

**JANE DOE #1 AND JANE DOE #2'S MOTION FOR FINDING OF VIOLATIONS OF THE  
CRIME VICTIMS' RIGHTS ACT AND REQUEST FOR A HEARING ON APPROPRIATE  
REMEDIES**

***CASE NO: 08-80736-Civ-Marra/Johnson***

**EXHIBIT A**

**Filed Under Seal**



[Redacted]

To <[Redacted]>  
cc "[Redacted] (USAFLS)" <[Redacted]>  
bcc

09/12/2007 03:44 PM

Subject Jeffrey Epstein

History This message has been replied to.

Jay - It was nice seeing you again. [Redacted] and I talked with Alex and [Redacted]. We are all satisfied in principle with the agreement, but the Office is uncomfortable with the recommended federal charge. Specifically, we are concerned about the effect of taking the position that Mr. Epstein's house is in the special maritime and territorial jurisdiction of the United States, and we have no evidence of any assaults occurring either on Mr. Epstein's plