On or about January 19, 2005, Defendants JEFFREY EPSTEIN, [REDACTED], [REDACTED]" and [REDACTED] [REDACTED] traveled from New York, New York to Palm Beach County, Florida aboard the Boeing 727 aircraft owned by JEGE, INC.

([REDACTED] On or about February 3, 2005, Defendants JEFFREY EPSTEIN, [REDACTED], and NADIA MARCINKOVA traveled from Columbus, Ohio, to Palm Beach County, Florida, aboard the Boeing 727 aircraft owned by JEGE, INC.

(213) On or about February 10, 2005, Defendants JEFFREY EPSTEIN, [REDACTED], ADRIANA ROSS, a/k/a "Adriana Mucinska," and NADIA

(202) On or about October 29, 2004, Defendants JEFFREY EPSTEIN and NADIA MARCINKOVA traveled from Teterboro, New Jersey to Palm Beach County, Florida aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

(203) On or about November 10, 2004, Defendants JEFFREY EPSTEIN and [REDACTED] traveled from Teterboro, New Jersey to Palm Beach County, Florida aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

(204) On or about November 18, 2004, Defendants JEFFREY EPSTEIN, SARAH KELLEN, [REDACTED] a/k/a "Adriana Mucinska," and NADIA MARCINKOVA traveled from Teterboro, New Jersey to Palm Beach County, Florida aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

(205) On or about December 3, 2004, Defendants JEFFREY EPSTEIN, SARAH KELLEN, and ADRIANA ROSS, a/k/a "Adriana Mucinska," traveled from New York, New York to Palm Beach County, Florida aboard the Boeing 727 aircraft owned by JEGE, INC.

(206) On or about December 13, 2004, Defendant JEFFREY EPSTEIN traveled from the U.S. Virgin Islands to Palm Beach County, Florida, aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

(207) On or about December 17, 2004, Defendants JEFFREY EPSTEIN and NADIA MARCINKOVA traveled from Teterboro, New Jersey to Palm Beach County, Florida aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

(196) On or about July 4, 2004, Defendants JEFFREY EPSTEIN, [REDACTED], [REDACTED], and [REDACTED] traveled from Aspen, Colorado to Palm Beach County, Florida aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

(197) On or about July 16, 2004, Defendants JEFFREY EPSTEIN, [REDACTED], [REDACTED], and [REDACTED] traveled from Teterboro, New Jersey to Palm Beach County, Florida aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

(198) On or about July 22, 2004, Defendants JEFFREY EPSTEIN, [REDACTED], [REDACTED], and [REDACTED] traveled from the U.S. Virgin Islands to Palm Beach County, Florida aboard the Boeing 727 aircraft owned by JEGE, INC.

(199) On or about August 19, 2004, Defendants JEFFREY EPSTEIN and NADIA MARCINKOVA traveled from Van Nuys, California to Palm Beach County, Florida aboard the Boeing 727 aircraft owned by JEGE, INC.

(200) On or about August 25, 2004, Defendants JEFFREY EPSTEIN, [REDACTED], and [REDACTED] traveled from Ecuador to Palm Beach County, Florida aboard the Boeing 727 aircraft owned by JEGE, INC.

(201) On or about October 2, 2004, Defendants JEFFREY EPSTEIN, SARAH KELLEN, and NADIA MARCINKOVA traveled from the U.S. Virgin Islands to Palm Beach County, Florida aboard the Boeing 727 aircraft owned by JEGE, INC.

(190) On or about March 5, 2004, Defendant JEFFREY EPSTEIN verbally reprimanded Jane Doe #18 for bringing Jane Doe #19 to 358 El Brillo Way when she was not willing to undress for him.

The Defendants' Travel

(191) On or about March 11, 2004, Defendants JEFFREY EPSTEIN, [REDACTED], [REDACTED], and [REDACTED] traveled from Teterboro, New Jersey, to Palm Beach County, Florida aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

(192) On or about May 1, 2004, Defendants JEFFREY EPSTEIN, [REDACTED], [REDACTED], and NADIA MARCINKOVA traveled from New York, New York to Palm Beach County, Florida aboard the Boeing 727 aircraft owned by JEGE, INC.

(193) On or about May 14, 2004, Defendants JEFFREY EPSTEIN, [REDACTED], [REDACTED], and [REDACTED] traveled from Canada to Palm Beach County, Florida aboard the Boeing 727 aircraft owned by JEGE, INC.

(194) On or about June 11, 2004, Defendants JEFFREY EPSTEIN and [REDACTED] traveled from Chicago, Illinois to Palm Beach County, Florida aboard the Gulfstream aircraft owned by Hyperion Air, Inc.

(195) On or about June 20, 2004, Defendants JEFFREY EPSTEIN and NADIA MARCINKOVA traveled from the U.S. Virgin Islands to Palm Beach County, Florida aboard the Boeing 727 aircraft owned by JEGE, INC.

Jane Does #18 and #19

(182) In or around the last half of 2003, Jane Doe #18 was approached by A.F. and was asked whether she would be willing to provide a massage to Defendant JEFFREY EPSTEIN in exchange for \$200.

(183) In or around the last half of 2003, Defendant JEFFREY EPSTEIN asked Jane Doe #18 to provide her telephone number.

(184) On or around August 27, 2003, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #18.

(185) In or around the last half of 2003, Defendant JEFFREY EPSTEIN masturbated in the presence of Jane Doe #18, who was then a seventeen-year-old-girl.

(186) On or around November 16, 2003, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #18.

(187) In or around the last half of 2003, Defendant JEFFREY EPSTEIN digitally penetrated Jane Doe #18, who was then a seventeen-year-old-girl.

(188) In or around the last half of 2003, Defendant JEFFREY EPSTEIN asked Jane Doe #18 to recruit other females to travel to 358 El Brillo Way.

(189) On or about March 5, 2004, Defendant JEFFREY EPSTEIN asked Jane Doe #19, who was then a seventeen-year-old girl, to leave when she refused to remove her shirt.

(174) On or about September 30, 2005, Defendant [REDACTED], a/k/a [REDACTED], placed a telephone call to a telephone used by Jane Doe #16.

D (175) On or about October 1, 2005, Defendant SARAH [REDACTED] left a telephone message for Defendant JEFFREY EPSTEIN stating: “[Jane Doe #15] confirmed at 11 AM and [Jane Doe #16] – 4PM”.

(176) On or about October 2, 2005, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #16.

R (177) On or about October 3, 2005, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #16.

(178) On or about October 3, 2005, Defendant SARAH KELLEN left a telephone message for Defendant JEFFREY EPSTEIN stating: “[Jane Doe #16] will be ½ hour late”.

A (179) In or around the first week of October, 2005, Defendant JEFFREY EPSTEIN engaged in sexual intercourse with Jane Doe #16, who was then a seventeen-year-old girl.

F (180) In or around the first week of October, 2005, Defendant JEFFREY EPSTEIN made a payment of \$350.00 to Jane Doe #16, who was then a seventeen-year-old girl.

(181) In or around the first week of October, 2005, Defendant JEFFREY EPSTEIN provided a gift of [REDACTED] Secret lingerie to Jane Doe #16 for her eighteenth birthday.

(164) On or about June 30, 2005, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #16.

D (165) On or about July 2, 2005, Defendant SARAH KELLEN placed a telephone call to a telephone used by Jane Doe #16.

(166) On or about July 22, 2005, Defendant SARAH KELLEN placed a telephone call to a telephone used by Jane Doe #16.

(167) On or about August 18, 2005, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #16.

(168) On or about August 19, 2005, Defendant [REDACTED] a/k/a [REDACTED], placed a telephone call to a telephone used by Jane Doe #16.

(169) On or about August 21, 2005, Defendant NADIA MARCINKOVA placed a telephone call to a telephone used by Jane Doe #16.

(170) On or about September 3, 2005, Defendant [REDACTED], a/k/a [REDACTED], placed a telephone call to a telephone used by Jane Doe #16.

(171) On or about September 18, 2005, Defendant SARAH KELLEN placed a telephone call to a telephone used by Jane Doe #16.

(172) On or about September 19, 2005, Defendant [REDACTED] sent a text message to a telephone used by Jane Doe #16.

(173) On or about September 29, 2005, Defendant SARAH KELLEN placed a telephone call to a telephone used by Jane Doe #16.

(156) In or around the first nine months of 2005, Defendant JEFFREY EPSTEIN placed a massaging device on the vagina of Jane Doe #16, who was then a seventeen-year-old girl.

(157) In or around the first nine months of 2005, Defendant JEFFREY EPSTEIN asked Jane Doe #16, who was then a seventeen-year-old girl, how old she was, and she responded that she was seventeen years old.

(158) In or around the first nine months of 2005, Defendant JEFFREY EPSTEIN engaged in sexual activity with Defendant [REDACTED] in the presence of Jane Doe #16, who was then a seventeen-year-old girl.

(159) In or around the first nine months of 2005, Defendant JEFFREY EPSTEIN asked Jane Doe #16, who was then a seventeen-year-old girl, to touch the breast of Defendant NADIA MARCINKOVA.

(160) On or about April 11, 2005, Defendant [REDACTED] a/k/a "[REDACTED]," placed a telephone call to a telephone used by Jane Doe #16.

(161) On or about April 11, 2005, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #16.

(162) On or about April 11, 2005, Defendant [REDACTED] left a message for Defendant JEFFREY EPSTEIN stating: "[Jane Doe #16] can work tomorrow at 4pm."

(163) On or about May 19, 2005, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #16.

Jane Does #16 & #17

(149) In or around February 2005, Defendant JEFFREY EPSTEIN masturbated in the presence of Jane Doe #16, who was then a seventeen-year-old girl.

(150) In or around the first quarter of 2005, Defendants JEFFREY EPSTEIN and [REDACTED] caused Jane Doe #16 to place a telephone call to Jane Doe #17 to ask her to travel to 358 El Brillo Way.

(151) In or around the first quarter of 2005, Defendant JEFFREY EPSTEIN caused a payment to be made to Jane Doe #16 for recruiting Jane Doe #17 to travel to 358 El Brillo Way.

(152) In or around the first quarter of 2005, Defendant JEFFREY EPSTEIN masturbated in the presence of Jane Doe #17, who was then a sixteen-year-old girl.

(153) In or around the first quarter of 2005, Defendant JEFFREY EPSTEIN instructed Jane Doe #17, who was then a sixteen-year-old girl, to remove all of her clothing.

(154) In or around the first quarter of 2005, Defendant JEFFREY EPSTEIN placed a massaging device on the vagina of Jane Doe #17, who was then a sixteen-year-old girl.

(155) In or around the first quarter of 2005, Defendant JEFFREY EPSTEIN made a payment of \$200 to Jane Doe #17, who was then a sixteen-year-old girl.

(139) On or about February 4, 2005, Defendant SARAH KELLEN placed a telephone call to a telephone used by Jane Doe #15.

D (140) On or about February 10, 2005, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #15.

(141) On or about February 21, 2005, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #15.

R (142) On or about February 24, 2005, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #15.

(143) On or about March 17, 2005, Defendant SARAH KELLEN placed a telephone call to a telephone used by Jane Doe #15.

(144) On or about March 30, 2005, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #15.

A (145) On or about March 31, 2005, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #15.

(146) On or about March 31, 2005, Defendant [REDACTED], a/k/a "Adriana Mucinska," placed a telephone call to a telephone used by Jane Doe #15.

F (147) On or about April 1, 2005, one of Defendant JEFFREY EPSTEIN's employees prepared a note for Defendant JEFFREY EPSTEIN's review that read: "10:30 [Jane Doe #15]/[Jane Doe #10] on Fri around 2'Oclock".

(148) In or around June 2005, Defendant JEFFREY EPSTEIN provided Jane Doe #15 with a gift of [REDACTED] Secret lingerie for her eighteenth birthday.

(131) On or about March 29, 2005, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #14.

D

Jane Doe #15

(132) On or about December 6, 2004, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #15.

(133) On or about December 14, 2004, Defendant SARAH KELLEN placed a telephone call to a telephone used by Jane Doe #15.

R
(134) In or around the first half of 2005, Defendant [REDACTED] led Jane Doe #15 from the kitchen of 358 El Brillo Way upstairs to Defendant JEFFREY EPSTEIN's bedroom at 358 El Brillo Way.

A
(135) In or around the first half of 2005, Defendant JEFFREY EPSTEIN instructed Jane Doe #15, who was then a seventeen-year-old girl, to pinch his nipples while he masturbated.

(136) In or around the first half of 2005, Defendant JEFFREY EPSTEIN fondled the breasts of Jane Doe #15.

F
(137) In or around the first half of 2005, Defendant JEFFREY EPSTEIN made a payment of \$200 to Jane Doe #15.

(138) On or about January 7, 2005, Defendant [REDACTED]
[REDACTED],” placed a telephone call to a telephone used by Jane Doe #15.

T

(122) In or around the first quarter of 2005, Defendant JEFFREY EPSTEIN performed oral sex on Jane Doe #14, who was then a seventeen-year-old girl.

D (123) In or around the first quarter of 2005, Defendant JEFFREY EPSTEIN made a payment of \$600 to Jane Doe #14.

(124) On or about January 8, 2005, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #14.

(125) On or about January 9, 2005, Defendant [REDACTED] [REDACTED] Mucinska," placed a telephone call to a telephone used by Jane Doe #14.

(126) On or about January 26, 2005, one of Defendant JEFFREY EPSTEIN's employees prepared a written telephone message for Defendant [REDACTED] review regarding a call received from Jane Doe #14 that read: "She is confirming for 5:30".

A (127) On or about January 26, 2005, Defendant [REDACTED] a/k/a "[REDACTED]," placed a telephone call to a telephone used by Jane Doe #14.

(128) On or about February 1, 2005, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #14.

F (129) On or about March 1, 2005, Defendant [REDACTED] a/k/a "Adriana Mucinska," placed a telephone call to a telephone used by Jane Doe #14.

(130) On or about March 21, 2005, Defendant [REDACTED] [REDACTED]," placed a telephone calls to a telephone used by Jane Doe #14.

(114) In or around the last half of 2004, Defendant JEFFREY EPSTEIN instructed Jane Doe #14, who was then a seventeen-year-old girl, to pinch his nipples.

D (115) In or around the last half of 2004, Defendant JEFFREY EPSTEIN masturbated in the presence of Jane Doe #14, who was then a seventeen-year old girl.

(116) In or around the last half of 2004, Defendant JEFFREY EPSTEIN made a payment of \$300 to Jane Doe #14.

(117) In or around the end of 2004 and the beginning of 2005, Defendant JEFFREY EPSTEIN digitally penetrated Jane Doe #14, who was then a seventeen-year-old girl.

(118) In or around the end of 2004 and the beginning of 2005, Defendant JEFFREY EPSTEIN asked Jane Doe #14, who was then a seventeen-year-old girl, whether she had any plans for her eighteenth birthday and acknowledged that she had not yet turned eighteen.

(119) On or about December 23, 2004, Defendant JEFFREY EPSTEIN caused a Western Union wire transfer order to be sent to Jane Doe #14.

(120) In or around the first quarter of 2005, Defendant JEFFREY EPSTEIN placed a massaging device on the vagina of Jane Doe #14, who was then a seventeen-year-old girl.

(121) In or around the first quarter of 2005, Defendant JEFFREY EPSTEIN engaged in sexual intercourse with Jane Doe #14, who was then a seventeen-year-old girl.

(106) In or around the end of 2004, Defendant JEFFREY EPSTEIN placed a massaging device on the vagina of Jane Doe #13, who was then a seventeen-year-old girl.

(107) In or around the last half of 2004, Defendant JEFFREY EPSTEIN made a payment of \$200 to Jane Doe #13.

(108) In or around the last half of 2004, Defendant JEFFREY EPSTEIN digitally penetrated Jane Doe #13, who was then a seventeen-year-old girl.

(109) In or around the last half of 2004, Defendant JEFFREY EPSTEIN asked Jane Doe #13, who was then a seventeen-year-old girl, about her age.

(110) In or around the last half of 2004, Defendant JEFFREY EPSTEIN told Jane Doe #13 that he wanted to take her to Paris but he could not because Jane Doe #13 was not yet eighteen years old.

(111) In or around the last half of 2004, Defendant JEFFREY EPSTEIN asked Jane Doe #13 to bring her friends to his home, especially "girls who looked like [Jane Doe #13]."

Jane Doe #14

(112) In or around the last half of 2004, Defendant [REDACTED] led Jane Doe #14 from the kitchen of 358 El Brillo Way upstairs to Defendant JEFFREY EPSTEIN's bedroom at 358 El Brillo Way.

(113) In or around the last half of 2004, Defendant JEFFREY EPSTEIN asked Jane Doe #14 to provide her telephone number.

(97) On or about August 21, 2004, Defendant SARAH KELLEN placed a telephone call to a telephone used by Jane Doe #13.

D (98) In or around the last half of 2004, Defendant JEFFREY EPSTEIN masturbated in the presence of Jane Doe #12, who was then a seventeen-year-old girl.

(99) In or around the last half of 2004, Defendant JEFFREY EPSTEIN digitally penetrated Jane Doe #12, who was then a seventeen-year-old girl.

(100) In or around the last half of 2004, Defendant JEFFREY EPSTEIN attempted to place a massaging device on the vagina of Jane Doe #12, who was then a seventeen-year-old girl.

(101) In or around the last half of 2004, Defendant JEFFREY EPSTEIN made a payment of \$200 to Jane Doe #12.

(102) In or around the last half of 2004, Defendant JEFFREY EPSTEIN asked Jane Doe #12, who was then a seventeen-year-old girl, about her age.

(103) In or around the last half of 2004, Defendant JEFFREY EPSTEIN told Jane Doe #12 that he would take her to Los Angeles when she turned eighteen.

(104) In or around the last half of 2004, Defendants JEFFREY EPSTEIN and [REDACTED] caused Jane Doe #12 to recruit Jane Doe #13 to travel to 358 El Brillo Way.

(105) In or around the last half of 2004, Defendant JEFFREY EPSTEIN masturbated in the presence of Jane Doe #13, who was then a seventeen-year-old girl.

Jane Doe #11

(91) In or around 2004, Defendant JEFFREY EPSTEIN told Jane Doe #11 that he would pay her to find and bring him more girls.

(92) In or around 2004, Defendant JEFFREY EPSTEIN paid \$200 to Jane Doe #11 for recruiting a minor female to travel to his New York home.

(93) In or around 2004, Defendant JEFFREY EPSTEIN asked Jane Doe #11 when she would be getting more girls.

(94) On or about April 5, 2005, one of Defendant JEFFREY EPSTEIN's employees prepared a written message for Defendant JEFFREY EPSTEIN's review regarding a telephone call received from Jane Doe #11 that read: "Re does she have any new friends you can meet – I was away over the weekend so I have not spoken to anyone new. But, [unidentified Jane Doe] will be around later today and I know she really wants to work. The others should be back around Thursday. Let me know about [unidentified Jane Doe]."

(95) On or about June 22, 2005, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #11.

Jane Does #12 and #13

(96) On or about August 2, 2004, an employee of Defendant JEFFREY EPSTEIN prepared a written telephone message for Defendant JEFFREY EPSTEIN's review regarding a telephone call received from T.M. and Jane Doe #12 that stated: "They are available all weekend and maybe [Jane Doe #13] too".

(83) On or about December 30, 2004, Defendants JEFFREY EPSTEIN and [REDACTED] caused the purchase of Broadway tickets as an eighteenth birthday gift for Jane Doe #9.

(84) In or around the last half of 2004 or January 2005, Defendant JEFFREY EPSTEIN masturbated in the presence of Jane Doe #10, who was then a seventeen-year-old girl.

(85) In or around the last half of 2004 or January 2005, Defendant JEFFREY EPSTEIN fondled the breasts of Jane Doe #10, who was then a seventeen-year-old girl.

(86) On or about January 14, 2005, Defendant SARAH KELLEN placed one or more telephone calls to a telephone used by Jane Doe #10.

(87) On or about January 27, 2005, Defendant [REDACTED] a/k/a "[REDACTED]," placed one or more telephone calls to a telephone used by Jane Doe #10.

(88) On or about January 28, 2005, Defendant [REDACTED] placed one or more telephone calls to a telephone used by Jane Doe #10.

(89) On or about February 1, 2005, Defendant [REDACTED] placed one or more telephone calls to a telephone used by Jane Doe #10.

(90) In or around February 2005, Defendant JEFFREY EPSTEIN caused a payment of \$200 to be made to Jane Doe #9 for recruiting Jane Doe #16 to travel to 358 El Brillo Way.

(75) In or around the last half of 2004, Defendants JEFFREY EPSTEIN and NADIA MARCINKOVA engaged in oral sex and sexual intercourse in the presence of Jane Doe #9, who was then a seventeen-year-old girl.

(76) In or around the last half of 2004, Defendant JEFFREY EPSTEIN forcibly inserted his penis into the vagina of Jane Doe #9, who was then a seventeen-year-old girl.

(77) In or around the last half of 2004, Defendant JEFFREY EPSTEIN made a payment of \$300 to Jane Doe #9.

(78) In or around the last half of 2004, Defendant JEFFREY EPSTEIN rubbed the vagina of Jane Doe #10, who was then a seventeen-year-old girl.

(79) In or around the last half of 2004, Defendant JEFFREY EPSTEIN made a payment of \$200 to Jane Doe #10.

(80) On or about November 28, 2004, Defendant JEFFREY EPSTEIN arranged for one of his employees to provide an envelope filled with cash to Jane Doe #9.

(81) On or about December 4, 2004, Defendant [REDACTED] provided a written message to Defendant JEFFREY EPSTEIN regarding Jane Does #9 and 10, stating: "[Jane Doe #10] would like to work @ 4:00 pm if possible. [[Jane Doe #9] is scheduled for 5:00 today.] the movie is @ 7:30".

(82) On or about December 29, 2004, Defendant SARAH KELLEN placed a telephone call to a telephone used by Jane Doe #9.

Jane Does #9 and #10

(66) On or about July 15, 2004, Defendant SARAH KELLEN placed one or more telephone calls to a telephone used by Jane Doe #9.

(67) On or about July 16, 2004, Defendant SARAH KELLEN caused Jane Doe #9 to make one or more telephone calls to a telephone used by Jane Doe #10.

(68) On or about July 17, 2004, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #9.

(69) On or about July 18, 2004, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #9.

(70) On or about July 22, 2004, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #9.

(71) In or around July 2004, Defendant JEFFREY EPSTEIN fondled the breasts of Jane Doe #9, who was then a seventeen-year-old girl.

(72) In or around July 2004, Defendant JEFFREY EPSTEIN masturbated in the presence of Jane Doe #9, who was then a seventeen-year-old girl.

(73) In or around July 2004, Defendant JEFFREY EPSTEIN made a payment of \$200 to Jane Doe #9.

(74) On or about July 22, 2004, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #10.

(58) On or about July 16, 2004, Defendant [REDACTED] placed a telephone call to a telephone used by T.M.

D (59) On or about July 17, 2004, one of Defendant JEFFREY EPSTEIN's employees prepared a written telephone message for Defendant JEFFREY EPSTEIN's review regarding a telephone call received from T.M. that read: "Me & [Jane Doe #7] can come tomorrow any time or [T.M.] alone".

(60) In or around July 2004, Defendant JEFFREY EPSTEIN masturbated in the presence of Jane Doe #7, who was then a sixteen-year-old girl.

(61) In or around July 2004, Defendant JEFFREY EPSTEIN instructed Jane Doe #7, who was then a sixteen-year-old girl, to rub his nipples.

(62) In or around July 2004, Defendant JEFFREY EPSTEIN stroked the vagina of Jane Doe #7, who was then a sixteen-year-old girl.

(63) In or around July 2004, Defendant JEFFREY EPSTEIN made a payment of \$200 to Jane Doe #7.

(64) In or around July 2004, Defendant JEFFREY EPSTEIN told Jane Doe #7 that if she reported to anyone what had occurred at Defendant JEFFREY EPSTEIN's home, bad things could happen to her.

(65) On or about July 24, 2004, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #8.

(49) In or around July 2004, Defendant JEFFREY EPSTEIN masturbated in the presence of Jane Doe #8, who was then a seventeen-year-old girl.

D (50) In or around July 2004, Defendant JEFFREY EPSTEIN stroked the vagina of Jane Doe #8, who was then a seventeen-year-old girl.

(51) In or around July 2004, Defendant JEFFREY EPSTEIN paid approximately \$200 to Jane Doe #8.

(52) In or around July 2004, Defendant JEFFREY EPSTEIN paid \$200 to T.M. for recruiting Jane Doe #8 to travel to 358 El Brillo Way.

(53) In or around July 2004, Defendant [REDACTED] told Jane Doe #8 that Defendant JEFFREY EPSTEIN would pay Jane Doe #8 if she returned with a friend.

(54) On or about July 15, 2004, Defendant SARAH KELLEN placed one or more telephone calls to a telephone used by Jane Doe #7.

(55) On or about July 15, 2004, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #8.

(56) On or about July 15, 2004, Defendant [REDACTED] placed a telephone call to a telephone used by T.M.

(57) On or about July 16, 2004, Defendant [REDACTED] placed one or more telephone calls to a telephone used by Jane Doe #7.

(42) In or around the first half of 2004, Defendant JEFFREY EPSTEIN masturbated in the presence of Jane Doe #6, who was then a sixteen-year-old girl.

D (43) In or around the first half of 2004, Defendant JEFFREY EPSTEIN digitally penetrated Jane Doe #6, who was then a sixteen-year-old girl.

(44) In or around the first half of 2004, Defendant JEFFREY EPSTEIN placed a large vibrating massager on the vagina of Jane Doe #6, who was then a sixteen-year-old girl.

R (45) In or around the first half of 2004, Defendant JEFFREY EPSTEIN caused a payment of \$200 to be paid to Jane Doe #6.

Jane Does #7 and #8

(46) In or around July 2004, Defendant JEFFREY EPSTEIN led T.M., who was then a fifteen-year-old girl, and Jane Doe #7, who was then a sixteen-years-old girl, from the kitchen of 358 El Brillo Way upstairs to Defendant JEFFREY EPSTEIN's bedroom at 358 El Brillo Way.

(47) On or about July 4, 2004, Defendant SARAH KELLEN made one or more telephone calls to a telephone used by Jane Doe #7.

(48) On or about July 5, 2004, Defendant [REDACTED] placed a telephone call to a telephone used by T.M.

(34) In or around the first half of 2004, Defendant JEFFREY EPSTEIN masturbated in the presence of Jane Doe #4, who was then a seventeen-year-old-girl, and Jane Doe #5, who was then a seventeen-year-old girl.

(35) In or around the first half of 2004, Defendant JEFFREY EPSTEIN instructed Jane Doe #4, who was then a seventeen-year-old girl, to play with his nipples.

(36) In or around the first half of 2004, Defendant JEFFREY EPSTEIN instructed Jane Doe #4, who was then a seventeen-year-old girl, to remove her clothing.

(37) In or around the first half of 2004, Defendant JEFFREY EPSTEIN stroked the vagina of Jane Doe #4, who was then a seventeen-year-old girl.

(38) In or around the first half of 2004, Defendant JEFFREY EPSTEIN paid \$200 to Jane Doe #4.

(39) In or around the first half of 2004, Defendant JEFFREY EPSTEIN paid \$200 to Jane Doe #5.

(40) In or around the first half of 2004, Defendant JEFFREY EPSTEIN asked Jane Doe #6 what high school she attended.

(41) In or around the first half of 2004, Defendant JEFFREY EPSTEIN instructed Jane Doe #4 to leave so that Jane Doe #6 could massage him alone.

(28) In or around 2004, Defendant JEFFREY EPSTEIN asked Jane Doe #3 to recruit additional females to come to 358 El Brillo Way.

D (29) On or about November 8, 2004, one of Defendant JEFFREY EPSTEIN's employees prepared a written telephone message for Defendant JEFFREY EPSTEIN's review regarding a telephone call received from Jane Doe #3 that read: "I have a female for him."

R (30) On or about January 14, 2005, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #3.

(31) On or about January 29, 2005, one of Defendant JEFFREY EPSTEIN's employees prepared a written telephone message for Defendant JEFFREY EPSTEIN's review regarding a telephone call received from Jane Doe #3 that read: "I have a female for him."

Jane Does #4, #5, and #6

F (32) In or around the first half of 2004, Defendant [REDACTED] led Jane Doe #4 and Jane Doe #5 to Defendant JEFFREY EPSTEIN's bedroom at 358 El Brillo Way.

T (33) In or around the first half of 2004, Defendant JEFFREY EPSTEIN asked Jane Doe #4 about her age, and Jane Doe #4 responded with her true age.

(20) In or around 2003, Defendant JEFFREY EPSTEIN made a payment of \$200 to Jane Doe #3.

D (21) On or about October 26, 2004, Defendant SARAH KELLEN placed a telephone call to a telephone used by Jane Doe #3.

(22) On or about October 30, 2004, Defendant SARAH KELLEN placed a telephone call to a telephone used by Jane Doe #3.

(23) In or around 2004, Defendant JEFFREY EPSTEIN directed Jane Doe #3, who was then a sixteen- or seventeen-year-old girl, to straddle an adult female and to touch the adult female's breasts.

(24) In or around 2004, Defendant JEFFREY EPSTEIN placed a massaging device on the vagina of an adult female in the presence of Jane Doe #3, who was then a sixteen- or seventeen-year-old girl.

(25) In or around 2004, Defendant JEFFREY EPSTEIN made a payment of \$200 to Jane Doe #3.

(26) In or around 2004, Defendant JEFFREY EPSTEIN instructed Jane Doe #3 to rub his nipples.

F (27) In or around 2004, Defendant JEFFREY EPSTEIN placed a massaging device on the vagina of Jane Doe #3, who was then a sixteen- or seventeen-year-old girl.

(12) In or around 2003, Defendant [REDACTED] made a payment of \$500 to Jane Doe #2 in exchange for posing for nude photographs.

D (13) In or around 2003, Defendant SARAH KELLEN told Jane Doe #2 that Defendant JEFFREY EPSTEIN had asked KELLEN to take nude photographs of Jane Doe #2.

(14) In or around 2003, Defendant JEFFREY EPSTEIN masturbated in the presence of Jane Doe #2, who was then a sixteen-year-old girl.

R (15) In or around 2003, Defendant JEFFREY EPSTEIN made a payment of \$200 to Jane Doe #2, who was then a sixteen-year-old girl.

(16) In or around 2003, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #2 to make an appointment for Jane Doe #2 to travel to 358 El Brillo Way. A

(17) On or about April 23, 2004, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #2.

(18) On or about May 2, 2004, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #2.

Jane Doe #3

(19) In or around 2003, Defendant JEFFREY EPSTEIN masturbated in the presence of Jane Doe #3, who was then a fifteen-year-old girl. T

(5) In or around 2001, Defendant JEFFREY EPSTEIN made a payment of \$300 to Jane Doe #2.

D (6) In or around 2001, Defendant [REDACTED] placed a telephone call to a telephone used by Jane Doe #2 to make an appointment for Jane Doe #2 to travel to 358 El Brillo Way.

(7) In or around 2001, JEFFREY EPSTEIN engaged in sexual intercourse with an unidentified female in the presence of Jane Doe #2, who was then a fourteen-year-old girl. R

(8) In or around 2001, Defendant JEFFREY EPSTEIN paid \$300 to Jane Doe #2, who was then a fourteen-year-old girl, for allowing an unidentified female to perform oral sex on Jane Doe #2 in EPSTEIN's presence.

(9) On or about March 11, 2003, an employee of Defendant JEFFREY EPSTEIN prepared a written telephone message for Defendant JEFFREY EPSTEIN's review regarding a telephone call received from Jane Doe #2. A

(10) In or around 2003, Defendant JEFFREY EPSTEIN asked Jane Doe #2 if she had any younger friends who would be interested in engaging in similar activities with him. H

(11) In or around 2003, Defendant [REDACTED] took nude photographs of Jane Doe #2, who was then a sixteen-year-old girl.

bringing additional minor females to 358 El Brillo Way and the New York residence to engage in lewd conduct with Defendant JEFFREY EPSTEIN.

D (e) It was further a part of the conspiracy that Defendant JEFFREY EPSTEIN would pay minor females to engage in lewd conduct with Defendant NADIA MARCINKOVA to satisfy Defendant JEFFREY EPSTEIN's prurient interests.

Overt Acts

30. In furtherance of this conspiracy and to effect the objects thereof, there was committed by at least one of the co-conspirators herein, at least one of the following overt acts, among others, in the Southern District of Florida, and elsewhere:

Jane Does #1 and #2

(1) In or around the beginning of 2001, Defendant JEFFREY EPSTEIN engaged in sexual activity with Jane Doe #1, who was then a seventeen-year-old girl, in the presence of Jane Doe #2, who was then a fourteen-year-old girl.

(2) In or around 2001, Defendant [REDACTED] led Jane Doe #2 from the kitchen of 358 El Brillo Way upstairs to Defendant JEFFREY EPSTEIN's bedroom at 358 El Brillo Way.

(3) In or around 2001, Defendant JEFFREY EPSTEIN masturbated in the presence of Jane Doe #2, who was then a fourteen-year-old girl.

(4) In or around 2001, Defendant JEFFREY EPSTEIN asked Jane Doe #2, who was then fourteen years' old, to pinch his nipples while he masturbated.

Manner and Means

29. The manner and means by which the Defendants and other participants sought to accomplish the purpose and object of the conspiracy included the following:

(a) It was part of the conspiracy that Defendants [REDACTED], [REDACTED] a/k/a "Adriana Mucinska," NADIA MARCINKOVA, and other participants would contact minor females via the use of cellular and other telephones to arrange appointments for minor females to travel to 358 El Brillo Way and the New York residence to allow Defendant JEFFREY EPSTEIN to engage in lewd conduct with them.

(b) It was further a part of the conspiracy that Defendants JEFFREY EPSTEIN, [REDACTED], and [REDACTED], a/k/a "Adriana Mucinska," [REDACTED], and other participants would make payments to, or cause payments to be made to, minor females in exchange for engaging in lewd conduct.

(c) It was further a part of the conspiracy that Defendants JEFFREY EPSTEIN, [REDACTED], [REDACTED], a/k/a "Adriana Mucinska," and other participants would ask females to recruit other minor females to engage in lewd conduct with Defendant JEFFREY EPSTEIN.

(d) It was further a part of the conspiracy that Defendants JEFFREY EPSTEIN, [REDACTED], [REDACTED], a/k/a "Adriana Mucinska," and other participants would make payments to, or cause payments to be made to, the recruiters for

COUNT 1
(Conspiracy: 18 U.S.C. § 371)

26. Paragraphs 1 through 25 of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

27. From at least as early as 2001, the exact date being unknown to the Grand Jury, through in or around October 2005, in Palm Beach County, in the Southern District of Florida, and elsewhere, the Defendants,

R
JEFFREY EPSTEIN,
[REDACTED],
ADRIANA ROSS, a/k/a "Adriana Mucinska,"
and
NADIA MARCINKOVA,

did knowingly and willfully combine, conspire, confederate and agree with each other and with others known and unknown to commit an offense against the United States, that is, to use a facility or means of interstate or foreign commerce to knowingly persuade, induce, and entice individuals who had not attained the age of 18 years to engage in prostitution, in violation of Title 18, United States Code, Section 2422(b).

Purpose and Object of the Conspiracy

28. It was the purpose and object of the conspiracy to procure females under the age of 18 to travel to 358 El Brillo Way and the New York residence so that JEFFREY EPSTEIN could, in exchange for money, engage in lewd conduct with those minor females in order to satisfy JEFFREY EPSTEIN's prurient interests.

18. During the period of her involvement with the Defendants, Jane Doe #4 attended Wellington High School and Palm Beach Central High School in Palm Beach County.

19. During the period of her involvement with the Defendants, Jane Doe #5 attended Wellington High School in Palm Beach County.

20. During the period of their involvement with the Defendants, Jane Does # 6, 8 and 12 attended Palm Beach Central High School in Palm Beach County.

21. During the period of her involvement with the Defendants, Jane Doe #7 attended William T. Dwyer High School in Palm Beach County.

22. During the periods of their involvement with the Defendants, Jane Does # 9, 14, 15, 16, 17, 18, and 19 attended Royal Palm Beach High School in Palm Beach County.

23. During the period of her involvement with the Defendants, Jane Doe #10 attended Lake Worth High School in Palm Beach County.

24. During the period of her involvement with the Defendants, Jane Doe #11 attended the Professional Performing Arts School, a public high school, located in New York, New York.

25. During the period of her involvement with the Defendants, Jane Doe #13 attended John I. Leonard High School in Palm Beach County.

13. Pursuant to Florida Statutes Sections 800.04(7)(a) and 800.04(7)(c), an adult “who: (1) [i]ntentionally masturbates; (2) [i]ntentionally exposes the genitals in a lewd or lascivious manner; or (3) [i]ntentionally commits any other sexual act that does not involve actual physical or sexual contact with the victim, including, but not limited to . . . the simulation of any act involving sexual activity in the presence of a victim who is less than 16 years of age, commits lewd or lascivious exhibition,” which is a felony of the second degree.

14. Pursuant to Florida Statutes Section 800.04(2), “[n]either the victim’s lack of chastity nor the victim’s consent is a defense to the crimes proscribed by [Section 800.04].”

15. Pursuant to Florida Statutes Section 800.04(3), “[t]he perpetrator’s ignorance of the victim’s age, the victim’s misrepresentation of his or her age, or the perpetrator’s bona fide belief of the victim’s age cannot be raised as a defense in a prosecution under [Section 800.04].”

16. Pursuant to Florida Statutes Section 800.02, a “person who commits any unnatural and lascivious act with another person commits a misdemeanor of the second degree.”

17. Defendant JEFFREY EPSTEIN was over the age of 24 and did not have any medical license.

10. Pursuant to Florida Statutes Section 794.05, a “person 24 years of age or older who engages in sexual activity with a person 16 or 17 years of age commits a felony of the second degree.” For purposes of “this section, ‘sexual activity’ means oral, anal, or vaginal penetration by, or union with, the sexual organ of another; however, sexual activity does not include an act done for a bona fide medical purpose.” Florida Statutes Section 794.021 states that “ignorance of the age [of the victim] is no defense,” and that neither “misrepresentation of age by [the victim] nor a bona fide belief that such person is over the specified age [shall] be a defense.”

11. Pursuant to Florida Statutes Sections 800.04(5)(a) and 800.04(5)(c)(2), an adult “who intentionally touches in a lewd or lascivious manner the breasts, genitals, genital area, or buttocks, or the clothing covering them, of a person less than 16 years of age, or forces or entices a person under 16 years of age to so touch the perpetrator, commits lewd or lascivious molestation,” which is a felony of the second degree if the victim is 12 years of age or older but less than 16 years of age.

12. Pursuant to Florida Statutes Sections 800.04(6)(a) and 800.04(6)(b), an adult “who [i]ntentionally touches a person under 16 years of age in a lewd or lascivious manner or [s]olicits a person under 16 years of age to commit a lewd or lascivious act commits lewd or lascivious conduct,” which is a felony of the second degree.

2. Defendant JEFFREY EPSTEIN employed L.G. to perform, among other things, services as a personal assistant.

3. Defendants JEFFREY EPSTEIN and SARAH KELLEN paid T.M., H.R., and A.F. to perform, among other things, recruiting services.

4. Defendant JEFFREY EPSTEIN owned a property located at 358 El Brillo Way, Palm Beach, Florida, in the Southern District of Florida (hereinafter referred to as "358 El Brillo Way").

5. Defendant JEFFREY EPSTEIN owned a property located at 9 East 71st Street, New York, New York (hereinafter referred to as "the New York residence").

6. Defendant JEFFREY EPSTEIN was the principal owner of JEGE, INC., a Delaware corporation. JEGE, INC.'s sole business activities related to the operation and ownership of a Boeing 727-31 aircraft bearing tail number N908JE.

7. Defendant JEFFREY EPSTEIN served as president, sole director, and sole shareholder of JEGE, INC., and had the power to direct all of its operations.

8. Defendant JEFFREY EPSTEIN was the principal owner of Hyperion Air, Inc., a Delaware corporation. Hyperion Air, Inc.'s sole business activities related to the operation and ownership of a Gulfstream G-1159B aircraft bearing tail number N909JE.

9. Defendant JEFFREY EPSTEIN served as president, sole director, and sole shareholder of Hyperion Air, Inc., and had the power to direct all of its operations.

4/29/08

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

D

Case No: _____

- 18 U.S.C. § 371
- 18 U.S.C. § 1591(a)(1)
- 18 U.S.C. § 1591(a)(2)
- 18 U.S.C. § 2422(b)
- 18 U.S.C. § 2423(e)
- 18 U.S.C. § 2423(d)
- 18 U.S.C. § 2423(b)

UNITED STATES OF AMERICA

R

vs.

JEFFREY EPSTEIN,

[REDACTED],
[REDACTED]”

and NADIA MARCINKOVA,

Defendants.

A

INDICTMENT

The Grand Jury charges that:

BACKGROUND

At all times relevant to this Indictment:

1. Defendant JEFFREY EPSTEIN employed defendants [REDACTED],
[REDACTED], a/k/a “Adriana Mucinska,” and NADIA MARCINKOVA to perform,
among other things, services as personal assistants.

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New Jane Doe #	Old Jane Doe #	DOB	Range of activity dates	Overt Acts	Substantive Counts	GJ Transcript Pages
13	13	May 1987	8/04 - 5/05	96, 97, 104-111	7, 18	
14	5	June 1987	11/04 - 3/05	112-131	8, 19, 27	5/22/07 NK Transcript pp. 4-13
15	3	June 1987	12/04 - 6/5/05	132-148, 175	9, 20, 27	3/20/07 NK Transcript pp. 4-22 5/15/07 NK Transcript pp. 3-17 ██████ Transcript pp. 23-25, 27-28
16	8	October 1987	2/05 - 10/05	90, 149-151, 156-181	10, 21, 27, 28, 29	5/22/07 NK Transcript pp. 39-47
17	9	April 1988	2/05 - 3/05	150-155	22	
18	n/a	February 1986	8/03 - 3/04	182-188, 190	23	
19	n/a	May 1986	3/04	189-190	n/a	
T.M.	n/a	July 1988	2003-2005	48, 52, 56, 58, 59	n/a	5/8/07 NK Transcript pp. 3-12
A.F.	n/a	n/a	n/a	182	n/a	██████ Transcript pp. 5-13, 27 5/8/07 NK Transcript pp. 24-25

4/29/08

OPERATION LEAP YEAR
REVISED INDICTMENT SUMMARY CHART (by victim)

New Jane Doe #	Old Jane Doe #	DOB	Range of activity dates	Overt Acts	Substantive Counts	GJ Transcript Pages
1	n/a	August 1983	1998 - 2003	1	n/a	
2	n/a	January 1987	2001 to 2003	1-18	2	5/8/07 NK Transcript pp. 6-7
3	n/a	October 1987	2003	19-31	12	
4	n/a	August 1986	2004	32-38, 41	3	
5	n/a	October 1986	2004	32, 34, 39	n/a	
6	n/a	June 1987	2004	40-45	n/a	
7	12	April 1988	7/04	46, 47, 54, 57, 59-64	13, 26	
8	n/a	November 1986	7/04 - 11/04	49-53, 55, 65	14, 26	
9	6	December 1986	7/04 - 12/04	66-73, 75-77, 80-83, 90	4, 15, 26	5/22/07 NK Transcript pp. 16-27
10	7	February 1987	7/04 - 11/05	67, 74, 78-79, 81, 84-89, 147	5, 16, 26	5/22/07 NK Transcript pp. 25-37
11	n/a	October 1986	2004-2005	91-95	n/a	
12	14	April 1987	8/04 - 2/05	96, 98-104	6, 17	

CONFIDENTIAL & PRIVILEGED

1

ATTORNEY WORK PRODUCT

EFTA00225841

K. JANE DOE # 19 ([REDACTED] H.)

1. Who is Jane Doe # 19? Have you testified about her previously?
2. Has she been interviewed?
3. During what period of time did Jane Doe # 19 have contact with JE?
4. How old was she during that time frame?
5. How did she meet JE?
6. And what sexual activity was she involved in with JE?
7. How much was she paid?
8. Did she recruit anyone to go to JE's home?
9. Does your testimony cover the evidence supporting the allegations in overt acts 189-190?

J. JANE DOE # 18 ([REDACTED] A.)

1. Who is Jane Doe # 18? Have you testified about her previously?
2. Has she been interviewed?
3. During what period of time did Jane Doe # 18 have contact with JE?
4. How old was she during that time frame?
5. How did she meet JE?
6. And what sexual activity was she involved in with JE?
7. How much was she paid?
8. Did she recruit anyone to go to JE's home?
9. Does your testimony cover the evidence supporting the allegations in overt acts 182-188, 190?
10. Let's refer to Count 23. Is the evidence you just summarized the basis for the allegation that JE, and SK used a facility of interstate commerce to persuade, induce and entice Jane Doe # 18 to engage in prostitution and in sexual activity for which a person can be charged with an offense?
 - a. How many telephone calls have you been able to document between Jane Doe # 18 and [REDACTED]?

I. JANE DOE # 13 (Dainya N.)

1. Who is Jane Doe # 13? Have you testified about her previously?
2. Has she been interviewed?
3. During what period of time did Jane Doe # 13 have contact with JE?
4. How old was she during that time frame?
5. How did she meet JE?
6. And what sexual activity was she involved in with JE?
7. How much was she paid?
8. Did she recruit anyone to go to JE's home?
9. Does your testimony cover the evidence supporting the allegations in overt acts 96, 97, 104-111?
10. Let's refer to Count 07. Is the evidence you just summarized the basis for the allegation that JE, and SK procured Jane Doe # 13 to engage in commercial sex acts knowing that she was under 18?
11. Let's refer to Count 18. Is the evidence you just summarized the basis for the allegation that JE, and SK used a facility of interstate commerce to persuade, induce and entice Jane Doe # 13 to engage in prostitution and in sexual activity for which a person can be charged with an offense?
 - a. How many telephone calls have you been able to document between Jane Doe # 13 and [REDACTED]?

H. JANE DOE # 12 ([REDACTED] S.)

1. Who is Jane Doe # 12? Have you testified about her previously?
2. Has she been interviewed?
3. During what period of time did Jane Doe # 12 have contact with JE?
4. How old was she during that time frame?
5. How did she meet JE?
6. And what sexual activity was she involved in with JE?
7. How much was she paid?
8. Did she recruit anyone to go to JE's home?
9. Does your testimony cover the evidence supporting the allegations in overt acts 96, 98-104?
10. Let's refer to Count 06. Is the evidence you just summarized the basis for the allegation that JE, and SK procured Jane Doe # 12 to engage in commercial sex acts knowing that she was under 18?
11. Let's refer to Count 17. Is the evidence you just summarized the basis for the allegation that JE, and SK used a facility of interstate commerce to persuade, induce and entice Jane Doe # 12 to engage in prostitution and in sexual activity for which a person can be charged with an offense?
 - a. How many telephone calls have you been able to document between Jane Doe # 12 and Kellen?

G. JANE DOE # 8 ([REDACTED] E.)

1. Who is Jane Doe # 8? Have you testified about her previously?
2. Has she been interviewed?
3. During what period of time did Jane Doe # 8 have contact with JE?
4. How old was she during that time frame?
5. How did she meet JE?
6. And what sexual activity was she involved in with JE?
7. How much was she paid?
8. Did she recruit anyone to go to JE's home?
9. Does your testimony cover the evidence supporting the allegations in overt acts 49-53, 55, 65?

Ct 14

9 calls btwn SK + JANE # 8

F. JANE DOE # 7 ([REDACTED] L.)

1. Who is Jane Doe # 7? Have you testified about her previously?
2. Has she been interviewed?
3. During what period of time did Jane Doe #7 have contact with JE?
4. How old was she during that time frame?
5. How did she meet JE?
6. And what sexual activity was she involved in with JE?
7. How much was she paid?
8. Did she recruit anyone to go to JE's home?
9. Does your testimony cover the evidence supporting the allegations in overt acts 46, 47, 54, 57, 59-64?
10. Let's refer to Count ¹³~~14~~. Is the evidence you just summarized the basis for the allegation that JE and SK used a facility of interstate commerce to persuade, induce and entice Jane Doe # 7 to engage in prostitution and in sexual activity for which a person can be charged with an offense? How many telephone calls have you been able to document between Jane Doe # 7 and Kellen?
11. Did Tatum Miller recruit anyone else

persuade, induce and entice Jane Doe # 16 to engage in prostitution and in sexual activity for which a person can be charged with an offense?

- a. How many telephone calls have you been able to document between Jane Doe # 16 and [REDACTED]? Between Jane Doe # 16 and Ross? And between Jane Doe # 16 and [REDACTED]?
17. What was the sexual activity that Jane Doe # 16 and JE engaged in that also violated Fl. Stat. 794.05? (Sexual intercourse between an adult over 24 and a minor)
18. Does your prior testimony and your testimony today cover the evidence supporting the allegations and overt acts 150-155?
19. Let's refer to Count 22. Is the evidence you just summarized the basis for the allegation that JE and SK used a facility of interstate commerce to persuade, induce and entice Jane Doe # 17 to engage in prostitution and in sexual activity for which a person can be charged with an offense?

E. JANE DOE # 16 ([REDACTED] D.) and JANE DOE # 17 ([REDACTED] D.)

1. Who is Jane Doe # 16? Have you testified about her previously?
 - a. Is there anything that you want to clarify or add regarding your earlier testimony?
2. Please remind the grand jury, during what period of time did Jane Doe # 16 have contact with JE?
3. How old was she during that time frame?
4. Please summarize the sexual activity that Jane Doe # 16 was involved in with JE?
5. Did Jane Doe # 16 recruit anyone to go to JE's home?

JANE DOE # 17 ([REDACTED] D.)

6. Who is Jane Doe # 17? Have you testified about her previously?
7. Has she been interviewed?
8. During what period of time did Jane Doe # 17 have contact with JE?
9. How old was she during that time frame?
10. How did she meet JE?
11. And what sexual activity was she involved in with JE?
12. How much was she paid?
13. Did she recruit anyone to go to JE's home?

JANE DOE # 16 ([REDACTED] D.) and JANE DOE # 17 ([REDACTED] D.)

14. Does your prior testimony and your testimony today cover the evidence supporting the allegations and overt acts 90, 149-151 and 156-181?
15. Let's refer to Count 10. Is the evidence you just summarized the basis for the allegation that JE, SK, AR and NM procured Jane Doe # 16 to engage in commercial sex acts knowing that she was under 18?
16. Let's refer to Count 21. Is the evidence you just summarized the basis for the allegation that JE, SK, AR and NM used a facility of interstate commerce to

B. Now, with respect to each of those girls, can you summarize for the grand jury your efforts to independently corroborate their statements? What physical evidence corroborates their statements to law enforcement?

- a. Is there anything that you want to clarify or add regarding your earlier testimony?
2. Please remind the grand jury, during what period of time did Jane Doe #16 have contact with JE?
3. How old was she during that time frame?
4. Please summarize the sexual activity that Jane Doe #16 was involved in with JE?
5. Does your prior testimony and your testimony today cover the evidence supporting the allegations in overt acts 90, 149-151, and 156-181?
6. Let's refer to Count 10. Is the evidence you just summarized the basis for the allegation that JE, SK, [REDACTED], and [REDACTED] [REDACTED] procured Jane Doe #16 to engage in commercial sex acts knowing that she was under 18?
7. Let's refer to Count 21. Is the evidence you just summarized the basis for the allegation that JE, SK, [REDACTED], and [REDACTED] [REDACTED] used a facility of interstate commerce to persuade, induce, and entice Jane Doe #16 to engage in prostitution and in sexual activity for which a person can be charged with an offense?
 - a. How many telephone calls have you been able to document between Jane Doe #16 and Kellen? Between Jane Doe #16 and Ross? And between Jane Doe #16 and [REDACTED]?
8. What was the sexual activity that Jane Doe #16 and JE engaged in that also violated Fl. Stat. 794.05? [Sexual intercourse between an adult over 24 and a minor]

IX. PRIOR DRUG USE/MENTAL HEALTH ISSUES

- A. Today we have discussed 11 victims – Jane Does 1 through 6, 9, 10, and 14 through 16. Are you aware of whether any of them have used illicit drugs or have had mental health issues? Please summarize.

- a. How old was Jane Doe #14 during this period? And what is the sexual activity that she and JE engaged in that also violated Fl. Stat. 794.05? [Sexual intercourse btwn adult over 24 and a minor.]

D. JANE DOE #15 ([REDACTED] Z.)

1. Who is Jane Doe #15? Have you testified about her previously?
 - a. Is there anything that you want to clarify or add regarding your earlier testimony?
2. Please remind the grand jury, during what period of time did Jane Doe #15 have contact with JE?
3. How old was she during that time frame?
4. Please summarize the sexual activity that she was involved in with JE?
5. Does your prior testimony and testimony here today cover the evidence supporting the allegations in overt acts 132-148, 175?
6. Let's refer to Count 9. Is the evidence you just summarized the basis for the allegation that JE, SK, and [REDACTED] procured Jane Doe #15 to engage in commercial sex acts knowing that she was under 18?
7. Let's refer to Count 20. Is the evidence you just summarized the basis for the allegation that JE, SK, and [REDACTED] used a facility of interstate commerce to persuade, induce, and entice Jane Doe #15 to engage in prostitution? How many telephone calls have you been able to document between Jane Doe #15 and [REDACTED]? And how many telephone calls between Jane Doe #15 and Ross?

E. JANE DOE #16 ([REDACTED] D.)

1. Who is Jane Doe #16? Have you testified about her previously?

document between Jane Doe #10 and [REDACTED]?

VIII. OTHER BACKGROUND INFO

- A. Background re defendants and intro section – February 6, 2007 NK Transcript and May 8, 2007 NK Transcript pp. 17-end.
 - B. **ASK ABOUT ITEMS TO BE BROUGHT FOR FINAL PRESENTATION – MASSAGE BEDS!!!**
-

C. JANE DOE #14 ([REDACTED] E.)

1. Who is Jane Doe #14? Have you testified about her previously?
 - a. Is there anything that you want to clarify or add regarding your earlier testimony?
2. Please remind the grand jury, during what period of time did Jane Doe #14 have contact with JE?
3. How old was she during that time frame?
4. Please summarize the sexual activity that Jane Doe #14 was involved in with JE?
5. Does your prior testimony and your testimony today cover the evidence supporting the allegations in overt acts 112-131?
6. Let's refer to Count 8. Is the evidence you just summarized the basis for the allegation that JE and SK procured Jane Doe #14 to engage in commercial sex acts knowing that she was under 18?
7. Let's refer to Count 19. Is the evidence you just summarized the basis for the allegation that JE and SK used a facility of interstate commerce to persuade, induce, and entice Jane Doe #14 to engage in prostitution and in sexual activity for which a person can be charged with an offense? How many telephone calls have you been able to document between Jane Doe #14 and Kellen?

commercial sex acts knowing that she was under 18?

7. Let's refer to Count 15. Is the evidence you just summarized the basis for the allegation that JE and SK used a facility of interstate commerce to persuade, induce, and entice Jane Doe #9 to engage in prostitution and in sexual activity for which a person can be charged with an offense? How many telephone calls have you been able to document between Jane Doe #9 and [REDACTED]?
8. What was the activity for which a person could be charged with an offense [Vaginal intercourse between an adult over 24 and a 16 or 17 year old minor – violates Fl. Stat. 794.05]

B. JANE DOE #10 ([REDACTED] B.)

1. Who is Jane Doe #10? Have you testified about her previously?
 - a. Is there anything that you want to clarify or add regarding your earlier testimony?
2. Please remind the grand jury, during what period of time did Jane Doe #10 have contact with JE?
3. How old was she during that time frame?
4. Please summarize the sexual activity that Jane Doe #10 was involved in with JE?
5. Does your prior testimony and your testimony today cover the evidence supporting the allegations in overt acts 67, 74, 78-79, 81, 84-89, 147?
6. Let's refer to Count 5. Is the evidence you just summarized the basis for the allegation that JE and SK procured Jane Doe #10 to engage in commercial sex acts knowing that she was under 18?
7. Let's refer to Count 16. Is the evidence you just summarized the basis for the allegation that JE and SK used a facility of interstate commerce to persuade, induce, and entice Jane Doe #10 to engage in prostitution? How many telephone calls have you been able to

- I. Does your testimony cover the evidence supporting the allegations in overt acts 32-45?
- J. Let's refer to Count 3. Is the evidence you just summarized the basis for the allegation that JE and SK procured Jane Doe #4 to engage in commercial sex acts knowing that she was under 18?
- K. Let's refer to Count 13. Is the evidence you just summarized the basis for the allegation that JE and SK used a facility of interstate commerce to persuade, induce, and entice Jane Doe #4 to engage in prostitution?

VII. TESTIMONY REGARDING GIRLS ALREADY COVERED IN GRAND JURY – JANE DOES 9, 10, 14, 15, 16 (Alex, [REDACTED], [REDACTED], [REDACTED], and Ashley)

A. JANE DOE #9 (Alex H.)

- 1. Who is Jane Doe #9? Have you testified about her previously?
 - a. Is there anything that you want to clarify or add regarding your earlier testimony?
- 2. Please remind the grand jury, during what period of time did Jane Doe #9 have contact with JE?
- 3. How old was she during that time frame?
- 4. And please summarize the sexual activity that Jane Doe #9 was involved in with JE?
 - a. Was she involved in sexual activity with any of the other defendants?
- 5. Does your prior testimony and your testimony today cover the evidence supporting the allegations in overt acts 66-73, 75-77, 80-83, and 90?
- 6. Let's refer to Count 4. Is the evidence you just summarized the basis for the allegation that JE and SK procured Jane Doe #9 to engage in

JE's recruiting requests? Were there girls whom Jane Doe #3 brought to Epstein's home whom he didn't like? Did he allow them to massage him?

- I. Did he ever become frustrated when JD#3 wasn't able to find a young girl for him?
- J. Does your testimony cover the evidence supporting the allegations in overt acts 19 through 31?
- K. Let's refer to Count 12. Is the evidence you just summarized the basis for the allegation that JE and SK used a facility of interstate commerce to persuade, induce, and entice Jane Doe #3 to engage in prostitution and in sexual activity for which a person can be charged with a criminal offense? [Florida violations – Jane Doe #3 was under the age of 16 when she was involved with Epstein, so he could be charged with lewd and lascivious molestation, lewd and lascivious conduct, and lewd and lascivious exhibition based upon his touching of Jane Doe #3's breasts and genitals, his solicitation of Jane Doe #3 to commit a lewd and lascivious act, and his masturbation and exposure of his genitals in her presence.]

VI. JANE DOES #4, 5, and 6 ([REDACTED] H., [REDACTED] C., and [REDACTED] P.)

- A. Who are Jane Does #4, 5, and 6? Have you testified about them previously?
- B. Have they been interviewed? In addition to their statements, who else provided information regarding Jane Does #4, 5, and 6?
- C. During what period of time did Jane Does #4, 5, and 6 have contact with JE?
- D. How old were they during that time frame?
- E. What sexual activity did Jane Does #4 and #5 engage in with JE?
- F. Did either of them take anyone else to JE's home?
- G. What sexual activity was Jane Doe #6 involved in with JE?
- H. Did she take anyone else to JE's home?

4. How did she meet JE?
5. And what sexual activity was she involved in with JE?
6. How much was she paid for performing sexual massages for JE?
7. Did she recruit any of the other Jane Does to go to JE's home?
8. Please take us through the evidence supporting the overt acts related to Jane Doe #2.
9. What did Jane Doe #2 say about whether JE knew her age?
10. Who would contact Jane Doe #2 to make appointments? How would she be contacted?
11. Does your testimony cover the evidence supporting the allegations in overt acts 1 through 18?
12. Let's refer to Count 2. Is the evidence you just summarized the basis for the allegation that JE and SK procured Jane Doe #2 to engage in commercial sex acts knowing that she was under 18?

JANE DOE #3 ([REDACTED] W.)

- A. Who is Jane Doe #3? Have you testified about her previously?
- B. Has she been interviewed?
- C. During what period of time did Jane Doe #3 have contact with JE?
- D. How old was she during that time frame?
- E. How did she meet JE?
- F. And what sexual activity was she involved in with JE?
- G. How much was she paid?
- H. Did she recruit anyone to go to JE's home? What did she tell you about

2. Remind the grand jury how the telephone records were obtained and whose telephone records were obtained. Were there any records that you tried to obtain that you couldn't?
3. Have you pulled the telephone records that contain the telephone calls referred to in the indictment? And did you bring them with you? Have you marked in any way the telephone bills that reference the calls listed in the indictment? And in reviewing those billing records, what information will the grand juror's find? (Telephone number called. Time and date of call. Call length.)

TAKE A BREAK
BEGIN TESTIMONY REGARDING THE GIRLS

IV. JANE DOES 1 and 2

A. Who is Jane Doe #1?

1. Has she been interviewed? In addition to her statements, who else provided information regarding Jane Doe #1?
2. During what period of time did Jane Doe #1 have contact with JE?
3. How old was she during that time frame?
4. How did she meet JE?
5. And what sexual activity was she involved in with JE?
6. Did she recruit anyone to go to JE's home?

B. Who is Jane Doe #2?

1. Has she been interviewed? In addition to her statements, who else provided information regarding Jane Doe #2?
2. During what period of time did Jane Doe #2 have contact with JE?
3. How old was she during that time frame?

- first known contact with Mr. Epstein)
- b. S/A Kuyrkendall: Which of these girls has the grand jury already heard testimony about?
2. Go over how chart is organized
 - a. S/A Kuyrkendall: What does each column refer to?
 3. Generally review references to transcript pages
 - a. S/A Kuyrkendall: What does the list of transcript pages refer to? How was that list created?
- B. Go through the allegations in the Introductory Section of the Indictment. Summarize evidence that hasn't already been presented (I think just the high school allegations)
- C. Hand out flight chart
1. What does this chart refer to? What does each column mean?
 2. Flip to a few overt acts and read the text aloud. What is the evidence in support of these allegations? (Flight manifests)
 3. Remind the grand jury how the flight manifests were obtained.
 4. So, for each flight referenced in the overt acts, what evidence was relied upon? And did you bring those flight manifests with you? Let's mark those manifests as Composite Grand Jury Exhibit Number JE-1.
 5. There are several dozen manifests contained within Exhibit JE-1. Have you marked in any way the manifests related to the flights referenced in the indictment? And in reviewing those manifests, what information will the grand jurors find? [Airplane used. Date. Departure airport. Arrival airport. Arrival time. Passenger names.]
- D. Discuss telephone records
1. Flip to a few overt acts and read the text aloud. What is the evidence in support of these allegations? (Telephone records)

4/29/08
Core 4-10, 12
~~7-9~~
14-17, 7, [REDACTED]

GRAND JURY PRESENTATION
OPERATION LEAP YEAR

I. INTRODUCTION

A. New Indictment

1. Summarize Changes
2. Summarize Current Charges
3. Review Law/Instructions
4. Go through legal allegations in introduction

B. Summarize How the Evidence Will Be Presented

1. Chart
2. Break Overt Acts into Two Categories:
 - a. Meetings/Sexual Activity – Grouped by victim – Testimony re Interviews with the Girls
 - b. Flights – Manifests

C. Take Questions

D. Call Special Agent Kuyrkendall

II. RETURN DOCUMENTS RECEIVED IN RESPONSE TO SUBPOENAS ISSUED SINCE THE LAST DOCUMENT RETURN.

- A. Have additional subpoenas been issued on behalf of this grand jury regarding Operation Leap Year? And have documents been received in response to those subpoenas? What subpoenas were issued and what items were received? Did you bring those records with you today?

III. KUYRKENDALL SUBSTANTIVE TESTIMONY

A. Hand out summary chart

1. Review renumbering of Jane Does
 - a. S/A Kuyrkendall: Can you explain to the grand jury how the Jane Does have been renumbered? (They were numbered to try to appear in a more chronological order depending on their

nonexistent. Moreover, federal statutes that focus on sexual activity with minors focus on truly interstate phenomena such as child pornography, human trafficking, Internet luring, and sex tourism. Here, Mr. Epstein engaged in local activity that does not implicate any broader federal concern. Mr. Epstein faces punishment for that conduct under Florida law. There is no need to add additional federal penalties grossly disproportionate to his alleged behavior.

F. The *Petite* Policy Dictates Federal Declination of This Case.

In conclusion, we believe that the *Petite* Policy clearly dictates a federal declination in this case for the following reasons: First, the *Petite* Policy (which the federal prosecutors have acknowledged is applicable here) was triggered by the initial plea agreement with the State Attorney's Office, which was not executed solely because of the pending federal investigation. Second, there is no evidence of corruption, undue influence, or incompetence by the State's Attorney's Office. Third, the presumed bar to a dual prosecution has clearly not been overcome. Fourth, there was no coordination with State prosecutors, which led to confusion of the issues and a flawed and overreaching Deferred Prosecution Agreement.

evidence. But Ms. Belohlavek later informed Mr. Epstein's counsel that solicitation of minor is not a registerable offense and that § 796.03 is a procurement statute that has no application to Mr. Epstein whatsoever. See e.g., *Register State*, 715 So.2d 274, 278 (Fla. 1st DCA 1998) ("The Florida Legislature has designated such an act of solicitation as a less severe crime than exploiting a minor to engage in sexual activity with a third party, to the procurer's financial advantage"). It is obvious from federal prosecutors' first documented plea proposal that 'solicitation of a minor' is and always has been the appropriate charge under the facts (this is also the State's recommended charge). What is now apparent is that federal prosecutors believed that solicitation of a minor was both a felony and registerable charge under Florida law. They were wrong. Had federal prosecutors coordinated with State authorities, they would (presumably) not have fallen into this manifest legal error.²²

In addition, federal prosecutors insisted that they dictate every detail of the State sentence pursuant to the Deferred Prosecution Agreement. Once again, this was done without any coordination with the State. Federal prosecutors went so far as to demand a restriction on the judge not to be able to offer probation, community control or any other alternative that the judge might order in lieu of incarceration. See Executed Deferred Prosecution Agreement, ¶2(a), Exhibit 33. This is classic overreaching violative of the *Petite Policy's* imperatives. Not satisfied with simply dictating the terms and conditions of Mr. Epstein's incarceration, federal prosecutors then attempted to send a highly inaccurate Victim Notification Letter to their list of alleged victims of federal crimes (all except three of whom had no connection to the State prosecution) and encouraged them not only to attend the State plea and sentencing proceeding but to make public statements against Mr. Epstein before the judge. See Victim Notification Letter, Exhibit 37. Yet again, this was also done without consulting the State Attorney's Office. We understand that that Office was not given the identities of these alleged victims and had no idea that federal prosecutors intended to send such letters to these individuals.

E. Traditional Elements Of Proper Prosecutorial Discretion Do Not Favor Prosecution Here.

Even assuming that the Department could bring charges, it should decline as a matter of prosecutorial discretion. The relevant factors are set forth in Section 9-27.230 of the United States Attorney's Manual, and those factors counsel against prosecution. Mr. Epstein has no criminal history of any kind. Given the unique nature of any prosecution (which would be unprecedented as a federal matter), any general deterrent effect is likely to be minimal or

²² Furthermore, in the Victim Notification Letter that she intended to send to all the alleged federal victims, Ms. Villafana erroneously stated that under Deferred Prosecution Agreement, Mr. Epstein would have to register as "sexual predator" as opposed a "sexual offender" for the remainder of his life. See Victim Notification Letter, Exhibit 37. That is not true—under the Deferred Prosecution Agreement, Mr. Epstein need only register as a sexual offender, a classification that is far less grave than that of a sexual predator and which carries far less onerous conditions. See Executed Deferred Prosecution Agreement, Exhibit 33.

important in this instance as federal prosecutors and State prosecutors clearly have a different view of the merits of this case. However, *there was no such consultation by federal prosecutors with their State counterparts.*

Federal prosecutors never contacted the State Attorney's Office, let alone attempted to coordinate efforts, despite the fact that the State prosecutors have over a decade of experience in prosecuting State matters and sex related crimes in particular.²¹ Federal prosecutors ignored Ms. Belohlavek's view of the case, despite the fact that she interviewed many of the witnesses in connection with the State investigation.

Because of a lack of communication by federal prosecutors, the State Attorney's Office was left to accept the Deferred Prosecution Agreement, which contained overreaching conditions including a mandatory period of incarceration and sex offender registration. Without a single meeting or phone call with State prosecutors and without ever sharing with them the evidence that would justify such an action, federal prosecutors insisted that the State accept that the charges be raised and the sentence enhanced.

It is telling that the failure by the federal prosecutors to coordinate with the State Attorney's Office led to confusion of the issues as well misrepresentations regarding the Deferred Prosecution Agreement. Under the agreement, which was drafted without consultation by federal prosecutors with the State Attorney's Office, Mr. Epstein was to plead guilty to an indictment charging one count of solicitation of prostitution under Florida Statute § 796.07, and to one count of procuring a minor for prostitution under Florida Statute § 796.03. Given the commercial nature of the conduct generally associated with § 796.03, a defendant convicted under this statute must register as a sexual offender under Florida's Sex Offender Registration and Notification Act (the "Florida's Sex Act").

However, Mr. Epstein's alleged conduct did not actually meet the requirements of § 796.03, a charge for which federal prosecutors had no facts to support. Since inception and at the time § 796.03 was negotiated between the parties, Ms. Villafana erroneously maintained that a § 796.03 charge involved the solicitation—and not the procurement—of a minor. See July 31, 2007 Draft Deferred Prosecution Agreement, Exhibit 36 ("solicitation of minors to engage in prostitution, in violation of Fl. Stat. 796.3 . . ."). During those negotiations, Mr. Epstein's counsel repeatedly asked Ms. Villafana to confirm that she possessed the requisite evidence to make out a this charge, to which she unwaveringly replied that she did in fact possess this

²¹ Federal prosecutors went to such great lengths to avoid coordinating with the State that they even asked Mr. Epstein's counsel to provide them all of the documentation provided to the State, including the transcripts of each witnesses' testimony. In addition, rather than consult with the State Attorney's Office directly, federal prosecutors effectively conscripted Mr. Epstein and his counsel to convince the State to agree to both a harsher charge and sentence in connection with its proposed plea agreement, both of which the State believes may not necessarily apply to Mr. Epstein's alleged conduct.

his right to challenge any of the allegations of these alleged victims, restricting his right of discovery to a single question: "have you ever met Mr. Epstein?"²⁰

At bottom, certain federal prosecutors disagree with minor aspects of the deal made by duly-authorized State prosecutors. But federal prosecution is manifestly not appropriate whenever reasonable minds disagree about a specific punishment. Rather, the plain text of the *Petite* Policy requires that there be a **demonstrable, manifest, and substantial** difference between State and federal outcomes in order to justify a successive federal prosecution. That is, textually, a daunting standard. If Mr. Epstein's sentence is manifestly inadequate and leaves the federal interests in prosecuting solicitation demonstrably unvindicated, then so does every other sentence handed out by the State on similar facts. Indeed, the conduct here can be compared to that of Barry Kutun, a former North Miami city attorney accused of having sex with underage prostitutes and videotaping the sessions. Mr. Kutun pleaded guilty on May 18, 2007 in a Miami-Dade County courtroom as part of an agreement with State prosecutors, and he received five years probation and a withhold of adjudication with no requirement to register as a sex offender. It is unclear why federal prosecutors—who declined to federally prosecute Mr. Kutun despite the fact that his conduct is more egregious than that of Mr. Epstein—believe that State prosecutors' treatment of Mr. Epstein alone somehow leaves the federal interest substantially unvindicated. Given the number of sexual crime cases prosecuted in Palm Beach County, either the Department ought to declare the State Attorney's Office in federal receivership—or it should acknowledge that Mr. Epstein is being treated differently from other similar offenders.

C. The Conduct At Issue Does Not Constitute A Federal Offense.

The *Petite* Policy requires that the government believe that the defendant's conduct constitute a federal offense, and that the admissible evidence probably will be sufficient to obtain and sustain a conviction by an unbiased trier of fact. But a federal conviction is unlikely as a matter of both law and fact. As a matter of law, the identified federal statutes do not apply for reasons detailed above. *See supra* at part II. As a matter of fact, the sworn testimony of the witnesses in this case has definitively refuted any basis for a federal conviction.

D. Federal Prosecutors Did Not Coordinate With The State.

Quite apart from its substantive prerequisites, the *Petite* Policy also requires coordination with State authorities. *See* U.S.A.M. § 9-2.031A ("federal prosecutors should, as soon as possible, consult with their state counterparts to determine the most appropriate single forum in which to proceed to satisfy the substantial federal and state interests involved, and, if possible, to resolve all criminal liability for the acts in question.") Such consultation is particularly

²⁰ This despite the fact that the state restitution statute, like the state prostitution statute, fully covers the conduct alleged and provides a well-established method for civil recovery.

examined case should not warrant sex offender registration. State prosecutors carefully assessed this case, including personally interviewing many of these witnesses, and they carefully considered Mr. Epstein's background and mitigating factors—most notably, that Mr. Epstein did not use coercion, alcohol, drugs, or violence; that Mr. Epstein held no position of authority in connection with these girls; and that Mr. Epstein passed a lie detector test and psychosexual evaluation. The State sentence thus reflected sound prosecutorial judgment, and was well-grounded in the entire circumstances of the case and the treatment of similar first-time offenders.

In short, given the local conduct at issue, and the reasoned judgment of State prosecutors that State sex-offender registration was not necessary, there was no basis for suggesting that the absence of State sex-offender registration demonstrably failed to vindicate federal interests. Not only was this articulation for the need for registration a violation of the *Petite* Policy, it was a clear violation of well-settled law mandating that registration cannot be used as a form of punishment. *Kansas v. Hendricks*, 521 U.S. 346, 362 (1997); *Johnson v. State*, 795 So.2d 82, 87 (Fla. App. 5th Dist. 2000) (“Analogous to the cited Federal cases, the legislative intent of the Florida Sexual Offender notification and registration requirement is not intended to be punitive, but is designed to be remedial in nature...”).

Nor can federal prosecutors' concern for compensating victims justify their intent on prosecuting Mr. Epstein federally. Once federal prosecutors made clear that a primary goal of the federal investigation was a federal compensation proposal, the defense submitted one that consisted of terms harsher than Mr. Epstein's conduct warranted under prior federal precedents. In addition to the well-established state restitution statute, the defense offered a federal proposal that was similar to the resolution in the *Boehm* case, where the conduct was far more egregious. There, the defendant bought and distributed crack cocaine and cocaine to underage girls; admitted to knowing that the girls were underage; arranged for them to have sex with other members of the conspiracy in exchange for drugs; and possessed illegal firearms at the time of the alleged conduct. The defense proposal was open-ended with no monetary cap. But the federal prosecutors also ruled that out. Instead, federal prosecutors pressured Mr. Epstein to agree to provisions in the Deferred Prosecution Agreement that seem to have been designed to provide financial benefits to alleged victims who cannot qualify under Section 2255, because they testified that they did not suffer any type of harm, nor could they be victims of violations of Sections 2422(b) or 2423 (a prerequisite for recovery under Section 2255). Notably, federal prosecutors made the unprecedented demand that Mr. Epstein pay a minimum of \$150,000 to an unnamed list of women they referred to as minors—Mr. Epstein's counsel later established that all but one of these individuals were actually adults, not minors. Those same prosecutors also demanded that Mr. Epstein pay the attorneys' fees for these alleged victims should they choose to bring any further civil litigation against him. They further demanded that Mr. Epstein waive

case involving the murder of a federal official.” U.S.A.M. § 9-2.031D. To put it mildly, that egregious example is a far cry from the situation at hand.

Instead, the federal prosecutors’ disagreement with the State’s plea agreement boils down to a dispute over where Mr. Epstein initially would be incarcerated: The State believed that a *longer* sentence of supervised custody (which is a more onerous form of house arrest) and the potential for a *longer* sentence of imprisonment is adequate punishment for Mr. Epstein, while federal prosecutors insisted on a *shorter* period of traditional imprisonment and *no* supervised custody. There was no objective basis for believing that either of those punishments was demonstrably better or worse than the other. And the suggestion that the proposed State plea agreement was “manifestly inadequate” simply because the State Attorney’s Office and federal prosecutors disagree about the location and manner in which Mr. Epstein would be confined both undermines *Petite*’s strong presumption against successive prosecutions and is inconsistent with the Policy’s requirement that a prospective federal prosecution offer the availability of a “substantially enhanced sentence.” In short, the specific location of a defendant’s confinement—particularly one who is not an ongoing danger to the community under the conditions of the proposed State agreement—does not concern any federal interest, let alone a substantial one. As a result, it provided no basis for pursuing a successive federal prosecution.¹⁹

The remaining points of disagreement between federal prosecutors and their State counterparts likewise are too insignificant (or, indeed, irrelevant) to support a successive federal prosecution in this matter. For instance, while federal prosecutors have expressed concern that the State plea agreement does not require Mr. Epstein to register as a sex offender in Florida, that is not an appropriate consideration under *Petite*. After all, the Policy focuses on the prospect of obtaining “substantially enhanced” forms of punishment in order to vindicate *federal* interests, and given that the federal government does not itself require “Johns” to register as federal sex offenders, it is hard to see how State-law sex-offender registration can fairly be characterized as necessary to vindicate a federal interest—much less how its absence leaves the federal interest “demonstrably unvindicated.” Instead, federal prosecutors have told defense counsel that the only reason for their insistence that Mr. Epstein register as a sex offender in Florida is to “give the FBI a bone” for its work on the federal investigation. Needless to say, that is not an adequate justification for initiating a successive prosecution under *Petite*.

Moreover, State prosecutors appropriately exercised their judgment, based on years of experience, in determining that the evidence and the entire circumstances of this closely-

¹⁹ In rejecting the State’s proposal and demanding incarceration in lieu of supervised custody one federal prosecutor disparagingly noted that house arrest in Mr. Epstein’s case would amount to what would be seen by the public as “mansion arrest”. Such reasoning had no bearing on the *Petite* analysis and clearly violated Mr. Acosta’s stated policy of horizontal equality. Treating Mr. Epstein differently from any other similarly charged individual simply because of his wealth directly contravenes this policy.

Moreover, although the actual sentence agreed with the State Attorney's Office was less than the maximum available to the State, the *Petite* Policy indicates that this should not be a relevant consideration. *Petite* does not ask federal prosecutors to compare the sentence achieved in a prior State prosecution (here, two years of supervised custody with a possibility of two years' imprisonment) against what they hope to achieve in a successive federal prosecution (here, eighteen months of guaranteed imprisonment). Instead, it focuses on whether federal law makes "available" certain forms of punishment that were not "available" in the prior State proceedings—like "forfeiture and restitution," rather than mere "imprisonment and fines." U.S.A.M. § 9-2.031D ("The presumption may be overcome even when a conviction was achieved in the prior prosecution . . . if the prior sentence was manifestly inadequate in light of the federal interest involved and a substantially enhanced sentence . . . is *available* through the contemplated federal prosecution.") (emphasis added). As a result, the key inquiry under *Petite* is not whether federal prosecutors conceivably could do better; it is whether they can require the defendant to serve a sentence that was not even "available" to State prosecutors. *Id.* In this case, however, Mr. Menchel has not asked for anything that State prosecutors could not have obtained. The fact that State authorities chose—for unquestionably legitimate reasons—not to seek that particular sentence does not change the fact that the sentence was available to the State and rejected in its discretion. Therefore, *Petite's* presumption that the State of Florida's prior prosecution of Mr. Epstein has vindicated the federal interest cannot be said to have been overcome.

Second, the State's proposed plea agreement was *in no sense* "*manifestly inadequate*" under U.S.A.M. § 9-2.031D. The gap between the conditions contained in the proposed agreement and federal prosecutors' proposal was so narrow that it cannot reasonably be understood as inadequate, let alone "manifestly inadequate". That federal prosecutors apparently believed that the purported federal interest could not be vindicated by anything less than a two-year jail term fails to satisfy any objective reading of the *Petite* Policy.¹⁸ Properly interpreted, that Policy does not permit federal prosecution whenever prosecutors believe they might *better* vindicate the federal interest or whenever prosecutors consider the State sentence *merely* inadequate. Instead, the Policy requires that the federal interest be "*demonstrably* unvindicated" by the prior State prosecution; that the State sentence be "*manifestly* inadequate" to vindicate the federal interest; and that the successive federal prosecution offer a "*substantially* enhanced sentence." And *Petite* then makes clear that those words have real meaning by providing a telling example of an inadequate State process: "a state prosecution for assault and battery in a

Mr. Goldberger. In short, it is hard to imagine how the recusal of an assistant to the lead prosecutor could have resulted in any advantage to Mr. Epstein; more to the point, no such advantage was sought and none was obtained.

¹⁸ Federal prosecutors' demand for a two-year jail term was subsequently reduced to an 18 month jail term as reflected in the Deferred Prosecution Agreement. The difference between this sentence and the state plea agreement is even narrower.

a much smaller list—a list that still has not been disclosed to either the State Attorney's Office or Mr. Epstein's counsel. The landscape was dramatically changed yet again as a result of several alleged victims on the government's list each filing a \$50 million dollar lawsuit against Mr. Epstein. Each publicly now stating they had lied about their ages, and knew nothing about any sex activity whatsoever before they arrived. See Herman Public Statement, Exhibit 16. The initial discovery precipitated by this lawsuit undeniably supported Mr. Epstein's continued assertions that the women lied to him about their ages. See ██████████ Tr. (Deposition) at 37, Exhibit 3. These recent facts, along with other new evidence confirms that the conduct in question was purely local and should be treated as such. These facts have been obtained under a State discovery statute and it was over vigorous objection of the federal prosecutors.

The federal prosecutors, while clearly acknowledging that this matter fell within the ambit of the *Petite* Policy, continued to assert, without substantiation, that the proposed State plea agreement failed to vindicate the federal interest. On August 3, 2007, Assistant U.S. Attorney Matthew Menchel rejected the State's new proposed plea agreement. He flatly stated that "the federal interest will not be vindicated in the absence of a two year term of state imprisonment." See August 3, 2007 letter from M. Menchel, Exhibit 35.¹⁶ This letter openly acknowledged that the *Petite* Policy applied to this matter, and also highlighted the steps federal prosecutors were taking in order to circumvent its restrictions. Mr. Menchel's articulation of the purported federal interest misrepresents the *Petite* Policy on two grounds. First, Mr. Menchel's position that the federal interest could not be vindicated in the absence of a jail term for Mr. Epstein is contrary to Section 9-2.031D of the United States Attorney's Manual. This section requires the federal prosecutor to focus exclusively on the *quality or process* of the prior prosecution. The Policy expressly states that *the prosecutor should not focus on the sentencing outcome unless there are indicia of impropriety by the State prosecutors*. See *id.* ("the Department will *presume* that a prior prosecution, *regardless of the result*, has vindicated the relevant federal interest.") (emphasis added). As stated above, there are no indicia that the quality or process of the State prosecution was affected by "incompetence, corruption, intimidation, or undue influence," and thus, vindication of the federal interest must be presumed, regardless of the type of sentence.¹⁷

¹⁶ As stated above, federal prosecutors also acknowledged the application of the *Petite* Policy in drafts of the Deferred Prosecution Agreement. See *e.g.*, September 17, 2007 email from M. Villafana to J. Lefkowitz attaching draft Deferred Prosecution Agreement, Exhibit 32.

¹⁷ While federal prosecutors once suggested that Mr. Epstein's retention of Jack Goldberger was intended to trigger the recusal of assistant prosecutor Dahlia Weiss and thereby influence the outcome of the State prosecution, that assertion is frivolous. Mr. Goldberger was retained by Gerald Lefcourt after Mr. Epstein already had been indicted by the Grand Jury. Mr. Lefcourt had never heard the name Dahlia Weiss when he hired Mr. Goldberger, and had no idea that Mr. Goldberger's law partner was married to a sex-crimes prosecutor—much less that that fact would trigger Ms. Weiss's recusal. And Ms. Belohlavek—not Ms. Weiss—remained in charge of the State's prosecution of Mr. Epstein before, during, and after the retention of
(Continued...)

In reaching this determination, State prosecutors took great care in abiding by the policy of “horizontal equality,” a policy United States Attorney Acosta also has stated dictates his prosecutorial decisions. Under this policy, the State determined that Mr. Epstein should be charged or given a punishment of no less or no more than anyone else under the same facts. The only reason the plea agreement was not filed with the court was the unexpected initiation of the federal investigation. Nevertheless, the *Petite* Policy was triggered once the State Attorney’s Office and Mr. Epstein came to an agreement on the terms of the State plea.

Despite the pending resolution between State prosecutors and Mr. Epstein, in early August 2007, after a year of conducting their own investigation with cooperation from the FBI, federal prosecutors began discussing their own proposal to defer prosecution to the State with Mr. Epstein’s counsel. During these discussions, federal prosecutors represented to Mr. Epstein’s counsel that they had identified up to forty alleged “victims” of federal crimes that qualified for inclusion under 18 U.S.C. § 2255, a civil remedy, and that they intended to federally prosecute Mr. Epstein unless he and his counsel, not the federal government, sought more stringent conditions to the State’s proposed plea agreement, including a two-year term of incarceration and a more severe charge. Despite the awkward and unprecedented position in which this placed Mr. Epstein—namely, to be forced to have his counsel request that the State impose harsher penalties than the State itself believed were warranted—he attempted to comply with federal prosecutors’ request and came to a new agreement with the State Attorney’s Office. The new agreement provided for two years of supervised custody (including various other strict conditions), followed by two years of incarceration, which may have been rescinded upon successful completion of the supervised custody portion of the sentence. See August 2, 2007 letter to M. Menchel, Exhibit 34. Under this agreement, if Mr. Epstein failed to comply with the terms of the supervised custody, incarceration would commence immediately. Upon completion of his sentence, Mr. Epstein would thus serve two additional years of reporting probation (which also included mandatory and special conditions).

Indeed, if anything, the sentence provided for by the State plea agreement went too far. Proposed as a result of the federal demand, that sentence was considerably harsher than others meted out to first-time offenders convicted of similar conduct in Palm Beach County. In fact, the State Attorney’s Office had never before prosecuted a case involving this type of conduct as a felony, unless the victim was exceedingly young, especially vulnerable, or in a trust relationship with the perpetrator—facts plainly not present here.

Moreover, supervised State custody (and its intrusive monitoring conditions) is not the norm for first-time offenders. And it is highly questionable whether the harsh conditions of Mr. Epstein’s State plea agreement should have been proposed at all. Over the course of negotiations with federal prosecutors, counsel for Mr. Epstein learned that the United States Attorney’s Office, despite trumpeting newly-learned facts resulting from the federal investigation, had included on their list of “victims,” women who could in no way qualify, either as a result of their own testimony or by statute. See [REDACTED] Tr. at 21, Exhibit 2. Indeed, after numerous discussions with federal prosecutors over several months, it became evident that the federal prosecutors had

As a threshold matter, there is no evidence that the State's prosecution of Mr. Epstein was in any manner tainted by corruption, incompetence, or undue influence. Barry Krischer, the deeply respected Palm Beach County State Attorney, has served in that office, elected, reelected, and reelected yet again, for 12 years. Lana Belohlavek, the lead State prosecutor in this matter, is a career prosecutor who has over a decade of experience prosecuting sex-related crimes and was a founding member of the Child Abuse Protocol, which establishes operational procedures for the investigation of child abuse reports in Florida. These highly respected State prosecutors responsible for this case are seasoned professionals, and they devoted significant time and vast resources to this case. They oversaw an extensive 15-month State investigation by State authorities, and brought their case to a successful conclusion by securing a felony indictment of Mr. Epstein and reaching a strict plea agreement that included terms the State has never previously imposed on a first-time offender like Mr. Epstein.

There is no indication whatsoever that the State prosecution somehow left any federal interest *demonstrably unvindicated*. Following its own rigorous investigation into the allegations against Mr. Epstein, the State Attorney's Office carefully considered the evidence. That evidence included a psycho-sexual evaluation, lie detector test results showing that Mr. Epstein believed that [REDACTED], one of the two alleged victims, was over 18, and MySpace pages proving that Ms. [REDACTED] regularly falsely represented her age to the general public as at least 18. Ms. Belohlavek also found the testimony of one of the main witnesses interviewed by the police incredible. Indeed, it was Mr. Epstein's counsel—not the police—that brought to the attention of the State prosecutors the key fact that one of the key witnesses had been arrested for drug possession and was in the midst of negotiating a reduction of that charge at the time she gave her statement to police regarding Mr. Epstein.

The State Attorney's Office decided to put its witnesses to the test by convening a grand jury. Subpoenas were issued and the case was presented. [REDACTED] Hall, a key witness, refused to appear. The State grand jury returned an indictment of one count of solicitation of a prostitute. After months of contentious negotiation and following the grand jury indictment, a State plea agreement was agreed to by the State Attorney's Office and Mr. Epstein. The sentence available to the State was a maximum five-year term of incarceration and a restitution fund specifically tailored to prostitution. *See* Fl. Stat §§ 796.07 and 775.082.

The State fully considered the facts of this case and determined that incarceration should be held in abeyance. The factors the State considered in making this determination were: (i) Mr. Epstein had no prior criminal record; (ii) each encounter with the women in question was consensual; (iii) strong evidence that the women admitted to lying about their ages; (iv) Ms. Belohlavek, who interviewed some of the witnesses herself, stated that given their lack of credibility and the fact that they clearly were seeking money from Mr. Epstein, they were "hardly victims" and she believed it would border on the unethical to use them as witnesses; and (v) this case was, according to Ms. Belohlavek's own words, a typical "sex for money case," the type for which the State historically did not require jail time.

girls in his home. The conduct herein was not what Congress had in mind when it broadened the relevant federal statutes to include ten year minimum sentences for federal sex-related crimes (namely, faceless predators hiding their identities in Cyberspace while preying on children). Moreover, this case does not implicate the important national prosecutorial priority in favor of protecting minors that has heretofore animated the Child Exploitation and Obscenity Section—specifically, crimes involving Internet luring; sex trafficking of minors; profiting from prostitution as a commercial enterprise with the use of some element of force or violence in connection with prostitution; international sex trafficking; transportation of minors for the purposes of prostitution; or interstate distribution of child pornography.

The conduct in question has been accurately characterized by a grand jury as solicitation of prostitution, a quintessential State law concern. *See United States v. Evans*, 476 F.3d 1176, n.1 (11th Cir. 2007) (federal law “does not criminalize all acts of prostitution (a vice traditionally governed by state regulation)”). And as the Department has recognized, in instances of prostitution where the “John” is the defendant, states are more than well equipped to handle these cases. *See* November 9, 2007 DOJ letter to the Judiciary, at 8-9, Exhibit 15.

B. The State Prosecution Has Left No Federal Interest Demonstrably Unvindicated.

Petite permits a successive federal prosecution only where the prior state prosecution leaves a substantial federal interest “**demonstrably** unvindicated,” U.S.A.M. § 9-2.031A, (emphasis added), and further compels the Department to presume that a prior State prosecution has vindicated the relevant federal interest. *Id.* § 9-2.031D (“[T]he Department will **presume** that a prior prosecution, regardless of the result, has vindicated the relevant federal interest.”) (emphasis added). That presumption controls except in certain narrow circumstances, like when the prior State prosecution was tainted by corruption or incompetence, or where the Department finds **both** that the prior state sentence is “**manifestly** inadequate in light of the federal interest,” **and** that “a **substantially** enhanced sentence—including forfeiture and restitution as well as imprisonment and fines—is available through the contemplated federal prosecution.” *Id.* (emphasis added).¹⁵ None of these conditions have been met.

¹⁵ The *Petite* Policy also provides that the presumption may be overcome “in those rare cases where three conditions are met: first, the alleged violation involves a compelling federal interest, particularly one implicating an enduring national priority; second, the alleged violation involves egregious conduct, including that which threatens or causes loss of life, severe economic or physical harm, or the impairment of the functioning of an agency of the federal government or the due administration of justice; and third, the result in the prior prosecution was manifestly inadequate in light of the federal interest involved.” U.S.A.M. § 9-2.031D. As discussed in text, this case involves local conduct that does not implicate a compelling federal interest, and the state result is not “**manifestly** inadequate.”

offense, and that the admissible evidence probably will be sufficient to obtain and sustain a conviction by an unbiased trier of fact....

U.S.A.M. § 9-2.031A.

Even if these prerequisites are satisfied, however, the Department retains substantial discretion to decline prosecution. As the Policy explains, “[s]atisfaction of the three substantive prerequisites does not mean that a proposed prosecution must be approved or brought. Even then, the traditional elements of federal prosecutorial discretion continue to apply.” *Id.* Finally, the Policy underscores that successive State and federal prosecutions are supposed to be rare, by requiring federal prosecutors “as soon as possible” to “consult with their state counterparts to determine the most appropriate single forum in which to proceed.” *Id.*

None of *Petite*’s “three substantive prerequisites” were satisfied here, and the Department further failed to satisfy *Petite*’s requirement that it coordinate its prospective enforcement efforts with State prosecutors in order to establish a “single forum” in which to proceed. In fact, in Mr. Epstein’s case, no consultation or coordination has ever taken place.

A. There Is No Substantial Federal Interest In This Case.

The *Petite* Policy requires that the matter involve a substantial federal interest. That threshold is not met in this case. Mr. Epstein’s alleged conduct was wholly local. It was neither interstate nor international. Each alleged act took place in his Palm Beach home. All the women alleging sexual misconduct resided in Florida (indeed, in Palm Beach County) at all relevant times. By their own admissions, none traveled across State lines for the purpose or intention of engaging in illicit sexual behavior. In addition, only a deeply attenuated nexus exists between the conduct alleged and interstate instrumentalities. Mr. Epstein neither used the statutorily defined means to induce a known minor into illegal sexual activity; nor did he travel to Palm Beach for the purpose of engaging in unlawful sexual activity. *See supra* at part II.C.

A federal prosecutor’s broadly defined federal interest of protecting children from exploitation does not constitute a proper ground for discerning a substantial federal interest with the facts at hand. With two exceptions, those facts demonstrate that all of the women involved in this case were at least 16 years old at the time of the alleged conduct, and that is the effective age of consent for federal purposes.¹⁴ There is no evidence that Mr. Epstein was aware that either of the other two girls (█████ Gonzales and ██████) was underage. Ms. ██████ has openly acknowledged that she lied to Mr. Epstein about her age, and other girls have testified that Ms. ██████ told them to lie about their ages because Mr. Epstein did not want underage

¹⁴ 18 U.S.C. §2243(a) (the age of consent in the federal maritime and territorial jurisdiction is 16). In 39 States and the District of Columbia, the age of consent is 16 or younger. *See* W. Eskridge & N. Hunter, *Sexuality, Gender, and the Law* 1021-1022 (1997).

Manual (“U.S.A.M.”), and establishes strict prerequisites that must be met before federal prosecutors may pursue a successive federal prosecution based on conduct already addressed by a State or local prosecution. Significantly, the Policy does not merely set forth internal Executive guidance; rather, it reflects a longstanding principle under which “Congress expressly has provided” that “a state judgment of conviction, plea agreement, or acquittal on the merits shall be a *bar* to any subsequent federal prosecution for the same act or acts.” U.S.A.M. § 9-2.031A (emphasis added). The purpose of this Policy is “to vindicate substantial federal interest through appropriate federal prosecutions, to protect persons charged with criminal conduct from the burdens associated with multiple prosecutions and punishments for substantially the same act(s) or transaction(s).” *Id.* To that end, *Petite* “establishes guidelines for the exercise of discretion by appropriate officers of the Department of Justice in determining whether to bring a federal prosecution based on substantially the same act(s) or transaction(s) involved in a prior state or federal proceeding.” *Id.*

There is no dispute that the Policy applies here. The State of Florida and Palm Beach County already prosecuted Mr. Epstein for sexual misconduct and agreed to a plea, thereby triggering *Petite*. In drafts of the Deferred Prosecution Agreement, federal prosecutors openly acknowledged the application of the Policy. A draft of the Deferred Prosecution Agreement stated: “after an investigation of the offenses and Epstein’s background, that the interest of the United States pursuant to the *Petite* policy will be served by the following procedure [contained in the Deferred Prosecution Agreement].” *See e.g.*, September 17, 2007 email from M. Villafana to J. Lefkowitz attaching draft Deferred Prosecution Agreement, Exhibit 32. The draft agreement further stated: “Epstein understands that it is his obligation to undertake discussion with the State Attorney’s Office to ensure compliance with these procedures, which compliance will be necessary to satisfy the United States’ interest pursuant to the *Petite* Policy.” *Id.* However, after Mr. Epstein’s counsel conveyed to the prosecutors the fact that they had appeared to ignore the prerequisites of *Petite* references to the Policy were inexplicably removed from the final draft of the agreement after weeks of acknowledgement that the *Petite* issue was an important consideration for federal prosecution and resolution of this case. *See* Executed Deferred Prosecution Agreement, Exhibit 33. When asked why the *Petite* references were removed, Ms. Villafana stated flatly, “it is none of your concern.”

Federal prosecutors undoubtedly feared that a subsequent federal prosecution of this matter failed to clear the substantive hurdles set forth under *Petite*. The “three substantive prerequisites” are as follows:

[F]irst, the matter must involve a substantial federal interest;

second, the prior prosecution must have left that interest demonstrably unvindicated; and

third, applying the same test that is applicable to all federal prosecutions, the government must believe that the defendant’s conduct constitutes a federal

purpose of engaging in intercourse, penetration, or skin-to-skin touching with someone under the age of 16. Moreover, Section 2423(g) makes it an affirmative defense if Mr. Epstein reasonably believed, based on a preponderance of the evidence, that the women involved were at least 16 years old. As discussed earlier, sworn testimony shows that Mr. Epstein reasonably believed the women involved were at least 18 years old.

The inapplicability of Section 2423(b) is confirmed by its legislative history and prosecutorial practice. Section 2423(b) is part of the Mann Act, which was originally enacted in 1910 to prevent the transportation of women and girls across State lines for immoral purposes. *See* 36 Stat. 825 (1910). That portion of the Mann Act is now codified at Section 2423(a). In 1994, Congress added Section 2423(b) to address the increasing problem of international sex tourism. *See* Pub. L. 103-322, § 160001(g)(2). Thus, Sections 2423(a) and (b) together address those persons who transport minors across State lines, or who themselves travel across State lines, in order to engage in unlawful sexual activity. Again, Mr. Epstein traveled to Palm Beach because he had a residence there; any sexual activity was merely incidental.

Consistent with Congress's focus on sex tourism, federal prosecutors have never used Section 2423(b) in this way. We have identified 177 prosecutions under Section 2423(b),¹³ and all of them are readily distinguishable. In 129 prosecutions, the defendant's primary purpose of travel was to engage in sexual activity with a minor. The vast bulk of those cases were sting operations in which the defendant was arrested either while traveling to or upon arriving at the hotel where he and the minor had specifically prearranged a meeting prior to travel for the sole purpose of having sexual intercourse. In 26 prosecutions, the defendant either traveled with the minor across the State lines, or intended for (and provided the means for) the minor to travel across State lines for sex. In the remaining 22 prosecutions, the defendant traveled or planned to travel internationally in order to engage in sexual activity with a minor. As with the other statutes, that is a far cry from what allegedly occurred in this case.

Third, receiving massages even topless massages is not a criminal objective. Section 2423(b) requires that the travel be for "illicit sexual conduct" i.e. conduct that was not the norm and was not expected by Epstein to be a consequence of any specific scheduled massage during any interstate travel, conduct that was not a causative factor in his regular returns to Palm Beach.

III. *PETITE* POLICY

The Department of Justice's *Petite* Policy ("*Petite*," or the "Policy") precludes federal prosecution in this matter. *Petite* establishes a baseline of a single prosecution for any given conduct, akin to the principles of double jeopardy. It is codified in the United States Attorney

¹³ We identified a total of 203 prosecutions under § 2423(b), but 26 of those case opinions fail to provide any information as to the facts underlying the charges.

As with § 2422(b), § 2423 requires that there be a concurrence of (a) interstate travel for (b) the purpose of having illicit sexual conduct, as defined in 18 U.S.C. § 2246, with a minor. Mr. Epstein's routine of traveling to and from Palm Beach—to or from *his home*—for purposes other than illicit sex take this case outside of the paradigm of prior 2423(b) prosecutions, see the Table of § 2423 Cases, Exhibit 30, and make this case more like *Hansen* ■ *Haff*, 291 U.S. 559 (1934), and *Mortensen* ■ *United States*, 322 U.S. 369 (1944). In *Hansen*, the Supreme Court rejected charges against a woman traveling back to her home in the United States to “continue her irregular and improper conduct,” concluding that “her entry [into the United States] cannot be said to be with the purpose ‘only that she might live in a state of concubinage.’” 291 U.S. at 562. And in *Mortensen*, the Court likewise held that two women who took a trip from their home, returned home, and then resumed their illegal prostitution business did not violate federal law—explaining that “[t]he return journey under the circumstances of this case cannot be considered apart from its integral relation with the innocent round trip as a whole. There is no evidence of any change in the purpose of the trip during its course.” 322 U.S. at 375.

As in *Mortensen*, Mr. Epstein would fly from Palm Beach with the intention, documented by his regular practice as reflected in flight logs provided to the United States Attorney's Office, to return home. Those regular trips were motivated by a myriad of ordinary motives: family, medical, social, business, and a common love of the area and his long-owned home. To the extent that upon arriving home he “resumed [his] immoral practices,” like *Mortensen* defendants, *id.* at 375, this resumption “does not, standing alone, operate to inject a retroactive illegal purpose into the return trip to [Palm Beach].” *Id.* Mr. Epstein's commission of State offenses at his residence in Palm Beach is indistinguishable from the facts in *Mortensen* and well outside the demands of federal law that an interstate trip be significantly motivated or have as its “important purpose,” *United States* ■ *Hoschouer*, 2007 WL 979931 (11th Cir. 2007), an illegal sex act with a person known to be a minor.

Second, there was no intent to engage in “illicit sexual conduct” under the statute. Section 2423(f) defines “illicit sexual conduct” as any sexual act set forth in 18 U.S.C. § 2246 that would be in violation of Chapter 109A of the United States Code.¹² Section 2246 sets forth vaginal, oral, and anal intercourse; genital or anal penetration; and genital touching of a minor that does not occur through clothing, while Chapter 109A defines a minor as a person under the age of 16. Here, there was no intent to engage in “illicit sexual conduct” *at the time Mr. Epstein was traveling to Florida*. Thus, even if, once in Florida, Mr. Epstein purposefully engaged in a proscribed act under the statute, which he did not, that purpose arose long after his travel to Florida was complete, while a particular massage with a particular masseuse was in progress. Indeed, there is no evidence that Mr. Epstein had knowledge that he would see anyone at all once he arrived in Palm Beach, let alone knowledge that he would see any person for the specific

¹² Section 2423(f) also defines “illicit sexual conduct” with reference to 18 U.S.C. § 1591, but that statute in turn refers to 18 U.S.C. § 2246.

States, 322 U.S. 369, 374 (1944) (intention to engage in proscribed conduct must “exist before the conclusion of the interstate journey and must be the *dominant motive* of such interstate movement.”) (emphasis added); *United States v. Hoschouer*, 224 Fed. Appx. 923, 924 (11th Cir. 2007) (affirming jury instruction that “the Government must show that the Defendant’s criminal purpose was not merely incidental to the travel”); *id.* at 927 (“By requiring that the jury find that Defendant’s illicit sexual conduct was more than ‘merely incidental’ to his purpose in traveling..., the district court effectively required that Defendant’s illicit purpose be an *important purpose* of the travel.”) (emphasis added); *United States v. Tykarsky*, 446 F.3d 458, 471 (3d Cir. 2006) (“[T]he relationship between the mens rea and the actus reus required by § 2423(b) is neither incidental nor tangential. § 2423(b) does not simply prohibit traveling with an immoral thought, or even with an amorphous intent to engage in sexual activity with a minor in another state.”).

Instead, Mr. Epstein spent at least 100 days a year in Palm Beach for family purposes, business purposes, and social purposes, and to maintain a home that he has owned in Palm Beach since 1991—more than a decade before the incidents giving rise to this investigation. In fact, Mr. Epstein’s longstanding ties to the Palm Beach community led him to establish a residence there nearly 20 years ago. While in Palm Beach, he routinely visits family members and close friends, has seen his primary care physician for checkups and prescribed tests in the Palm Beach area, and until her death in May of 2004, regularly saw his mother who was hospitalized and then convalesced in south Florida. Any massages he may have received in Palm Beach were entirely incidental to these regular trips home.

Flight records previously provided to the United States Attorney’s Office show that in 2003, Mr. Epstein traveled to and from his Palm Beach home on 31 occasions, and spent 29 multi-day weekends at the residence. In 2004, Mr. Epstein traveled to and from his Palm Beach home on 37 occasions, 36 of which included a multi-day weekend stay. In the first 9 months of 2005 the pattern continued: 24 multi-day trips to Palm Beach including 21 multi-day stays over weekends. From 2003 through 2005 there was no month when Mr. Epstein did not spend at least one weekend in Palm Beach. In fact, the Palm Beach area is the home base for his flight operations, for maintenance of his aircraft, and for periodic FAA inspections. Additionally, Mr. Epstein’s pilots and engineers all resided in Florida. Mr. Epstein’s gun license, until recently, was a Florida license. He has given generously to charities in Florida. He has met business associates at his Palm Beach residence.

In short, the evidence is indisputable that Palm Beach was where Mr. Epstein spent most of his discretionary time, and that his travels to Palm Beach were trips returning to his home—not the escapades of a sex tourist off to some destination inextricably intertwined with the significant or dominant purpose of having “illicit sexual conduct.” Epstein’s trips to Palm Beach were simply those of a business person traveling home for weekends or stopping over on his way to or from New York and St. Thomas.

Conversely, Mr. Epstein was not involved in any kind of human trafficking, enslavement or commercial prostitution enterprise. We have attached sworn testimony that shows that Mr. Epstein solicited, received, and paid for massages which included, on some occasions, consensual sexual touching from local women in his Palm Beach home. Some of these women were under 18 at the time of the conduct, but they systematically lied to Mr. Epstein about their age. These facts are nothing like any of the prior cases in which the Department has initiated a § 1591 prosecution.

At bottom, Mr. Epstein's conduct was purely local; it did not involve "trafficking of women or children in the sex industry" and was not part of a phenomenon that, in the aggregate, had an economic impact on interstate or foreign commerce. Extending the statute to local customers who seek prostitution services, even on a regular basis, would collide with the limits imposed by *Evans*, by the history of a statute that is premised on the Thirteenth Amendment, by the statute's placement in Chapter 77 of the Title 18 (titled "Peonage, Slavery, and Trafficking in Persons"), and by the Department's own representations that prostitution is properly reserved for State and local prosecution absent its featuring commercial sex trafficking of children. Mr. Epstein simply is not a "trafficker" by any stretch of language, policy or imagination. Therefore, prosecution under § 1591 should not be authorized. It has never before been approved on facts like this, and no reported precedent encompasses Epstein's conduct within the ambit of a viable § 1591 prosecution. See Table of § 1591 Cases, Exhibit 29.

C. 18 U.S.C. § 2423(b)

Section 2423(b) criminalizes domestic and international sex tourism. It reads as follows:

18 U.S.C. § 2423. Transportation of minors

(b) Travel with intent to engage in illicit sexual conduct.—*A person who travels in interstate commerce* or travels into the United States, or a United States citizen or an alien admitted for permanent residence in the United States who travels in foreign commerce, *for the purpose of engaging in any illicit sexual conduct with another person* shall be fined under this title or imprisoned not more than 30 years, or both.

(Emphasis added.) Section 2423(b) thus provides up to 30 years of imprisonment for anyone who travels across State lines (i) for the purpose of engaging in (ii) illicit sexual conduct with a minor. Neither of those elements is satisfied here. Mr. Epstein did not travel to Palm Beach for the purpose of engaging in sexual activity with a minor, and whatever sexual activity did occur was not "illicit sexual conduct" within the meaning of the statute.

First, Mr. Epstein's trips to Palm Beach were not undertaken "for the purpose of engaging" in sexual activity, much less for the purpose of engaging in "illicit sexual conduct." To the contrary, the prospect that Mr. Epstein might engage in sexual activity in Florida was not the dominant motive—or even a significant motive—for his travel. See *Mortensen* | *United*

Federal prosecutors have never used § 1591 in a case involving facts like these. We have identified 21 prosecutions under § 1591,¹¹ and all of them have involved international sex trafficking; for-profit prostitution rings, usually involving minors and forcible coercion; or forcible rape or physical abuse and intimidation. *See, e.g., United States v. Norris*, 188 Fed. Appx. 822, 2006 WL 1889654 (11th Cir. 2006) (prosecution of several men for conspiracy to hold young women in peonage, and to traffic them for commercial sex acts, involving force and threats); *United States v. Sims*, 161 Fed. Appx. 849, 2006 WL 14581 (11th Cir. 2006) (defendant picked up young woman, transported her over State lines, ordered her to prostitute herself, and took money from her).

Moreover, in the cases enforcing the statute, the victim is typically 14 and under. See Table of § 1591 Cases, Exhibit 29. Therefore, witnesses under 18 years old in this case are not the “children” in respect of whom trafficking cases have historically been enforced. With two exceptions, all such witnesses were 16 years old or over. Of the two exceptions, one, [REDACTED], has given multiple sworn statements that no commercial sex act occurred (and that she lied to Mr. Epstein about her age). The other, [REDACTED], who has a history of criminal misconduct and drug addiction, has sought to collect monetary remuneration from Mr. Epstein in a civil suit and her credibility is strained beyond any reasonable reliance. Importantly, other girls have testified that Ms. [REDACTED] told them to lie about their ages because Mr. Epstein did not want underage girls in his home. This strongly suggests that Ms. [REDACTED] herself lied to Mr. Epstein about her own age.

It is little wonder, then, that the courts have made clear that § 1591 simply is not intended to cover the kind of alleged conduct at issue here. Thus, as the Eleventh Circuit has explained, “Section 1591 does not criminalize all acts of prostitution (a vice traditionally governed by state regulation).” Rather, its reach is limited to sex trafficking that involves children or is accomplished by force, fraud, or coercion.” *United States v. Evans*, 476 F.3d 1176, 1179 n.1 (2007); *see also United States v. Sims*, 161 Fed. Appx. 849, 2006 WL 14581 at *3 (11th Cir. 2006) (to “establish Sims’s guilt on the sex trafficking of a minor count, the government had to show that Sims *benefited financially* from Owens’s sexual activity and that Sims knew that (a) force or coercion would be used to cause Owens to engage in a criminal sex act or (b) that Owens was under the age of 18.” (emphasis added). The Eleventh Circuit’s interpretation of the statute makes perfect sense: were § 1591 not limited in that fashion, it would threaten to criminalize a host of localized behavior that has nothing to do with human trafficking.

In these respects, Mr. Epstein’s case hardly could differ more from the typical § 1591 case, like *Evans*—where a stereotypical pimp enticed an AIDS-inflicted 14 year-old into prostitution for commercial purposes and essentially held her in bondage. 476 F.3d at 1176-78.

¹¹ We identified a total of 25 prosecutions under § 1591, but 4 of those case opinions fail to provide any information as to the facts underlying the charges.

that Congress was addressing the evils of human trafficking by targeting Johns. Instead, the clear Congressional focus was on traffickers—that is, those who participate and engage in a modern day form of slavery, by using force, fraud, or coercion to exploit the unwitting. *See, e.g., Legal Options To Stop Human Trafficking: Hearing Before The Subcomm. on Human Rights and the Law of the S. Comm. on the Judiciary*, 110th Cong. 15 (Mar. 26, 2007) (statement of Deputy Assistant Attorney General Grace Chung Becker) (“Human trafficking is really about force, fraud or coercion, and that is the key element that describes human trafficking.”); *Report on Activities to Combat Human Trafficking*, U.S. Department of Justice, Civil Rights Division (Feb. 24, 2006), available at http://149.101.1.32/crt/crim/trafficking_report_2006.pdf (“[T]rafficking is the modern-day form of slavery. It requires the use of force, fraud or coercion by a trafficker to compel a person, or hold someone in an employment situation in which he or she will be criminally exploited.”).

Again, there is no evidence that Mr. Epstein’s conduct or that of his associates resembles the kind of conduct at which this statute was aimed. To the contrary, the evidence shows again and again that the young women involved in this case were willing participants: they lied about their age because they knew Mr. Epstein was not interested in minors; they called the home seeking to make their own appointments with Mr. Epstein; many returned to the home on multiple occasions; and they were free to stay or leave on whatever terms they desired. Congress plainly did not intend § 1591 to cover these circumstances.

4. The Department’s Own Policy Statements Regarding The TVPA Foreclose The Application Of § 1591 In This Case.

The Department’s own policy statements on prostitution-based cases underscores that § 1591 cannot and should not be distorted to include the conduct at issue in this case. As the Department has explained, “Federal law prioritizes crimes in which victims have been trafficked as a result of force, fraud, or coercion, including the sex trafficking of children in which coercion is presumed i.e. crimes that fall under the Thirteenth Amendment’s prohibition on slavery and involuntary servitude, and commercial sex involving transportation in interstate commerce.” *See* November 9, 2007 DOJ letter to the Judiciary, at 8, Exhibit 15. The Department’s position further opposes the federalization of “prostitution-related offenses” as an unnecessary “diversion from Federal law enforcement’s core anti-trafficking mission,” and expresses the view that State and local authorities are more than capable of addressing such offenses. *Id.* at 8-9.

Needless to say, Mr. Epstein is not a “trafficker” of children. He derived no profit from any prostitution business. And the testimony of the women is clear and uncontroverted: Mr. Epstein did not exercise force, fraud, or coercion over any female—in fact, quite the opposite. *See* Summary of Testimony re No Coercion, Exhibit 31. Therefore, there is no basis for presuming coercion here, given the clear record that the conduct in question was voluntary, non-violent, and non-coercive.

5. The Department’s Prosecution History and Existing Case Law Foreclose The Application Of § 1591 In This Case.

residents in Palm Beach. And any impact that the private, consensual activities at issue in this case could have had on interstate commerce was far too attenuated to sustain the application of this statute to Mr. Epstein's alleged conduct—not least of all because there is no evidence whatsoever that Congress intended § 1591 to target the sort of purely local conduct at issue here (as opposed to the interstate or transnational trafficking of minors). Needless to say, application of the statute under these circumstances would raise grave constitutional concerns, *see, e.g., United States v. Morrison*, 529 U.S. 598 (2000); *United States v. [REDACTED]*, 514 U.S. 549 (1995), and given the absence of any basis in the text, structure, or history of the statute for thinking that Congress intended to reach such purely local conduct, it should not be stretched to apply here.

2. The Structure Of The Statute Forecloses Its Application In This Case.

The broader structure of the statute likewise makes clear that § 1591 was never intended to apply to the sort of conduct at issue in this case. § 1591 was enacted in 2000 as part of the Trafficking Victims Protection Act (TVPA), which is a comprehensive legislative scheme aimed at the problem of human trafficking. That statute created four new offenses, each of which unquestionably is directed at coercive human trafficking, rather than simple solicitation of prostitution: Section 1589 addresses forced labor; section 1590 addresses trafficking with respect to peonage, slavery, involuntary servitude or forced labor; § 1591 addresses trafficking of children or by force, fraud, or coercion; and section 1592 addresses the concealment or confiscation of another person's passport or identification in the course of violating the preceding trafficking provisions. And the TVPA goes on to provide for the civil and criminal forfeiture of trafficking proceeds.

In every respect, then, the TVPA is directed at interstate and international human trafficking, particularly of women and children (and involving forced labor and sex). Each section of the statute plainly targets the operators of trafficking regimes, not their "Johns." Reading the statute to apply to simple prostitution, which is all this case involves, would wrench § 1591 from its surrounding context, and strain it to apply here—where there is not even a whiff of coercion, and no evidence whatsoever that the young women involved in this case were incapable of making their own choices.

3. The History Of The Statute Forecloses Its Application In This Case.

The legislative history of § 1591 and the TVPA further makes clear that Congress intended the statute only to cover human trafficking offenses, not mere solicitation. *See* 114 Stat. 1464 § 102 (Oct. 2000) (purpose of § 1591 is "to combat trafficking in persons, a contemporary manifestation of slavery"); *id.* ("Trafficking in persons is a modern form of slavery, and it is the largest manifestation of slavery today. At least 700,000 persons annually, primarily women and children, are trafficked within or across international borders. Approximately 50,000 women and children are trafficked into the United States each year.").

None of the stated goals of the TVPA in general, and of § 1591 in particular, apply to acts of solicitation of prostitution. Nothing in the legislative history states or any way suggests

some girls were over 18, some were under, and the identity of a given masseuse on a given day depended entirely on who was available or who was brought to Mr. Epstein home, unsolicited, by a friend. There was, in short, no deliberate effort to target underage girls; to the extent any underage girls visited Mr. Epstein's home, it was pure happenstance, made possible only because the girls themselves deceived Mr. Epstein in order to gain access to his property.

Nor is there any evidence that Mr. Epstein or his assistants acted with knowledge that the minors would "be caused to engage in a commercial sex act." Again, Mr. Epstein's massages did not invariably lead to sexual contact (and often did not lead to sexual contact), *see supra* at part II.A.3.c., which makes it impossible to prove that the girls were recruited by someone "knowing" that those girls would "be caused to engage in a commercial sex act." After all, one cannot be said to have "known" that something "would" happen if it did not actually happen. Perhaps more important, the statute's use of the term "be caused to engage" demonstrates that Congress contemplated some use of undue influence or pressure to induce the minor to perform "a commercial sex act." When two people willingly and consensually engage in a sex act—even one that involves the exchange of money—it cannot be said that one has "be[en] caused" by the other to engage in the act. And if the statute were applied without requiring some element of undue influence, then it would apply to *any* act of consensual prostitution involving a willing minor, which certainly was not Congress's intent. The "knowing causation" element of the statute thus makes clear that the statute targets traditional pimps—those who recruit underage women and influence or require them to engage in sexual acts with third parties—not the third-party "Johns" who unwittingly solicit an underage prostitute acting under the influence of a pimp.

Needless to say, there is no evidence whatsoever that Mr. Epstein was pimping the young women who came to his home—and there is no evidence whatsoever that Mr. Epstein wielded any undue influence over those young women in their own interactions. To the contrary, each was free to accept or reject any invitation to his home; each was free to introduce or not introduce him to their friends; each was free, if asked, to reject any escalation of a simple massage into something more. Indeed, many of the girls visited Mr. Epstein's home unsolicited—and many left messages with Mr. Epstein's assistant seeking to visit him. *See supra* at part I. The statute cannot plausibly be read to cover these circumstances, where there is no serious question that the masseuses chose—but were not "caused to"—perform massages on Mr. Epstein, and, occasionally, more.

Finally, the statute's express requirement that there be a nexus between the inducement of a minor and interstate commerce is not satisfied in this case. That requirement makes clear that Congress intended to target commercial prostitution operations with a substantial impact on the interstate economy—i.e., those involving the coercive "trafficking" of minors across State or national boundaries as part of a commercial enterprise—rather than purely local prostitution. But that's all that was involved here. Mr. Epstein did not entice anyone located in another State or country. He did not entice anyone to cross State or national lines. None of the women in this case ever did cross State lines. Any sexual contact that occurred took place between Palm Beach

knowing that force, fraud, or coercion ... will be used to cause the person to engage in a commercial sex act, or that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act....(emphasis added)

The text, structure, and history of this statute make clear that it was never intended to apply to a case like this one, and the Department's own policy statements and past prosecuting decisions demonstrate that applying § 1591 in this case would be unprecedented and inappropriate.

1. The Text Of The Statute Forecloses Its Application In This Case.

By its plain text, the statute requires (1) the deliberate (2) obtaining or enticing (3) in interstate commerce of (4) a person (5) while "knowing that force, fraud, or coercion ... will be used to cause the person to engage in a commercial sex act," or "knowing that" the person "has not attained the age of 18 years and" (6) "will be caused to engage in a commercial sex act." 18 U.S.C. § 1591. These elements cannot be satisfied.

To begin with, by no stretch of the imagination did Mr. Epstein use "force, fraud, or coercion" in connection with any of the women who came to his home. In fact, it was just the opposite. There is ample testimony that the women felt comfortable with Mr. Epstein. Those who came to his house were told before they chose to come that Mr. Epstein would request a massage and might possibly request that the masseuse remove her clothing. It was also made clear to those who came to his home, that if ever Mr. Epstein requested more from them, and they did not feel comfortable with his request, all they need do was tell him so and he would be fine with that. Each individual approached about Mr. Epstein was free to accept or reject any invitation, each was free to introduce or not introduce Mr. Epstein to their friends (as many did), each was free, if asked, to reject any request by Mr. Epstein for anything more than a simple massage and to end the massage at any time. In fact, some did reject his requests and end the massage, and they were still paid for their services. In a number of cases, even those who ended massages early returned, either to bring friends or to wait, talk and snack in Mr. Epstein's house. Still many others returned to Mr. Epstein's house time and time again to perform massages. See Summary of Testimony re No Coercion, Exhibit 31. To suggest that Mr. Epstein in any way used "force, fraud, or coercion" with these women is baseless. To the contrary, the young women's' testimony in this case clearly reflects, there is not even the slightest whiff of coercion in this case, nor any suggestion that the young women involved were lacking in the ability to make fully informed choices. The clear record that all the conduct in question was voluntary, non-violent, and non-coercive plainly demonstrates that this would be an inappropriate case in which to presume coercion.

Furthermore, the evidence in this case conclusively establishes that the underage girls who visited Mr. Epstein's home have, without exception, either expressly admitted that they lied to Mr. Epstein about their age or instructed others to lie to Mr. Epstein about their age. See *supra* at part II.A.3.b. And the identity of the masseuses (and their ages) was purely random—

a massage. The facts clearly will not establish that Mr. Epstein knew that whoever made the calls was engaging in an attempt to induce anything other than a massage. The facts and evidence do not establish that parties who were spoken to, were “persuaded, induced, enticed, or coerced.” And the facts and evidence establish that Mr. Epstein did not know the ages of the women who came over when the phone was used, and did not at the time of the calls intend to solicit prostitution or any sexual activity chargeable under Florida law.

Under these circumstances, taking a statute plainly not intended to cover this alleged conduct and stretching to accomplish something Congress never intended would be to grossly overreach—especially where State law normally covers this territory. Mr. Epstein undeniably committed State offenses. He was so indicted and has agreed, subject to the resolution of the successive federal criminal investigation, to plead guilty to that which the evidence proves—State offenses.

Consistent with Congress’s focus on sexual predators, federal prosecutors have never used § 2422(b) in this way. We have identified 199 prosecutions under § 2422(b),¹⁰ and all of them have involved Internet predation, for-profit prostitution rings, sex tourism, or some other situation in which the defendant himself either abused the victim or aggressively induced minors over the mail, phone or Internet. Needless to say, Mr. Epstein is not a sexual predator, let alone an Internet predator. Evidence shows that Mr. Epstein did not target minors; that women were motivated by the opportunity to make money; that all sexual touching was entirely consensual; and that all of the conduct took place in Mr. Epstein’s home in Palm Beach County.

B. 18 U.S.C. § 1591

Section 1591 criminalizes human trafficking. It reads as follows:

18 U.S.C. § 1591. Sex trafficking of children or by force, fraud, or coercion

(a) *Whoever knowingly—*

(1) *in or affecting interstate or foreign commerce*, or within the special maritime and territorial jurisdiction of the United States, *recruits, entices, harbors, transports, provides, or obtains by any means a person*; or

(2) benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in violation of paragraph (1),

¹⁰ We identified a total of 230 prosecutions under § 2422(b), but 31 of those case opinions fail to provide any information as to the facts underlying the charges.

been trafficked by force or coercion, and that “pandering, pimping and **prostitution-related offenses have historically been prosecuted at the state or local level.**” *Id.* (emphasis added); *see also id.* (“Furthermore, the Department is not aware of any reasons why state and local authorities are not currently able to pursue prostitution-related crimes such that Federal jurisdiction is necessary.”) Those observations could hardly be more apt in this case. Expanding § 2422(b) to reach a prostitution-related offense is “unnecessary and a diversion from Federal law enforcement’s core anti-trafficking mission.” *Id.* at 9.

In the end, federal prosecutors attempt to argue that § 2422(b) applies wherever anyone uses an interstate facility and unlawful sexual activity ensues. However, the statute clearly aims at the conduct of Internet predators, *i.e.*, those who knowingly and intentionally target children through some means of interstate commerce. That is the natural reading of the text, and it is consistent with the statute’s purpose, the rule of lenity, and principles of federalism. *See Scheidler v. Nat’l Org. for Women, Inc.*, 547 U.S. 9, 16-21 (2006) (construing the Hobbs Act narrowly based on statutory text and history, as well as the need not to “federalize much ordinary criminal behavior”). On any broader interpretation, § 2422(b) would federalize nearly any sex-related crime if there were use of the telephone or Internet. If Congress had wanted to effect that sort of sea-change in the balance between federal and State power, it could and would have said so when it enacted § 2422.

Florida law defines a range of prostitution and prostitution related offenses, but it treats them as **misdemeanors**, making it a felony for a third violation. *See Fla. Stat. 796.07(4)*. To ratchet up the punishment, by invoking the federal statute, to felony crime with a long mandatory minimum prison sentence attached, is not what Congress intended when it enacted this law, nor does the statute give fair warning that the statute made such conduct a federal criminal offense. It would work a major shift in the State-federal balance—at a time when the administration has eschewed, on federalism grounds, extending federal criminal law into areas that are primarily and historically of State concern. And it would do so where the federal (as opposed to the State) interest is minimal, assuming a federal interest exists at all. In addition, it would raise questions of the utmost seriousness under the Ex Post Facto and Due Process Clauses, since a prosecution of Mr. Epstein under § 2422(b) would require a construction of the statute that was unforeseeable when the conduct at issue occurred. *See, e.g., Bouie v. City of Columbia*, 378 U.S. 347, 350 (1964). If a judicial construction of a criminal statute is “unexpected and indefensible by reference to the law which had been expressed prior to the conduct in issue, “it must not be given retroactive effect. *Id.* at 354, quoting Hall, *General Principles of Criminal Law* 61 (2d ed. 1960).

5. Conclusion

In sum, the facts and evidence do not fit the elements required to prove the crime. There are numerous factual and legal hurdles that must overcome to meet the key elements of this crime. Federal prosecutors will have to establish from credible evidence that Mr. Epstein used a phone to engage in the prohibited acts. To the extent others made the phone calls, there is no evidence that the phone was used to induce the young women to do anything other than provide

(1995) (quoting *United States v. Enmons*, 410 U.S. 396, 411-12 (1973)). In *Enmons*, the Court refused to accept the Government's "broad concept" of the Hobbs Act, because it would have rendered all manner of minor actions subject to federal prosecution and stringent federal punishment, covering even "the worker who threw a punch on a picket line, or the striker who deflated the tires of his employer's truck." *Enmons*, 410 U.S. at 410-11 ("Neither the language of the Hobbs Act nor its legislative history can justify the conclusion that Congress intended to work ... such an unprecedented incursion into the criminal jurisdiction of the States.").

The same rationale applies here. The crime of engaging in underage criminal sexual activity (or underage prostitution) is traditionally considered within the State's historic police power. It is well-settled law that if Congress had wanted to federalize such crimes, it needed to say so with unmistakable clarity in § 2422(b). See, e.g., *Will v. Michigan Dep't of State Police*, 491 U.S. 58, 65 (1989) ("[I]f Congress intends to alter the 'usual constitutional balance between the States and the Federal Government,' it must make its intention to do so 'unmistakably clear in the language of the statute.'") (quoting *Atascadero State Hospital v. Scanlon*, 473 U.S. 234, 242 (1985)); *id.* at 65 (Congress "should make its intention 'clear and manifest' if it intends to pre-empt the historic powers of the States") (quoting *Rice v. Santa Fe Elevator Corp.*, 331 U.S. 218 (1947)); see also *United States v. Drury*, 344 F.3d 1089, 1101 (11th Cir. 2003) (recognizing that in the absence of "unmistakably clear" language signaling Congress's intent to alter the federal-State balance, courts should interpret the statute in the manner "that does not impute an intention upon Congress to invoke its full commerce power to regulate conduct traditionally controlled by the States").

Needless to say, Congress did not say with unmistakable clarity in § 2422(b) that it wanted to federalize historically State crimes. Quite the opposite: Congress criminalized only "using" an interstate facility to "knowingly persuade" or "induce[]" a minor to engage in unlawful sexual activity. Again, the most natural reading of that language is that § 2422(b) creates a crime of communication across an interstate facility. That is why most of the reported prosecutions under § 2422(b) involve sting operations in which the criminal sexual activity never actually took place; it was enough that a defendant knowingly attempted to induce such behavior via the telephone or Internet. In any event, there is no sign in § 2422(b)—much less an unmistakable sign—that Congress intended to federalize a host of State crimes like underage solicitation or prostitution.

The more narrow reading of § 2422(b) is consistent with the position recently articulated by the Department of Justice in a similar context. See November 9, 2007 DOJ letter to the Judiciary, at 8-9, Exhibit 15. In reviewing proposed changes to human trafficking statutes like 22 U.S.C. § 2151, the DOJ opposed removing the requirement that a defendant have knowledge of a minor's age. The DOJ argued that eliminating the knowledge-of-age requirement would "run[] counter to the criminal law goal of punishing culpable states of mind" and would create an unusual strict liability crime with a harsh mandatory minimum sentence. *Id.* at 8, ¶ 17. Likewise, the DOJ opposed expanding the Mann Act to include cases "affecting" interstate commerce. It reasoned that federal law already adequately covers crimes in which victims have

While the Government apparently believes that there may be evidence that Mr. Epstein was told the ages of a small subset of the masseuses, there is no evidence that the *other* required elements of proof could be established—namely that the phone was used to induce sexual activity, rather than schedule a massage, and that at the time of the call, Mr. Epstein had the specific intent required to violate the statute (*i.e.* that he knew who the assistant was calling, that he authorized the assistant to persuade or induce or entice over the phone, that he had actual knowledge or belief that the person called was a minor, and that he was directing the call with the specific intent to have illegal sexual activities with the minor, as defined by Florida law). Again, the evidence here conclusively shows that any sexual activity that followed from a scheduled massage was in fact random, not part of a consistent pattern or practice, and resulted from the spontaneity of the post-telephone person-to-person contact that alone is subject to State prosecution.

e. There Is No Evidence Of A Conspiracy.

The requirements of § 2422 or the other two federal statutes for that matter, cannot be diluted or circumvented merely by resorting to a conspiracy charge. Conspiracies require a meeting of the minds of the essential elements of the criminal object which in this case would be a violation of §§ 2422(b), 2423(b), or 1591. Elements such as the use of the interstate facility to knowingly persuade, induce, entice, or coerce in § 2422(b), or the purpose to have illicit sex with a minor while engaged in interstate travel in 2423(b), *see infra* part II.C, are not jurisdictional hooks but instead are the essence of the federal crime. A conspiracy must include an agreement to each such element. These federalizing elements cannot be diminished or made irrelevant by resort to a conspiracy—they are the necessary object of any federal conspiratorial agreement and are unproven as to Mr. Epstein and equally unproven as anyone directly employed by him.

f. There Is No Basis For A Prosecution Under § 2422(b).

Given all of this, there is no basis for prosecuting Mr. Epstein under § 2422(b). Mr. Epstein did not place telephone calls inviting underage women to his house. The vast majority of women who came to Mr. Epstein's house were 18 or over. Those who were under 18 were told to lie about their age and did. Mr. Epstein's assistant did not know that the women she called were in fact under 18. Mr. Epstein did not direct his assistant to use the phone to induce underage women to engage in illicit sexual activity with him. And Mr. Epstein's assistant did not use the phone to induce underage women to engage in illicit sexual activity with him.

4. Clear Statement Rule

To the extent there is any ambiguity about the statutory requirements, it should be resolved against a prosecution of Mr. Epstein. Under our federal system, the "States possess primary authority for defining and enforcing the criminal law." *Brecht v. Abrahamson*, 507 U.S. 619, 635 (1993). Accordingly, as the Supreme Court has stated, "[w]hen Congress criminalizes conduct already denounced as criminal by the States, it effects 'a change in the sensitive relation between federal and state criminal jurisdiction.'" *United States v. [REDACTED]*, 514 U.S. 549, 561 n.3

examined. *See* Table of § 2422 Cases, Exhibit 28. A great majority of § 2422(b) cases are brought under the attempt theory where the charged defendants believed the target of their inducement was 18 but where they were in fact communicating with a law enforcement agent conducting a “sting” operation. In such cases, the intent element is proven by repeated explicit Internet communications evidencing both the defendant’s belief of age (the norm is for the “sting” to fabricate an age significantly under the statutory limit) and the defendant’s unambiguous intent to engage in sexual intercourse, oral sex, or other conduct squarely within the heartland of “illegal sexual activities”. Importantly, in these cases, the age of the victim is typically 14 or under. Further, the give and take of express communications in these cases (generally via e-mail, instant messenger, or postings in chatrooms) provide explicit proof of a knowing inducement, persuasion, enticement or more. These communications are replete with explicit sex talk, multiple explicit sexual propositions and specific sexual requests, making clear both the perpetrator’s intention to induce as well as the illicit sexual activity intended to be induced. Most other non-sting cases feature explicit inducements, often the sending or receiving of graphic photos from which age can be readily deduced, and unambiguous references to targeted illegal sexual objectives. None of the reported decisions rest alone on communications by a third party aimed at “scheduling” or at inquiring whether someone is available to work at a specific time or on responsive messages merely communicating availability to work—i.e. give a massage—all without an express and knowing inducement, express evidence of knowledge of age, or any agreed objective of an illegal sexual activity as it is defined by Florida statute.

The bottom line here is that there is no proof that any given call arranged for (or was intended to arrange for) sexual activity, and thus no proof that the phones were used to lure, induce, entice, persuade, or coerce someone to engage in such activity. Without a predictable pattern linking illegal sexual activity to each visit, there is no viable implication that any given communication was intended to yield sexual activity. And such an implication would in any event be contrary to fact, since all of the evidence in this case demonstrates that the decision to engage (or not engage) in sexual conduct was made on the spur-of-the-moment it was “solicited” during the face-to-face encounter rather than over the phone.

d. There Is No Vicarious Liability.

There is no evidentiary basis for initiating a prosecution based on calls made by Mr. Epstein’s assistant: She did not know the women’s ages, lacked knowledge that any criminal sexual activity was intended, and never used the phone to persuade or induce anyone to visit Mr. Epstein except for the purpose of providing a massage. Without these elements, Mr. Epstein’s assistant cannot be proven to be a co-conspirator or abettor, and without evidence that Mr. Epstein specifically directed his assistant to call a specific witness who Mr. Epstein then knew to be under 18 and with whom Mr. Epstein at that time specifically intended to engage in a criminal sexual activity, Mr. Epstein cannot be held criminally liable for the phone calls made by his assistant.

that the offense would be committed by a person other than one ready to commit it . . .” Nevertheless, “evidence of the government’s *mere suggestion* of a crime or *initiation of contact* is not enough . . . Instead, . . . inducement requires an element of persuasion or mild coercion. . . . [I]nducement consists of opportunity plus something like excessive pressure or manipulation” *United States v. Brown*, 43 F.3d 618, 625 (11th Cir.), *cert. denied*, 516 U.S.917 (1995). Likewise, a telephone call that merely initiates contact or sets up an opportunity for something inappropriate to occur, without pressure or manipulation, cannot amount to inducement. Nor can it amount to persuasion, enticement, or coercion, which are variations on the same theme.

The theme that money was the implied inducement or enticement would also fail to meet the communication as crime element. The variability of payments counter any sort of pattern. See Police Report at 78, Exhibit 17 (█████ received amount of \$100 per hour); █████ Tr. at 10, Exhibit 25 (received amounts of \$100 and \$200); Thomas Tr. at 10, Exhibit 26 (received \$200); Gonzalez Tr. at 26, Exhibit 10, (received amounts of \$300); █████ Tr. at 11, 20 (received amounts of \$300, \$400, \$500 and \$600). The fact that (i) the amounts given for massages were akin to set amounts for other persons (e.g., chiropractors and facialists who came to the house after receiving a similar call (“are you available”) and (ii) payments were often decoupled from even a massage, see Hall Tr. at 15, Exhibit 19, and certainly from illegal sexual conduct, negates any notion that an enticement to have illegal sexual activity could be implied from the mere fact that Mr. Epstein and the masseuse each would expect there to be payment for a massage. Any additional agreement would occur, if at all, randomly, and only in person i.e. would not be known at the time of the communication in question. The requirement of a “knowing” inducement or enticement requires more. Neither mere solicitation nor the creation of opportunities to commit an offense comprises inducement. Rather, inducement refers to government conduct that persuades a person to turn “from a righteous path to an iniquitous one.” *United States v. Gifford*, 17 F.3d 462, 468 (1st Cir. 1994) (citations omitted). Inducement entails some semblance of “arm-twisting,” pleading, or coercive tactics. See *id.* Florida law is similar. See *Marreel v. State*, 841 So.2d 600, 603 (Fla. App. 4th Dist. 2003) (“Inducement cannot be found by prompting or creating an opportunity: Neither mere solicitation nor the creation of opportunities to commit an offense comprises inducement.”)

In this case, there was no unwillingness at all. Young women who visited Mr. Epstein’s home more than once did so willingly and of their own volition. Whatever activity these women engaged in while there was also entirely uninduced by any antecedent phone call. A compilation of messages from message pads seized by the State during a search of Mr. Epstein’s Palm Beach property clearly reflects that if there was a regular pattern it was of women calling Mr. Epstein’s home or his assistants to determine whether they could be scheduled to come to his residence to give a massage rather than providing evidence that Epstein’s assistant would knowingly use the phone to induce or entice or persuade or coerce as required by § 2422(b). See Message Pad Entries, Exhibit 8.

Additionally, any reliance on implication or routine would require a theory of criminal liability that stands in stark contrast to the heartland of the reported precedents we have

persuade, or coerce underage women to visit Mr. Epstein's home with the purpose of engaging in unlawful sexual activity.

Instead, to the extent any unlawful sexual activity ever occurred—which we deny—it was solicited during a face-to-face encounter with Mr. Epstein at his house, *after* the massage had been scheduled. The masseuses' own testimony makes this clear. As many have stated: during the course of the massage Mr. Epstein would at times offer them additional money to engage in activity in which they had never previously engaged—some would accept and others would not, with Mr. Epstein invariably respecting the decisions made “on the scene” by the masseuse in question. But the prior telephone conversations simply involved determining when and if a masseuse was available to come to Mr. Epstein's residence—for a massage, and nothing else. In short, the testimony, evidence and facts do not make out the elements of a federal crime, i.e. the necessary showing that a scheduling call itself was specifically intended to produce sexual activity with a minor at the time of the call.⁹

Nor is it possible to prove that Mr. Epstein intended the scheduling calls to induce sexual activity based on the fact that sexual contact occurred during an earlier massage. The fact that a call may have preceded a visit by a young woman who had, on one or more previous occasions, engaged in activity of a sexual nature with Mr. Epstein is not sufficient to establish that the next call included a knowing attempt to “persuade[], induce[], entice[] or coerce[].” At most, such a call might be a link in a causal chain that may or may not end in proscribed sexual activity—but it cannot be characterized as an attempt to persuade, induce, entice or coerce. Those, after all, are verbs that suggest a level of unwillingness on the part of the person at the other end of the communication, and that certainly is not the case with respect to repeat visitors (many of whom contacted Mr. Epstein themselves about the possibility of a return visit).

In any event, courts have repeatedly held (in the context of entrapment) that neither mere solicitation nor the creation of opportunities to commit an offense comprises inducement, even if it creates a risk that an offense will occur. *See, e.g., United States v. Sanchez-Berrios*, 424 F.3d 65, 76-77 (1st Cir. 2005), *cert. denied*, 546 U.S. 1125 (2006). The Eleventh Circuit has stated in entrapment cases that government inducement may be shown by a defendant's producing any evidence sufficient to raise a jury issue “that the government's conduct created a substantial risk

⁹ Section 2422(b) also requires that the objective of the interstate communication be “to engage in prostitution or any [illegal] sexual activity”. The statute looks to State law for whether sexual activity is unlawful, which defines unlawful sexual activity as: “Oral, anal, or vaginal penetration by, or union with, the sexual organ of another; anal or vaginal penetration of another by any other object; or the handling or fondling of the sexual organ of another for the purpose of masturbation; however, the term does not include acts done for bona fide medical purposes.” FL. Stat. &796.07(1)(d). “Prostitution” as defined by Florida law requires “the giving or receiving of the body for sexual activity for hire”, FL. Stat. &796.07(1)(a). The prostitution offense is predicated on the definition of “sexual activity” cited above. It bears mentioning that masturbation, by itself, is not considered illegal sexual activity under Florida law.

was sporadic and consensual. Id. at 16 (“just random things, but not sex”); Id. at 17 (“he would never make me do anything”); Id. at 17.

██████████: Ms. ██████████ met Mr. Epstein through ██████████ See ██████████ Tr. at 6, Exhibit 4. She went to Mr. Epstein’s residence on one occasion, but had no communication of any sort with Mr. Epstein before going to his house, nor with any assistant or employee of Mr. Epstein. Id. at 5-7. She was never contacted by Mr. Epstein or anyone on his behalf after the massage. Id. at 15. She was told by ██████████, who drove her to Mr. Epstein’s, to lie about her age—and she did, telling Mr. Epstein she was 19. Id. at 16. There was no prior phone contact between Ms. ██████████ and anyone associated with Mr. Epstein.

ii. A Federal Case Cannot Proven With Circumstantial Evidence, Because Sexual Activity Did Not Invariably Follow The Scheduling Of A Massage Over The Phone.

There is overwhelming evidence that the phone was not used to induce women to engage in sexual activity. Mr. Epstein did not knowingly engage in a routine or habit of sexual activity with minors, and therefore did not understand that the use of the phones was intended knowingly to induce minors to engage in prohibited conduct. Taped interviews from the State investigation demonstrate conclusively that there was no governing pattern or practice with respect to Mr. Epstein’s massages. Sometimes the women were over 18, sometimes they were not; some visits resulted in massages, some did not; some massages were topless, some were not; sometimes Mr. Epstein masturbated during the massage, sometimes he did not; sometimes the massages would lead to other sexual activity, sometimes they did not.

There is no pattern or practice evident here. When scheduling calls were made (by people other than Mr. Epstein), there is no evidence that Mr. Epstein had any knowledge of which masseuse had been scheduled; whether she was a minor; whether any massage would be given; and whether any sexual activity would occur. What happened during any massage depended entirely on face-to-face interaction with Mr. Epstein *at the time*, not on any prior telephone call or Internet communication. Indeed, many females testified that they visited Mr. Epstein’s house and never even gave a massage; many times, they simply watched television or sat by the pool or ate food. See, e.g., ██████████ Tr. at 15, Exhibit 19 (“Sometimes...he would have to work and he’d be sitting at his desk or something and I’d just be naked there watching television or reading a book...sometimes he wanted to just watch TV or read...that’s it, not touch him or anything and I’d get paid three hundred dollars...sometimes he’d just invite me over for breakfast or dinner, or just to use the swimming pool, and I’d get paid for that too...I’d get paid just to hang out with him. That’s it.”).

Moreover, the evidence shows that Mr. Epstein’s assistants scheduled everything in his life, from doctor’s appointments and business meetings to haircuts, dinners, and massages. They knew no more about what would occur during a massage—or the real ages of the masseuses—than they did about a sensitive business meeting. They were simply “schedulers” or “appointment makers,” rather than knowing participants in a scheme to lure, induce, entice,

coerce a minor into sexual activity. Instead, the evidence in this case demonstrates that the use of the phone was entirely incidental to the conduct at issue in this case. Consider the following examples:

██████████: Ms. ██████████ testified during her recent sworn deposition that she *never* had any Internet or telephone conversation with Mr. Epstein or any of his employees, and that she was not persuaded, induced, coerced, or enticed to go to Mr. Epstein's home as a result of any telephonic or Internet communication. See ██████████ Tr. (deposition) at 24-25, Exhibit 3. Ms. ██████████ has been described by prosecutors as the lynchpin of their case, but, according to her own testimony, she was brought to Mr. Epstein's house by ██████████ and informed that the purpose of her visit was to give a massage; did not ever discuss any sexual activity with Mr. Epstein over the Internet or phone; and was never induced or persuaded to see Mr. Epstein over the phone or Internet. Id. at 24-25. In fact, Ms. ██████████ had no contact whatsoever with Mr. Epstein or any of his employees prior to arriving at Epstein's residence. Id. at 29-30 Mr. Epstein never had any kind of conversation or communication with Ms. ██████████ before her single visit to his home, nor had he ever e-mailed Ms. ██████████ or engaged in Internet communication of any kind with her. Id. at 29.

██████████: Ms. ██████████, like Ms. ██████████, was introduced to Mr. Epstein by a third person without any prior phone communications with Mr. Epstein or any of his employees preceding the first visit. See ██████████ Tr. at 8, Exhibit 2. Afterward, it was ██████████ who gave Mr. Epstein her number and said "any time you want me to give you a massage again, I'll be more than welcome to." Id. Mr. Epstein's assistant would thereafter call her regarding appointments. Id. at 14. Seized message pads further reflect *incoming* calls from ██████████ and others seeking to return to Mr. Epstein's residence. As to this group of women, not only did Mr. Epstein not know their age, and not only was sexual activity not the predictable or routine outcome of the massages, but the phone was used at most to schedule, and never to persuade or induce or entice or coerce. See e.g., ██████████ Tr. at 21, Exhibit 2 (she testifies that Mr. Epstein never pulled her close in a sexual way)

██████████: Ms. ██████████ was introduced to Mr. Epstein by her friend ██████████. Ms. ██████████ told Ms. ██████████ that Mr. Epstein would pay for a massage and "that he was a respectful guy." ██████████ Tr. at 5, Exhibit 5A. Ms. ██████████ extended this offer to Ms. ██████████ in person, not over the phone or Internet. Id. at 6-7. Neither Mr. Epstein nor anyone on his behalf communicated with Ms. ██████████ by email, or fax, or text message prior to her going to Mr. Epstein's residence. Id. at 10. Ms. ██████████ was 17 at the time, and Ms. ██████████ told Ms. ██████████ to lie about her age. Id. at 8 ("she told me to say that I was 18 if it was asked"). On one occasion, Ms. ██████████ was asked her age and she lied. Id. at 9. Ms. ██████████ was never forced or coerced to engage in sexual activity with Mr. Epstein. Id. at 11-12. Follow-up visits were scheduled by ██████████ who would call and "ask me if I would like to come over and give a massage, because he would be in town." Id. at 14. There was never a suggestion of any sexual objective during the call. Id. at 14-15. Ms. ██████████ never spoke to Mr. Epstein over the phone, only Ms. ██████████ or another assistant. Id. at 15. And she has testified that what occurred thereafter was not planned or discussed in advance, but

21. In other cases, the identity of a particular masseuse resulted from who had returned telephone calls and was available, or who was brought by a friend. Indeed, there were instances where neither Mr. Epstein nor his assistants knew the masseuse who was coming for a particular appointment other than by name (if even by name), let alone knew her age and the conduct in which they would engage. *See generally*, Gonzalez Tr. at 3, 19, Exhibit 10; ██████ Tr. at 19-20, 23-23-24, Exhibit 2. The key point here, however, is that the haphazard nature of the scheduling calls—and readily apparent randomness of the masseuses on any given day—prove that Mr. Epstein and his assistants did not deliberately target minors.⁸

c. Mr. Epstein Did Not Use An Interstate Instrumentality To Induce Proscribed Sexual Activity.

§ 2422(b) also requires that the interstate communication be used to “persuade[], induce[], entice[], or coerce[]” minors “to engage in prostitution or any [illegal] sexual activity.” The evidence in this case demonstrates that Mr. Epstein did not use the interstate instrumentalities to induce illegal sexual activity because (i) many of the masseuses were not contacted over the phone at all and/or have testified that they were not induced to engage in sexual contact over the phone, and (ii) Mr. Epstein did not in any event consistently engage in sexual activity with them, making it virtually impossible to prove even circumstantially that the phone was used to induce the women to engage in illicit sexual conduct.

i. The Evidence Shows That Mr. Epstein Did Not Use The Phone To Induce His Masseuses To Engage In Illicit Sexual Activity.

The facts and evidence do not show that Mr. Epstein (or his assistants) used an instrumentality of interstate commerce to induce sexual activity, because many of the masseuses were never contacted over the phone at all or have testified that they were not induced to engage in sexual activity over the phone. There was no Internet communication with anyone under 18, and there were no phone calls where anyone said anything that went beyond simply scheduling a massage. There are no emails—or tapes of phone conversations—which could directly or even circumstantially show that the content of any communication was to induce, persuade, entice, or

⁸ Even if there are claims that (a) Mr. Epstein knew a given masseuse was a minor, (b) and that Mr. Epstein had someone contact her to schedule a massage after a prior incident of sexual activity, those allegations would not make out a claim under § 2242(b) because Congress clearly required the “knowing” inducement to be communicated during the use of the interstate facility, and again, without proof that sexual activity routinely resulted from the massages, it is well-nigh impossible to prove that the calls included such an inducement. The transcript of Ms. ██████ interview, for instance, claims only that there were occasional, random acts of sex, and that in some cases, she did not even provide Mr. Epstein with a massage, let alone engage in sexual activity. *See Hall Tr.* at 15, Exhibit 19. On other occasions, communications with Ms. ██████ resulted only in her introducing someone new to Mr. Epstein—an event that again fails to reflect that Mr. Epstein had the requisite knowledge of the prospective masseuse’s age, much less that sexual activity was likely (or, indeed, inevitable).

A: Correct.

Gonzalez Tr. (deposition) at 36, Exhibit 3.

In fact, Ms. ██████ told Mr. Epstein that she was 18 years old, and confirmed this fact with Palm Beach Police. *Id.* at 35. Ms. ██████ age was also unknown to Mr. Epstein when she went to his home. ██████, who was introduced to Mr. Epstein by Ms. ██████, testified in her federal sworn interview that Ms. ██████ told her to lie to Epstein. *See* ██████ Tr. at 8, Exhibit 2 (“*she just said make sure you’re 18 because Jeffrey doesn’t want any underage girls*”) (emphasis added). Ms. ██████ testimony strongly suggests that Ms. ██████ lied to Mr. Epstein about her own age as well. Moreover, in addition to having a substantial financial interest in the outcome of any federal prosecution, Ms. ██████ is not a credible witness. She has a documented history of addiction and criminal conduct that included being involuntarily committed by her mother for “prostituting herself for crack.” Palm Beach County Probate Court Case #05MH1667. She also self represented that she worked at a local erotic massage parlor that presumably required a minimum age.

In addition to Mr. Epstein’s lack of knowledge that certain women were under the age of 18, there is certainly no evidence that Mr. Epstein exhibited a habit or pattern of targeting underage girls. The ██████ toll records and seized message pads—two documentary sources examined during the State investigation (and presumably the successive federal investigation)—underscore the critical fact that there was no routine and pattern of targeting underage girls. To the contrary, Mr. Epstein’s assistants called an array of potential masseuses—many of whom were over the age of 18, and some whom were not. On April 27, for instance, calls were made at 9:02 AM to ██████ and at 9:03 AM to ██████. Ms. Brabon was over 18 at the time. On May 6, there were calls made one minute apart to ██████ and then ██████. On the afternoon of July 2, calls were made to Ms. ██████, ██████ and ██████ as well as others. Finally, on September 18, 5 calls were made to 5 females within 6 minutes including Sjoberg and Brabon (each over 18). *See* ██████ Toll Records, Exhibit 9.

These records reflect that no one associated with Mr. Epstein deliberately targeted known minors, and further reflect the improbability that either the caller or Mr. Epstein even knew who would answer the phone, who would schedule a visit, what their age was at the time of the assistant’s call, and what intention Mr. Epstein might have—other than to have his assistant try to schedule a massage for a given time on a given day. A sampling of the message pads reflects an identically haphazard course of communication that hardly suggests a targeted attempt to knowingly communicate an inducement to a known minor to engage in sexual activities with Mr. Epstein. *See* Message Book Entries, Exhibit 8.

Indeed, in many cases, the identity of a particular masseuse on a particular day was simply the result of which masseuse had left a message for Mr. Epstein—without any prompting by Mr. Epstein or his assistants. *See e.g.*, ██████ Tr. at 3, 4-5, Exhibit 25; ██████ Tr. at 6, Exhibit

target minors (much less that he did so at the time of any telephone communication between Mr. Epstein's assistants and the young women).

Mr. Epstein also took several steps to ensure that no minors entered his home—most notably, by affirmatively asking the women whether they were actually 18. *See e.g.*, [REDACTED] Tr. at 38-39, Exhibit 10. That fact—which many of the potential witnesses have confirmed in sworn interviews—strongly indicates that Mr. Epstein specifically intended *to preclude* anyone [REDACTED] from giving him a massage. That fact is confirmed by, among other things, Ms. [REDACTED] testified that “he likes the girls that are between the ages of like 18 and 20 . . .” [REDACTED] Tr. at 12, Exhibit 12.

Many of the young women who were aged 16 and 17 visited Mr. Epstein's residence only once or twice, and the evidence strongly shows that they lied to Mr. Epstein about their age. And while a few of those aged 16 and 17 visited Mr. Epstein's residence more frequently, and the government claims that Mr. Epstein either knew or should have known their true age, there is not a shred of evidence that Mr. Epstein (or anyone associated with Mr. Epstein) ever attempted to persuade, induce, entice, or coerce them over the telephone (or over the Internet). *See infra* part II.A.

Two girls, [REDACTED] Gonzalez and [REDACTED], were 14 or 15 at the time they met Mr. Epstein. Given that each has brought a civil lawsuit against Mr. Epstein, with Ms. [REDACTED] and her family seeking \$50 million from Mr. Epstein, their testimony against Mr. Epstein is per se suspect. The lawyer representing the “victims” made a public statement conceding that they had lied about their ages and then dismissed this critical fact. *See* Herman Public Statement, Exhibit 16. A copy of each lawsuit is appended as Exhibits 6 and 7. But, despite their obvious incentive to harm Mr. Epstein, their testimony actually confirms his innocence. Ms. [REDACTED] for instance, has testified that Ms. [REDACTED]—who introduced her to Mr. Epstein—expressly told her to lie to Mr. Epstein about her age:

Q: And Hayley told you that if you weren't 18 Epstein wouldn't let you into his house, right?

A: That's - - yes, yes.

[REDACTED] Tr. (deposition) at 32, Exhibit 3.

* * * * *

Q: You didn't want Mr. Epstein to know that you were lying about your age, right?

A: Correct.

Q: You didn't want Mr. Epstein to know that you were not 18 yet, right?

Moreover, it is black-letter law that the *mens rea* must exist when the *actus reus* is committed; the two must coincide in time. *Actus non facit reum, nisi mens sit rea*: the act alone does not amount to guilt; it must be accompanied by a guilty mind. In short, the Government must prove that Mr. Epstein had the specific intent to target a known minor *at the time of the call*. See Offense Instructions 80, *Eleventh Circuit Pattern Jury Instructions-Criminal*, (2003), see *supra* part II.A.1. (“The Defendant can be found guilty of that offense only if . . . the Defendant believed that such individual was less than eighteen (18) years of age . . .”)

Based on all of the evidence collected during a 15-month State investigation and a successive 15-month federal investigation, it is clear that the conduct in this case is exclusively a matter for State prosecution.⁷ That evidence conclusively demonstrates that the majority of the masseuses—such as [REDACTED], [REDACTED], and [REDACTED], Sioberg, [REDACTED], Cheri Crene, [REDACTED]—were 18 or older. Ms. [REDACTED], Ms. [REDACTED], Ms. Brabon, and Ms. [REDACTED] each gave recorded interviews to the State in which each attested that they were over 18 on every occasion they went to Mr. Epstein’s residence. The dates reflected in the message pads of incoming calls to Mr. Epstein’s home as well as cellular toll records of [REDACTED] phone confirm this fact.

Other masseuses, who were actually 16 or 17 years old, have in sworn, taped interviews with both federal and State authorities admitted that they represented themselves to Mr. Epstein as 18 or older. Indeed, many of the interviewed masseuses—including Jennifer [REDACTED], [REDACTED], [REDACTED], and [REDACTED]—explicitly confirmed that these women either told Mr. Epstein that they were 18 or told others who they were introducing to Mr. Epstein to tell him that they were 18.

For instance, Ms. [REDACTED] introduced several 16 or 17 year-old women to Mr. Epstein, and, as confirmed in their sworn testimony and Ms. [REDACTED] own, she routinely advised each to tell Mr. Epstein that they were 18. See Robson Tr. 2 at 6, 8, 12, 22, 45, Exhibit 12 (“most of the girls lied when they go in there . . .”). Ms. [REDACTED] introduced others, many over 18, some under 18, to Mr. Epstein. She testified in a sworn interview conducted by the United States Attorney’s Office and FBI that: “these girls that I brought, I know that they were 18 or 19 or 20. And the girls that I didn’t know and I don’t know if they were lying or not, I would say make sure that you tell him you’re 18.” [REDACTED] Tr. at 22, Exhibit 2. These witnesses’ testimony that they commonly instructed their friends to deceive Mr. Epstein about their age in order to gain admittance to his house will make it exceptionally difficult to prove that Mr. Epstein intended to

⁷ The defense is in possession of both police reports and transcripts of taped interviews conducted largely by Detective Recarey of the Palm Beach police. These transcripts were not intended to generate exculpatory testimony; instead they are replete with leading and suggestive questioning designed to elicit accusations inculpatory to Epstein. Nonetheless, when examined in the light of the requisites of federal law, they are filled with facts that help demonstrate that a federal prosecution is unwarranted.

Internet chatroom or email. Congress's target was online predators who lure unsuspecting minors into dangerous and unlawful sexual activity—a crime that is difficult to monitor or regulate. Subjecting Mr. Epstein's conduct (and apparent lack of use of the Internet, email, or phone) to § 2422(b)'s harsh mandatory minimum sentence is a far cry from what Congress intended.

3. Inability To Satisfy Elements

As discussed above, § 2422(b) makes it a crime for a defendant (1) to use an instrumentality of interstate commerce (2) to knowingly (3) induce or entice, or attempt to induce or entice (4) a minor (5) to engage in unlawful sexual activity. The Government will have great difficulty establishing that any of these elements is satisfied in this case, let alone all of them.

a. Mr. Epstein Did Not Use An Interstate Instrumentality.

As set forth above, the *actus reus* of § 2422(b) is the use of an interstate facility in order to persuade, induce, entice, or coerce a minor to engage in a proscribed sexual act—rather than the sexual act itself. See *United States v. Murrell*, 368 F.3d 1283, 1285 (11th Cir. 2004) (“The underlying criminal conduct Congress expressly proscribed in passing § 2422(b) is the persuasion, inducement, enticement, or coercion of the minor rather than the sex act itself.”). But that element plainly is not satisfied here, because Mr. Epstein did not himself use an interstate facility to contact any of the women—let alone use an interstate facility to persuade or induce a minor to engage in unlawful sexual activity. That fact alone takes this case well outside the heartland of a § 2422(b) offense.⁶ See generally, Table of § 2422 Cases, Exhibit 28.

b. Mr. Epstein Did Not Target Minors.

§ 2422(b) further requires that the defendant specifically intended to target a minor. See, e.g., *United States v. Murrell*, 368 F.3d 1283, 1286 (11th Cir. 2004) (“[T]o prove an attempt the government must first prove that [defendant], using the internet, acted with a *specific intent to persuade, induce, entice, or coerce a minor to engage in unlawful sex.*”) (emphasis added). After all, § 2422(b) expressly requires that the crime be committed “knowingly,” and that requisite mental element for each element of the crime. *United States v. X-Citement Video, Inc.*, 513 U.S. 64, 68-69 (1994); *United States v. Meek*, 366 F.3d 705, 718 (9th Cir. 2004); *United States v. Root*, 296 F.3d 1222, 1227 (11th Cir. 2002); *United States v. [REDACTED]*, 228 F.3d 637, 638-639 (6th Cir. 2000).

⁶ Mr. Epstein's assistants maintain his schedule, and he often is not involved at all. See *infra* part II.A.3.d.

already in place or even merely intended; the only requirement is that a phone call be made at any point “for the purposes of executing” the fraud. It does not matter whether the phone call is made before, during, or after the fraud itself. The use of the telephone serves only to bring the fraud—the primary criminal act—within the purview of federal law. Without the phone call that uses the interstate wires, the fraud might well be merely a State crime. That is clearly not the case under § 2422.

2. Legislative History

The legislative history of § 2422(b) confirms that it was not intended to apply to cases like this one. Congress enacted § 2422(b) as part of the Telecommunications Act of 1996 to combat sexual predators who solicit minors over the Internet. See H.R. Conf. Rep. No. 104-458, at 193 (1996) (expressing “the need for Congress to take effective action to protect children and families from online harm”); see also *United States v. Searcy*, 418 F.3d 1193, 1197 (11th Cir. 2005). Congress at that time recognized that the Internet allows anonymous predators to target children anywhere in the world, presenting unique jurisdictional problems that local law enforcement—and the existing federal statute—was ill-equipped to address.

To that end, Congress purposefully targeted *the use of interstate instrumentalities* for the first time. Indeed, prior to 1996, § 2422 made no such provision. It simply provided that:

Whoever knowingly persuades, induces, entices or coerces any individual to travel in interstate or foreign commerce . . . to engage in prostitution or any [criminal] sexual activity . . . shall be fined under this title or imprisoned not more than five years, or both.

As a result, § 2422 at that time criminalized only knowing inducement to travel across interstate or international borders—which obviously did nothing to address the problem of Internet predators, whose persuasion or inducement might have nothing to do with persuading a prospective victim to engage in interstate or foreign travel, but which unquestionably corrupts an interstate instrumentality—the wires. Accordingly, when Congress added § 2422(b), it borrowed the language about knowing persuasion from the prior statute, and—given the growth of the Internet—then criminalized *the use of an interstate facility* to knowingly persuade a minor to engage in otherwise unlawful conduct, whether or not the minor crosses State lines. Congress, in short, was aiming at the *use of interstate facilities* (like the Internet) to recruit minors into unlawful sexual activity. In contrast to the mail and wire elements of the mail and wire fraud statutes, that element is central, not tangential, to Congress’s clear intent in enacting § 2422(b).

Finally, it is important to remember that § 2422(b) now carries a 10-year mandatory minimum sentence. Congress was addressing very serious crimes of substantial federal interest; it was not federalizing a broad swath of essentially local sexual misconduct whenever a minor was involved and there was some tangential use of an interstate facility. That is why § 2422(b) must be limited to situations where a person purposefully and knowingly communicates with a minor by means of an instrumentality of interstate commerce, generally beginning with an

one believed to be a minor if the charge is attempt) to engage in illegal sexual activities at the time of the use of the interstate facility—and the inducement must in fact occur during the use itself. If the defendant forms the intent to induce criminal sexual activity at some point *after* such use, or if the defendant does not actually induce during the use, § 2422(b) does not apply.

The Eleventh Circuit's Pattern Jury Instructions recognize as much. According to those Instructions, the Government must prove beyond a reasonable doubt:

First: That the Defendant knowingly used [the mail][a computer][describe other interstate facility as alleged in indictment] to attempt to persuade, induce, entice [or coerce] an individual under the age of eighteen (18) to engage in sexual activity, as charged;

Second: That the Defendant believed that such individual was less than eighteen (18) years of age;

Third: That if the sexual activity had occurred, the Defendant could have been charged with a criminal offense under the law of [identify the state]; and

Fourth: That the Defendant acted knowingly and willfully.

Offense Instructions 80, *Eleventh Circuit Pattern Jury Instructions-Criminal* (2003). These instructions thus make clear that the Government must prove that the defendant used the interstate facility to knowingly persuade or induce or entice or coerce a known minor to engage in illegal sexual activity; if the persuasion or inducement is not made over the phone or via Internet, the defendant cannot be convicted under § 2422(b).

In this case, phone calls allegedly made to schedule a massage for Mr. Epstein did not violate § 2422(b). While Mr. Epstein *later* may have persuaded a minor to engage in unlawful activity *during the massage*, that does not work retroactively to render the earlier phone call an offense under § 2422(b).

In that respect, § 2422(b) is distinguishable from the mail and wire fraud statutes, 18 U.S.C. §§ 1341 and 1343, where there is no temporal link between the use of the mail or wires and the scheme to defraud. With wire fraud, for instance, the essence of the crime is the underlying fraud itself: activity that constitutes fraud under State law becomes a federal crime when the defendant takes the additional step of using the wires at any point in the course of the underlying fraud, or even after the principal fraudulent conduct has been completed. But the fraud itself need not be undertaken or executed over the phone or wires; those transmissions are incidental.

Moreover, the wire fraud statute does not tie the wire communication (i.e., the phone call) in any *temporal* way to the scheme to defraud. To the contrary, that relationship is deliberately loose in order to encompass the broader fraudulent activity. The fraud scheme can be either

facts would be entirely unprecedented. There is simply no reason for the Department to strain these statutes to achieve that result. This is a State and local matter, and State authorities have actively, competently, and thoroughly addressed it.

A. 18 U.S.C. § 2422(b)

Section 2422(b) reads as follows:

Whoever, *using the mail or any facility or means of interstate or foreign commerce ... knowingly persuades, induces, entices, or coerces any individual who has not attained the age of 18* years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title and imprisoned not less than [5] years or for life.

(Emphasis added.)⁵

By its plain text, the statute thus applies only to those who “use” the “means of interstate ... commerce” to “knowingly” convince a minor to engage in prohibited sexual conduct. That is not what happened here.

1. Plain Language

§ 2422(b) criminalizes the “us[e]” of a facility or means of interstate commerce in order to induce otherwise prohibited sexual conduct, but not the sexual conduct itself. In other words, the statute criminalizes communication over the phone or Internet—not sexual contact—by unambiguously requiring that the facility or means of interstate commerce be *used to induce* sexual activity that is independently unlawful. See *United States v. Murrell*, 368 F.3d 1283, 1286 (11th Cir. 2004); *United States v. [REDACTED]*, 165 Fed. Appx. 586, 588 (10th Cir. 2006). That requirement is not merely a jurisdictional hook to federalize State crimes. Rather, *using the means of interstate commerce to induce (or attempt to induce) a minor to engage in otherwise prohibited sexual conduct is itself the crime.*

By its plain text, then, § 2422(b) requires the government to prove beyond a reasonable doubt that the defendant engaged in communication over an interstate facility (*e.g.*, the Internet or phone) with four concurrent intentions: (1) to knowingly (2) persuade, induce, entice or coerce, or attempt to persuade, induce, entice, or coerce (3) a minor (4) to engage in prostitution or criminal sexual activity. Put differently, the caller must use the phone to induce a minor (or

⁵ During the events at issue, § 2422(b) carried a mandatory five-year period of incarceration. Congress raised the mandatory minimum to ten years in the Adam Walsh Child Protection and Safety Act of 2006.

Finally, as will be explained, this case does not involve the quintessential conduct present in prosecutions under the commercial sexual enterprise statute: there is no trafficking; no “force, fraud or coercion”; no threats; no sexual servitude; no financial venture; no profit from a financial venture; no forced work in the commercial sex industry; and no transporting of children from underdeveloped countries to the United States or even within the United States across state lines. Nor was there any conduct, whatsoever, which could be considered so extremely abusive or violent, that an expansion of the statutes beyond their intended purpose would be warranted.

In short, the facts of this case fail to support a charge under any of the statutes identified. At its worst, the conduct violates Florida State law and should be prosecuted as such—which it has been, by the State authorities.

II. STATUTORY ANALYSIS

Federal prosecutors have identified three statutes under which Mr. Epstein might be charged: 18 U.S.C. §§ 1591, 2422, and 2423. None of these statutes applies to this matter. Instead, as their plain text and history indicate, these statutes were designed to address problems that are truly national and international in scope: human trafficking in § 1591; telephone or Internet sexual predation in § 2422; and sex tourism in § 2423. Unlike the alleged conduct at issue here, those problems unquestionably present multi-jurisdictional problems that States and localities cannot confront effectively on their own. But Mr. Epstein’s conduct was purely local in nature, and the State of Florida and Palm Beach County are effectively prosecuting and punishing that conduct.

Any attempt to federalize Mr. Epstein’s case would require prosecutors to stretch these statutes far beyond prior precedent—and well beyond their text and purposes. Indeed, Mr. Epstein’s alleged conduct involves quintessentially State and local offenses that never before have been thought to fall within the purview of federal law. Mr. Epstein’s alleged conduct was non-violent—there was absolutely no force, coercion or fraud. Mr. Epstein’s alleged conduct occurred at his home—he did not travel to other locations (much less cross State lines) for surreptitious meetings with known minors. Mr. Epstein’s alleged conduct did not involve the use or reliance on the Internet, email, or on faceless chat room meetings. No drugs were involved. Mr. Epstein did not profit from any underage sex. And the young women’s own testimony confirms that their alleged meetings with Mr. Epstein lacked any semblance of violence or predation. Most of the women were 18 or over, and those minors who have testified acknowledge that they falsely represented themselves to be at least 18. Many of the young women telephoned Mr. Epstein’s residence and left messages on seized documents seeking to give massages; some even came to Mr. Epstein’s residence bringing friends or their boyfriends. None was explicitly induced or persuaded to have illegal sex during phone conversations, as federal law would require in order to convert this State-law solicitation case into a federal matter.

Finally, we have examined the hundreds of federal prosecutions under §§ 2422, 1591 and 2423. See Table of § 2422 Cases, Exhibit 28; Table of § 1591 Cases, Exhibit 29; Table of § 2423 Cases, Exhibit 30. Not one resembles this case; a federal prosecution on these alleged

Exhibit 8 (the following entries are also included: “was wondering if she can work. . .” and “I’d like to work for him today”). Again, these facts do not support a federal case.

The conduct of ██████████ is likewise illustrative of why this is not a federal case. In the same way Ms. ██████████ was referred to Mr. Epstein and brought to his home without having been introduced or acquainted with Mr. Epstein or his assistants in any manner, Ms. ██████████, too, was referred by someone else—██████████, who told her to lie to Mr. Epstein about her age, which she did. ██████████ Tr. at 8-9, Exhibit 5A. Ms. ██████████, too, admits that she lied to Mr. Epstein about her age. And, Ms. ██████████, like so many others, called Mr. Epstein’s residence seeking the opportunity to provide Mr. Epstein a massage and leaving messages such as: “Please call her.” See Message Book Entries, Exhibit 8. Finally, Ms. ██████████ confirmed that there was absolutely no element of coercion or force involved. ██████████ Tr. at 9-10, 13, Exhibit 5A (“And like I said, he also, you know, reassured if I wasn’t comfortable with anything, then just tell him . . .”).

And, there are other young women who left similar messages (see Message Book Entries, Exhibit 8); who were introduced to Mr. Epstein in a similar fashion (see Figueroa Tr. at 2-3, Exhibit 23; ██████████ Tr. at 3, Exhibit 19; ██████████ Tr. at 4, 6, Exhibit 20; ██████████ Tr. at 2, Exhibit 22; Licata Tr. 3, Exhibit 11; ██████████ Tr. at 2-3, Exhibit 24; ██████████ Tr. at 3, Exhibit 25; ██████████ Tr. at 3, Exhibit 13; Thomas Tr. at 3, Exhibit 26); who visited the residence only once and prior to that were unknown to Mr. Epstein and his staff (see Thomas Tr. at 10, Exhibit 26; ██████████ Tr. at 11, Exhibit 11; ██████████ Tr. at 5-6, Exhibit 4; ██████████ Tr. at 7-8, Exhibit 27); who only performed massages (see ██████████ Tr. at 4, 5, 6-7, 9, 11, Exhibit 13; ██████████ Tr. at 4, 5, 6, 10, Exhibit 24; ██████████ Tr. at 7, Exhibit 25); who never engaged in unlawful sexual activity or any sexual activity for that matter (*id.*; see generally, ██████████ Tr., Exhibit 20; ██████████ Tr., Exhibit 27; Police Report at 78, Exhibit 17; ██████████ Tr., Exhibit 24, Thomas Tr., Exhibit 26; and ██████████ Tr., Exhibit 2); or, who lied and counseled others to lie about their ages (see ██████████ Tr. at 38-39, Exhibit 10; ██████████ Tr. at 16, Exhibit 4; ██████████ Tr. at 6, 8, 22, 45, Exhibit 2, ██████████ Tr. 13, Exhibit 11; ██████████ Tr. at 12, Exhibit 12; ██████████ Tr. at 14-15, Exhibit 14).

These facts do not support a federal conviction. There was no use of the phones to lure, induce, entice, persuade or coerce another to engage in unlawful sexual activity. There was no travel for the purpose of engaging in such activity. And, no commercial enterprise from which Mr. Epstein derived a financial benefit. To conclude that merely scheduling a massage under these circumstances, or returning an uninitiated call would support a federal prosecution under § 2242 stands in stark contrast to that which would support a conviction under the statute.

Nor do the facts of this case meet the requirements for a conviction under 18 U.S.C. § 2423(b). As discussed in greater detail below, the amount of time Mr. Epstein spent at his home in Florida, and the extensive list of his Florida-based activities clearly undermines the contention that he was a New York resident, government filing also corroborate this fact, and defeats the notion that his purpose in traveling to Florida was to engage in illicit sexual conduct. On the contrary, Mr. Epstein returned to Florida to engage in the routine activities of daily living.

In many cases, the young women themselves, without any prompting by Mr. Epstein or his assistants, would leave a message seeking to visit Mr. Epstein at his home. *See, e.g.*, [REDACTED] Tr. at 6, Exhibit 21; *see also* Message Book Entries, Exhibit 8. The proactive step of calling to request to provide a massage is the antithesis of having been lured, induced, enticed, persuaded or coerced. It demonstrates that these women sought to engage in the conduct alleged, even assuming these women had been to the house before and engaged in such activities. Indeed, as word of the opportunity spread amongst groups of friends, others sought out the opportunity through friends. *See* [REDACTED] Tr. at 15, Exhibit 14; [REDACTED] Tr. at 45, 57, Exhibit 2; Hall Tr. at 22, Exhibit 19; [REDACTED] Tr. at 13, Exhibit 22; Police Report at 24, Exhibit 17.

Finally, many massages involved conduct which even if engaged in with an underage masseuse is not proscribed by federal law, either because the masseuses were of age and the calls thus resulted in conduct between two consenting adults; or because conduct with underage masseuses only involved topless massages, massages in undergarments, or naked massages.

These points are made over and over in the record before you, as the following sampling illustrates:

[REDACTED], the youngest woman involved in this case, and the catalyst for and subject of the State prosecution, came to Mr. Epstein's house by way of [REDACTED] who swore under oath that Mr. Epstein wanted women between the ages of 18 and 20 to perform massages. It was [REDACTED] who approached [REDACTED] (in person), not Mr. Epstein and not one of Mr. Epstein's assistants. And, it was [REDACTED] who spoke to Mr. Epstein's assistant to arrange an appointment for Ms. [REDACTED] to perform a massage. Neither Mr. Epstein nor his assistants were given information about [REDACTED] Gonzalez. Nor were details of the massage discussed over the phone. The appointment was simply scheduled for a "friend" of [REDACTED], presumably one who met the directive of being between 18 and 20 years of age, to provide Mr. Epstein with a massage. The only fact about Ms. [REDACTED] that Mr. Epstein or any assistant knew was her name (but not age), and they learned of her name only after she first visited Mr. Epstein's home. Indeed, it was not until the State investigation that it became known to Mr. Epstein that Ms. [REDACTED] was underage. Ms. [REDACTED] constructed an elaborate back story to make her claim of being 18 credible and stuck to the story. Ms. [REDACTED] provided one massage and never returned to Mr. Epstein's residence. Thus, there is no factual basis from which to claim that any federal law was broken here.

The relevant circumstances of [REDACTED] Andriano's encounters with Mr. Epstein are different, but they lead to the same conclusion. A review of the phone Message Book Entries obtained from Mr. Epstein's residence, as a result of a questionable seizure during the execution of a questionable search warrant, is telling. Ms. [REDACTED], like many of the other young women involved in this case, actively sought to participate in the activities in which she engaged with Mr. Epstein. She, like many others, did so by making unsolicited telephone calls to Mr. Epstein's assistants looking for a chance to provide Mr. Epstein with a massage. Ms. [REDACTED], like others, left messages to the effect: "do you have work for me." Message Book Entries,

Under such circumstances, it cannot be reasonably said that when Mr. Epstein purportedly caused his assistants to arrange the massage appointments (directly or indirectly), he did so with the intent to lure, induce, entice, persuade, or coerce unlawful sexual activity with minors.

Nor can it be said that the scheduling calls to "repeat" masseuses can be considered an inducement based on claims that many of the young women previously engaged in unlawful sexual activity with Mr. Epstein. Not every call, even to "repeat" masseuses, resulted in unlawful sexual activity. And as such, calling to schedule an appointment, without more, is not tantamount to luring, inducing, enticing, persuading, or coercing someone to engage in such activity. In this regard, to the extent a masseuse visited Mr. Epstein's home on more than one occasion, there is no evidence that Mr. Epstein or the masseuse knew what would occur during the next massage, let alone that they would engage in unlawful sexual activity. As many stated in sworn statements: during the course of a massage Mr. Epstein would at times request and/or offer them additional money to engage in activities in which they had never previously engaged, and some of them on some occasions would accept while others would not. *See, e.g.*, [REDACTED] Tr. at 7, Exhibit 18; [REDACTED] Tr. 1 at 6, 7, 20, 21, 24-25, Exhibit 19; [REDACTED] Tr. at 9, 18, Exhibit 20; [REDACTED] Tr. at 4, Exhibit 13. Further, no two massages with the same woman could be predicted to be the same. Thus, a call arranging a second or third visit from the same woman did not ever mean, implicitly or explicitly, "more of the same".

Further, Mr. Epstein would not ask his assistants to schedule a particular masseuse for a particular visit, let alone an underage masseuse; rather, he either asked his assistants to schedule massages while he was in Palm Beach or, more regularly, the assistants took it upon themselves to schedule the appointments. As a result, Mr. Epstein never knew who the individual would be until after the massages were scheduled. He requested that the masseuses be at least 18 years of age, and expected them to be so (and in fact most were). *See* [REDACTED] Tr. at 12, Exhibit 12; Licata Tr. at 13, Exhibit 11; Gonzalez Tr. at 38-39, Exhibit 10; [REDACTED] Tr. at 13, 22, Exhibit 2; [REDACTED] Tr. at 9, 22, 23, Exhibit 5A; and [REDACTED] Tr. at 16-17, 18, Exhibit 4.

Specifically, there is no evidence that Mr. Epstein targeted minors as his assistants called various masseuses, *many of whom were clearly of age* (e.g., Tory [REDACTED], [REDACTED], Joanna Sjoberg, and [REDACTED]), to determine who was available and wished to come to Mr. Epstein's residence and provide a massage. This fact is readily confirmed by the assistant's toll records. Mr. Epstein's assistant. The decision of whom to call was not guided by instructions from Mr. Epstein, had nothing to do with the age of the masseuse, nothing to do with the identity of the masseuse, and most particularly, nothing to do with the conduct that would occur (except, of course, a massage). *See, e.g.*, [REDACTED] Tr. at 14-16, Exhibit 5A. The identity of the individual who ultimately provided a massage was simply a matter of who expressed an interest, or was brought by a friend. In the latter circumstance, neither Mr. Epstein nor his assistants knew who the masseuse would be, other than by name (if even by name), let alone knew her age or the conduct in which she and Mr. Epstein would ultimately engage on any particular occasion. *See, e.g.*, [REDACTED] Tr. at 3, 19, Exhibit 10; [REDACTED] Tr. at 19-20, 23-24, Exhibit 2; *see also* Message Book Entries, Exhibit 8.

I. BACKGROUND

This case involves conduct that, although prosecutable under *State* law (and indeed is being prosecuted under State law), will not support a federal conviction. *The facts simply do not meet the elements of any federal offense, and in particular not those required for a prosecution under 18 U.S.C. § 2422(b).* This case is not about using the telephone, the Internet, or any other facility of interstate commerce to lure, induce, entice, persuade or coerce unsuspecting women to Mr. Epstein's residence to engage in unlawful sexual activity. It is not about traveling in interstate commerce to engage in unlawful sexual activity. Nor does it involve a commercial sex enterprise. It is certainly not the quintessential sting case involving children.

Instead, this case is about friends who spoke to friends (in person) and brought them to Mr. Epstein's residence to perform massages on Mr. Epstein. To the extent sexual activity prohibited by State law occurred (which we deny), any inducement, enticement, and/or persuasion necessary to make out a violation of federal law took place during a face-to-face encounter and involved spur-of-the-moment decisions. It is, furthermore, a case about young women who sought to provide Mr. Epstein massages either by calling his assistants or through friends who they knew could introduce them to Mr. Epstein. It is a case where, in instance after instance, these young women have testified that they lied or otherwise concealed their ages and counseled others to do the same. It is a case in which Mr. Epstein and his assistants routinely were unaware of the identities of many of these young women before they arrived and, in fact, some visited Mr. Epstein's home only once. Finally, it is a case about purely local activity, involving local actors, and affecting local interests and thus, should be handled by local authorities.

The suggestion that calling to schedule massage appointments satisfies the elements of an offense under 18 U.S.C. § 2242 is belied by the evidence in this case, which establishes (i) that most of the masseuses were over 18, and that they were scheduled depending on their availability, and not on any instructions from Mr. Epstein either as to a particular young woman or a particular set of qualifications (e.g., underage); (ii) Mr. Epstein would not have known at the time the phone call was made that any particular masseuse was being scheduled and therefore that any underage masseuse was being scheduled; (iii) Mr. Epstein's "directive" to all the women was to refer only other young women who were at least 18 years of age; (iv) Mr. Epstein would not know the identities of the masseuses until after they were scheduled and in many instances until they arrived, and, therefore, under no circumstances would he have known their ages; (v) there were many occasions where the masseuse who was called and agreed to visit (or herself called and asked to visit) was not the young woman who actually provided the massage, but rather, a friend; (vi) decisions as to the type of conduct Mr. Epstein would request that the young women engage in during any particular massage were made in the massage room, while the massage was being conducted, in a face-to-face encounter—never in advance and never over the phone; and (vii) many appointments resulted in massages that did not involve unlawful sexual activity, where the masseuses were of age or no sexual activity was engaged in at all, or even no massages were performed. These facts are repeatedly corroborated by the actual transcripts.

themselves) negates the predicates for a federal prosecution.⁴ The consistent representations of witnesses such as Tatum [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED], and the civil complainants and their attorneys, confirm the following key points: first, there was no telephonic communication that met the requirements of § 2422(b); second, the underage women who visited Mr. Epstein lied about their age in order to gain admittance into his home; third, any women who brought their underage friends to Mr. Epstein counseled them to lie about their ages in order to gain admittance into his home; fourth, there was no routine or habit suggesting an intent to transform a massage into an illegal sexual act. Finally, there was no force, coercion, fraud, violence, drugs, or even alcohol present in connection with Mr. Epstein's encounters with these women.

Mr. Epstein's counsel believe that further depositions, sworn statements, or interviews would, if permitted to occur prior to a final determination on the viability of any federal prosecution, would establish that the facts simply do not fit within any proper construction of any of the federal criminal statutes under consideration.

⁴ First Assistant United States Attorney Jeffrey Sloman sought to preclude Mr. Epstein or his agents from communicating with the alleged "victims." See November 5, 2007 Letter from J. Sloman, Exhibit 1. Due to established state procedures and following the initiation of the civil lawsuits, Mr. Epstein's counsel was able to take limited discovery of certain women in this matter.

at least one of these women that she was in fact a “victim” of federal crimes when she herself repeatedly confirmed that she was not. *See, e.g.* ██████ Tr. at 10, 19-22, 31, 57-58, Exhibit 2; ██████ Tr. at 9-12, Exhibit 5A; ██████ Tr. at 7, Exhibit 5B.

Beyond that, because the United States Attorney’s Office had not, and still has not, made any effort to coordinate with its State counterpart about the case. Thus, the Deferred Prosecution Agreement put Mr. Epstein in the extraordinary position of requiring him, not the federal authorities, to convince the State Attorney’s Office to impose a more severe charge and punishment than the State Attorney’s Office (and the State grand jury) had determined to be appropriate.

As a result, Mr. Epstein, and the United States Attorney’s Office—which has insisted that its prosecutorial decision in this case was mandated by policy decisions in Washington, D.C.—has now asked the Department of Justice to review whether a federal prosecution is warranted. Respectfully, a federal prosecution of this matter should be declined because (1) it is not supported by the facts; (2) it would require an unprecedented interpretation of the federal statutes in question; (3) it would unnecessarily result in an expansion of federal powers into an area properly reserved to the States; and (4) it would require an unequal application of the law.

We urge the Department of Justice to review the ██████ transcript and then all of the new evidence in this case. On February 20, 2008, ██████—the alleged victim upon which this entire investigation was initially launched³—was deposed. Under oath, Ms. ██████ reiterated that she “swore on her mother’s grave” that she and Mr. Epstein did not engage in sex of any kind. *See* ██████ Tr. (Deposition) at 24, Exhibit 3. She also reaffirmed that she lied to Mr. Epstein about her age because it was her understanding that if she was not over 18, Mr. Epstein would not let her in his house. *See id.* at 32. Ms. ██████ further repeatedly explained that prior to the time she went to Mr. Epstein’s house (she went there only once), nobody ever tried to coerce her to engage in sexual activity with Mr. Epstein, not over the Internet, not over the telephone, not at all, period. *See id.* at 31. No federal prosecution should proceed on these facts.

Among the attachments appended to this submission are several new depositions and sworn statements of persons whom the prosecutors have alleged are “victims” of Mr. Epstein’s conduct, as well as copies of recent civil lawsuits, several for \$50 million dollars, brought by the victim/witness-claimants. Each of these attachments (even the allegations in the civil complaints

³ The Police Report indicates that the originating complainants in the investigation were ██████ father and stepmother. *See* Police Report at 11, Exhibit 17. Notably, the Police Report (or the search warrant affidavit) omits the fact that both Mr. ██████ and Mrs. Gonzalez have prior federal felony fraud convictions.

The intentional release of the police reports to the press not only shaped how the prosecutors in the United States Attorney's Office viewed the case, but more importantly, influenced many of the witnesses who would later be interviewed by the FBI. Indeed, multiple civil lawsuits have recently been filed against Mr. Epstein (many by the former partner of First Assistant United States Attorney Jeffrey Sloman); and those suits contain word-for-word narratives taken directly from the publicly released police report, narratives that are factually inaccurate when compared to the actual transcripts.

Many of Mr. Epstein's alleged victims and other witnesses have recently given sworn statements establishing that (i) Mr. Epstein was only interested in women over 18; (ii) they lied and told Mr. Epstein they were 18 when they were not; (iii) there was no interstate travel; (iv) there was no use of the Internet or telephone to communicate with Mr. Epstein; (v) there was no inducement over any instrumentality of interstate commerce; (vi) there was no force or coercion by anyone. See Herman Public Statement, Exhibit 16.

The facts—as opposed to the deeply flawed press reports—were carefully assessed by experienced State prosecutors who aggressively enforce State criminal laws. Following an extensive 15-month State investigation by the Florida State Attorney's Office in Palm Beach, led by the chief of the Sex Crimes Division, Mr. Epstein was indicted by a State Grand Jury on a single felony count of solicitation of prostitution. During the investigation, the State prosecutor exhaustively reviewed the evidence, met face-to-face with many of the alleged victims, considered their credibility—or lack thereof—and considered the extent of exculpatory evidence, including a psychosexual evaluation of Mr. Epstein and a polygraph examination demonstrating that Mr. Epstein genuinely believed at the time of the alleged conduct that the State's key witness was over the age of 18. Then, after months of negotiations, the State reached what it believed was an appropriate resolution of the case. Importantly, this resolution was consistent with that of cases involving other defendants who had engaged in similar conduct. Implementation of the State resolution of the case was held in abeyance, however, due to the unexpected commencement of the successive federal criminal investigation.

After many months of attempting, to no avail, to fit this case into its vision of what it initially believed (based upon the inaccurate police reports) to be a wide-spread commercial trafficking ring targeting minors, the United States Attorney's Office for the Southern District of Florida agreed to defer prosecution to the State. Notably, however, the Agreement also contained many unorthodox requirements, including requiring Mr. Epstein not only to blindly agree to pay an undisclosed list of alleged victims a minimum of \$150,000 each, but also *to pay for an attorney to represent such unidentified victims if any chose to bring civil litigation against him.* The United States Attorney's Office also represented at the time the Agreement was signed that it had identified, on a list, up to 40 alleged minor victims of federal crimes, and to bolster the claim that they were minors suggested that they required a guardian ad litem. This is all untrue. In fact, it was later firmly established that only one girl on the list was still a minor, and the other women on the list, after examining their testimony, could in no way qualify as "victims." There is now also a sworn statement to the effect that the FBI attempted to persuade

masturbation on the part of Mr. Epstein. On other occasions, no sexual activity would occur at all. There was no particular pattern or practice as to which masseuse would be scheduled on any particular day—if at all—or whether any sexual activity might occur. Indeed, many times Mr. Epstein would not know which masseuse his assistants had scheduled until that individual showed up. See [REDACTED] Toll Records, Exhibit 9. Mr. Epstein requested the individual be over the age of 18. The vast majority of the masseuses were in fact 18 or over, and the testimony available to us in this case demonstrates that those under the age of 18 have admitted to systematically lying to Mr. Epstein about their age. See [REDACTED] Tr. at 38-39, Exhibit 10; [REDACTED] Tr. at 9, Exhibit 4; [REDACTED] Tr. at 6, 8, 22, 45, Exhibit 2, [REDACTED] Tr. 13, Exhibit 11; [REDACTED] Tr. at 12, Exhibit 12; [REDACTED] Tr. at 5, Exhibit 13; [REDACTED] Tr. at 14-15, Exhibit 14.

In light of these facts, the case against Mr. Epstein lacks any of the hallmarks that typify federal prosecution under the identified statutes. Not only did all of the conduct take place in Mr. Epstein's home in Palm Beach, there was no commercial for-profit enterprise; no interstate component; no use by Mr. Epstein of an instrumentality of interstate commerce; no violence; no force; no alcohol; no drugs; and no child pornography.

An objective review of the facts should make clear that this is not a federal case. Indeed, Mr. Epstein's counsel have reviewed every case involving 18 U.S.C. §§ 2422(b), 2423(b), and 1591 and have not found a single case suggesting that federal prosecution can be brought under these facts. Instead, as the State Attorney's Office determined, and still believes, Mr. Epstein was a customer, a "John," for whom prosecutions are best left to the State to address. Notably, the Department of Justice has repeatedly recognized the predominant State role in such prosecutions, even as recently as November 9, 2007.²

Besides lacking the facts necessary to support a federal prosecution, the federal prosecutors responsible for this case have employed a process rife with prosecutorial misconduct, abuse and profound lack of respect for the State Attorneys of Florida. First, following the imposition of a State charge against Mr. Epstein, the local police chief, who disagreed with the decision of both the State Attorney's Office and the Grand Jury, took actions that undermined the credibility of everything that followed in the federal investigation; he referred the matter to the FBI and at the same time released the police reports containing raw allegations to the press. ***Significantly, these reports, when compared to the actual transcripts of sworn taped interviews of witnesses, are demonstrably inaccurate. They contain both glaring misquotes and omissions of fact.***

² See November 9, 2007 DOJ letter to the Judiciary, Exhibit 15 ("[P]rostitution-related offenses have historically been prosecuted at the state or local level. This allocation between state and Federal enforcement authority does not imply that these crimes are less serious, but rather reflects important structural allocations of responsibility between state and Federal governments . . . the Department is not aware of any reasons why state and local authorities are not currently able to pursue prostitution-related crimes such that Federal jurisdiction is necessary.").

**SUBMISSION TO THE UNITED STATES DEPARTMENT OF JUSTICE IN THE
MATTER OF JEFFREY E. EPSTEIN**

This submission addresses (i) whether existing federal statutes, 18 U.S.C. §§ 2422(b), 1591 and 2423, apply to the conduct at issue; and (ii) whether the circumstances of this case overcome the significant hurdles established by the Department's *Petite* Policy against dual and successive prosecution. As explained below, existing statutes do not apply to Mr. Epstein's conduct, and the *Petite* Policy's bar against successive prosecution has not been surmounted.

EXECUTIVE SUMMARY

Jeffrey Epstein, a successful self-made businessman with no prior criminal history, should not be prosecuted federally for conduct that amounts to, at most, the solicitation of prostitution. To prosecute Mr. Epstein federally based upon the facts presented by this case would be an unprecedented exercise of federal power and use of federal resources. It would effectively represent the adherence to a novel legal theory never before sanctioned by federal law. As described more fully below, Mr. Epstein did not engage in any conduct covered by any of the three federal criminal statutes being considered for federal prosecution, namely 18 U.S.C. §§ 2422(b), 2423(b), and 1591. Moreover, the new evidence obtained through the use of a State discovery statute and in connection with the civil lawsuits that have been filed confirms that federal involvement in this matter is inappropriate. We highlight this evidence for you because it has never been reviewed by the federal or state prosecutors overseeing this matter. *See Exhibits 2-7.*

Mr. Epstein has had a home in Palm Beach, Florida for the past 20 years. As a routine part of Mr. Epstein's activities while at his residence in Florida, which included attending to business, socializing, visiting his elderly mother, and attending to doctors' appointments, Mr. Epstein often had masseuses come to his residence to provide him massages following his exercise. Mr. Epstein did not personally schedule the massage appointments or communicate with the women who provided massages to him, either over the telephone or otherwise, prior to the time they arrived at his residence. Rather, all these appointments were scheduled by his assistants. Often it was the masseuse who contacted Mr. Epstein's assistant inquiring about Mr. Epstein's availability rather than vice versa, the message pads reflecting incoming calls to Mr. Epstein's house, which were improperly seized during the execution of a State search warrant (actions for which the State later apologized) are replete with requests by masseuses to return to Mr. Epstein's residence to provide massages.¹ *See Message Book Entries, Exhibit 8.*

The majority of the massages were just that—massages and nothing else. Mr. Epstein would routinely be on the telephone conducting business while he received his massage. At times, the masseuses would be topless, and some sexual activity might occur, primarily self-

¹ We are including some but not all examples of this pattern of behavior but are open to sharing more examples upon request.

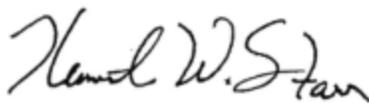
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March 28, 2008

Page 5

We hope that your office and the Department will consider all of the evidence included in the submission and exhibits we put forth today, as well as the areas of concerns on which we did not focus extensively, because as we believe that all aspects of reconsideration in this case fall squarely within the overseeing responsibilities of the Department of Justice. We greatly appreciate your time and consideration of this matter.

Sincerely,

A handwritten signature in cursive script that reads "Kenneth W. Starr". The signature is written in dark ink and is positioned above the printed name.

Kenneth W. Starr

KIRKLAND & ELLIS LLP

March 28, 2008

Page 4

- Clear violations of ethics rules by discussing specific details of the case and negotiations with a New York Times Reporter; and
- The relationship between the law firm representing several of the alleged victims in civil suits against Mr. Epstein and the First Assistant United States Attorney from the Southern District of Florida.

We believe these concerns are significant and that they should have bearing on the reliability and integrity of the investigation. We respectfully reserve our right to raise our concerns in the future.

Furthermore, our submission is guided by an overarching principle: Federal authority should not be stretched to override the considered judgment of a duly elected state official who, guided by a highly professional prosecutorial staff, carefully assessed the actual facts (not a sensationalized, fictionalized version of them), applicable state law, and fundamental principles of fair treatment as embodied in the practical experience of that highly respected State's Attorney's Office. A career state prosecutor looked the witnesses in the eye, evaluated the facts, and took this matter before a state grand jury, and thereafter invoked the judicial process of the State of Florida to bring about a just and fair resolution consistent with that Office's experience. The record is clear and undisputed: This matter began as a state matter in Palm Beach County; it was treated with professionalism and thoroughly investigated by the State's Attorney's Office; then, in an affront to principles of comity in our federal republic, disgruntled local police officials seeking to subvert the thoughtful judgment of state officials aired their disagreement publicly to an eager press and summoned the FBI. This should not be. But that is the undisputed genesis of a federal investigation that, in view of Congress' intent embodied in the statutes that we will closely analyze in this submission, should never have been commenced.

Federal authorities in this case have brushed aside federalism-inspired methods of professional conduct, stretched both law and facts, and emphasized the importance of financial gain -- not only to individual women but to private attorneys who stood to benefit financially from the federal authorities' involvement. The result has been that many of the witnesses who swore under oath that there was no inappropriate conduct whatever (much less a crime), have now been inspired by the beguiling prospect of financial gain and have, filed civil complaints demanding \$50 million each. This should not be. There is no justification for stretching federal law, stretching the facts, and then bringing the power of the federal government to tear apart what the State of Florida has determined is a just and fair resolution -- namely, a felony conviction under criminal statutes duly passed by the Florida legislature. That considered judgment—grounded in law and in principles of fair treatment of all persons, regardless of the wealth or station in life—should be respected in the finest traditions of federalism and comity.

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March 28, 2008

Page 3

prosecutors.² Notwithstanding that, we think it important that you be made aware of the types of actions that have caused us serious concern, and have influenced the process and distorted the facts:

- Federal involvement in a state criminal prosecution without any communication with state authorities;
- The issuance of subpoenas and letters requesting documents whose subject matter had no connection to the conduct at issue including medical records and tax returns (for example, subpoenas were issued to an agent of Mr. Epstein's counsel without following guidelines provided in the United States Attorneys' Manual which ask for: "All documents and information related to the nature of the relationship between [the agent] and Mr. Jeffrey Epstein, including all third party contacts had on behalf of Mr. Epstein all agreements not limited to, retainer agreements; employment agreements; billing statements . . . telephone logs . . . appointment calendars/datebooks . . .");
- The use of threats of expanding the investigation to include money transmitting and money laundering, though none of the mandatory prerequisites could be described (for example, the federal prosecutors referred to the following litany of federal statutes in a letter to a potential grand jury witness as the universe of relevant federal violations: "including but not limited to, possible violations of Title 18, United States Code, Sections 2, 371, 1512, 1591, 1952, 1956, 1960, 2421, 2422, and 2423.") nor was any specific unlawful activity, which is the predicate act for a money laundering charge, ever identified;
- The nomination of an individual closely associated with one of the Assistant United States Attorneys involved in this case for the highly lucrative position of independent attorney demanded for the alleged victims;
- The insistence on a victims notification letter, which invited all alleged victims to make sworn statements at Mr. Epstein's state sentence even though there was no basis for inviting alleged victims of federal crimes to make statements in a state proceeding;

² The relevant documents for each of these propositions are available for your review upon request.

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Page 2

exception, *the new evidence strongly supports the conclusion that this is not a case of federal concern.*

This recent testimony can be found in its entirety. See Exhibits 2-7. This evidence clearly calls into serious doubt the notion that the alleged conduct constitutes a federal crime. For example, one of the alleged victims adamantly states that she “never had sex with [Mr. Epstein]” and that she did not know him and had absolutely no contact with him—be it through Internet chatrooms, email, or phone—prior to her coming to his home. Gonzalez Tr. (deposition) at 24, 30, Exhibit 3. The same woman stated that she was not persuaded, induced, enticed or coerced by anyone to engage in any sexual activity. Id. at 31. This woman, who was described as the “lynchpin” of the federal prosecution particularly due to her age at the time of the alleged conduct, expressly admits to lying to Mr. Epstein about her age. Id. at 37. Another alleged victim made similarly exculpatory statements to the FBI. She stated that not only did she always make sure she had a fake ID with her and lie to Mr. Epstein by telling him she was 18, but that she also had conversations with other women in which these women hoped that “Jeffrey didn’t find out [their] age[s].” [REDACTED] Tr. at 45, Exhibit 2. When this alleged “victim” was asked if Mr. Epstein ever “pulled [her] closer to him in a sexual way,” she responded, “I wish. No, no, never, ever, ever, no, never. Jeffrey is an awesome man, no.” Id. at 21. Yet another alleged victim stated that Mr. Epstein “never touched [her] physically” and that all she did was “massage [] his back, his chest and his thighs and that was it.” [REDACTED] Tr. at 12-13, Exhibit 4. Finally, another alleged victim stated in no unclear terms that there was never any discussion over the phone about her coming over to Mr. Epstein’s home to engage in sexual activity: “The only thing that ever occurred on any of these phone calls [with [REDACTED] or another assistant] was, ‘Are you willing to come over,’ or, ‘Would you like to come over and give a massage.’” [REDACTED] Tr. at 15, Exhibit 5A. And as each of these women confirmed, this woman stated: “[Mr. Epstein] never tried to force me to do anything.” Id. at 12.

We believe that these transcripts are of critical importance because they clearly indicate that not only did no intercourse take place with these women, but that any sexual activity that took place was unplanned and consensual. Furthermore, these women corroborate the fact that there was no pattern of luring or enticing these women to do more than give a massage, and that any activity that went beyond the massage was by no means forced upon them. We would urge you to review these particular sworn statements in their entirety both because this is new evidence that post-dates the Deferred Prosecution Agreement and because it discloses critical information about the true facts and circumstances of this case.

Importantly, at your request, we have limited the scope of the submission. Thus, this submission does not focus extensively on our concerns relating to the principles of federalism, abuse of power, prosecutorial misconduct, or many of the improper tactics used by federal

KIRKLAND & ELLIS LLP

AND AFFILIATED PARTNERSHIPS

Kenneth W. Starr
To Call Writer Directly:

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[REDACTED] n

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[REDACTED]

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March 28, 2008

BY HAND DELIVERY

Honorable Sigal P. Mandelker
Deputy Assistant Attorney General
Andrew G. Oosterbaan
Chief, Child Exploitation and Obscenity Section
Criminal Division
United States Department of Justice
1400 New York Avenue, 6th Floor
Washington, DC 20530

Dear Ms. Mandelker and Mr. Oosterbaan:

Enclosed, please find our submission as discussed at the meeting. This submission includes a brief executive summary; an analysis of the relevant federal statutes and their application to the facts in this matter; a discussion of the *Petite* Policy, and an appendix, which includes significant documentary evidence including testimony by witnesses that was obtained after the Deferred Prosecution Agreement was signed. For the reasons we discuss in the submission, we do not believe this is an appropriate case for federal prosecution.

I want to call your attention to the recent statements made under oath by some of the alleged victims. As we have previously explained, the United States Attorney's Office has refused to disclose the identities of the alleged victims, and First Assistant United States Attorney Jeffrey Sloman has made the unusual demand that Mr. Epstein's defense team make no effort to discover their identities or contact any of them. See November 5, 2007 Letter from J. Sloman, Exhibit 1. However, due to a procedure available under state law, and following the wave of recent lawsuits that have been filed against Mr. Epstein (ironically by Mr. Sloman's former law partner), we have been able to engage in discovery and take sworn statements from several of the alleged victims. These statements, which would never have been obtained under the First Assistant's directive, are extremely important for two reasons. First, because this new testimony post-dates the state investigation, all discussions regarding plea negotiations, the execution of the federal Deferred Prosecution Agreement, and the drafting of any prosecution memos, *no federal or state prosecutor has ever reviewed this material*.¹ Second, and without

¹ However, in connection with Ms. [REDACTED] statement, which was taken by the FBI, she may have been debriefed by either the FBI or a federal prosecutor.

EXHIBIT B-28

[REDACTED] (USAFLS)

From: [REDACTED] (USAFLS)
Sent: Friday, March 14, 2008 9:30 AM
To: Garcia, Rolando (USAFLS); Atkinson, Karen (USAFLS)
Subject: FW: Penalty sheets, bond recommendations, and all other forms for the indictment of J.E. et al.

Importance: High

Rolando – Didn't you send the entire packet to Bob? Everything was in the packet?

A. [REDACTED] *Villafaña*
Assistant U.S. Attorney
500 S. Australian Ave, Suite 400
West Palm Beach, FL 33401
Phone [REDACTED]
Fax 561 820-8777

From: Devlin, Frederica (USAFLS)
Sent: Thursday, March 13, 2008 8:05 PM
To: [REDACTED] (USAFLS)
Subject: Penalty sheets, bond recommendations, and all other forms for the indictment of J.E. et al.

[REDACTED]:

Bob wants me to put the entire indictment together along with all the forms that goes with the indictment. I've printed the indictment and pros memos. I do not have any information for the concurrence sheet but I can get that later.
Thanks.

Tracking:

1355

08-80736-CV-MARRA

P-014716

EFTA00225915

Villafana, Ann Marie C. (USAFLS)

From: Ball, Shawn (USAFLS)
Sent: Friday, March 14, 2008 9:59 AM
To: Devlin, Frederica (USAFLS)
Cc: [REDACTED] (USAFLS)
Subject: Operation Leap Year Ind Package

-  07 103 conc-.wpd
-  ArrestWarranKel len.pdf
-  ArrestWarranMa rcinkova.pdf
-  ArrestWarranRo ss.pdf
-  ArrestWarrantEpBond Rec Form stein.pdf
-  Epstein.wpd
-  Bond Rec Form [REDACTED].wpd
-  Bond Rec Form Ross.wpd
-  Bond Rec Form [REDACTED].wpd
-  CertificateOfTria IAttorney.wpd... sheet dated Fe...
-  Epstein penalty ndictment cover sheet dated Fe...06 version.wp...
-  [REDACTED] penalty sheet date Feb ...
-  [REDACTED] penalty sheet page 2 da..
-  [REDACTED] nalty sheet date
-  [REDACTED] nalty sheet page
-  Ross penalty sheet dated Feb 1
-  Ross penalty sheet page 2 date.

[REDACTED] (USAFLS)

From: Ball, Shawn (USAFLS)
Sent: Friday, March 14, 2008 10:00 AM
To: Devlin, Frederica (USAFLS)
Cc: [REDACTED] (USAFLS)
Subject: RE: Operation Leap Year Ind Package



Indictment Blue
Sheet--.wpd

One more, thanks.

From: Ball, Shawn (USAFLS)
Sent: Friday, March 14, 2008 9:59 AM
To: Devlin, Frederica (USAFLS)
Cc: [REDACTED] (USAFLS)
Subject: Operation Leap Year Ind Package

<< File: 07 103 conc-.wpd >> << File: ArrestWarranKellen.pdf >> << File: ArrestWarranMarcinkova.pdf >> << File: ArrestWarranRoss.pdf >> << File: ArrestWarrantEpstein.pdf >> << File: Bond Rec Form Epstein.wpd >> << File: Bond Rec Form [REDACTED] >> << File: Bond Rec Form Ross.wpd >> << File: Bond Rec Form [REDACTED] >> << File: CertificateOfTrialAttorney.wpd >> << File: Epstein penalty sheet dated Feb 19 08.wpd >> << File: indictment cover 06 version.wpd >> << File: [REDACTED] penalty sheet date Feb 19 08.wpd >> << File: [REDACTED] penalty sheet page 2 dated Feb 19 08.wpd >> << File: [REDACTED] penalty sheet dated Feb 19 08.wpd >> << File: [REDACTED] penalty sheet page 2 dated Feb 19 08.wpd >> << File: Ross penalty sheet dated Feb 19 08.wpd >> << File: Ross penalty sheet page 2 dated Feb 19 08 .wpd >>

From: Devlin, Frederica (USAFLS)
Sent: Thursday, March 13, 2008 8:05 PM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Penalty sheets, bond recommendations, and all other forms for the indictment of J.E. et al.

█:

Bob wants me to put the entire indictment together along with all the forms that goes with the indictment. I've printed the indictment and pros memos. I do not have any information for the concurrence sheet but I can get that later.
Thanks.

Tracking:

1349

08-80736-CV-MARRA

P-014713

EFTA00225918

[REDACTED] (USAFLS)

From: [REDACTED] (USAFLS)
Sent: Friday, March 14, 2008 10:18 AM
To: Garcia, Rolando (USAFLS)
Subject: RE: Penalty sheets, bond recommendations, and all other forms for the indictment of J.E. et al.

Hi Rolando -- Shawn e-mail everything down, but I think you should fax the cover sheet with your signature so Bob's signature can be on there with everyone else's. thanks.

A. [REDACTED] Villafaña
Assistant U.S. Attorney
500 S. Australian Ave, Suite 400
West Palm Beach, FL 33401
Phone 561 209-1047
Fax [REDACTED]

-----Original Message-----

From: Garcia, Rolando (USAFLS)
Sent: Friday, March 14, 2008 9:43 AM
To: [REDACTED] (USAFLS)
Subject: Re: Penalty sheets, bond recommendations, and all other forms for the indictment of J.E. et al.

I emailed him everything you sent me and told him that I have the hard copy of the indictment package.

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Villafana, Ann Marie C. (USAFLS)
To: Garcia, Rolando (USAFLS); Atkinson, Karen (USAFLS)
Sent: Fri Mar 14 09:30:23 2008
Subject: FW: Penalty sheets, bond recommendations, and all other forms for the indictment of J.E. et al.

Rolando - Didn't you send the entire packet to Bob? Everything was in the packet?

A. Marie Villafaña
Assistant U.S. Attorney
500 S. Australian Ave, Suite 400
West Palm Beach, FL 33401
Phone 561 209-1047
Fax 561 820-8777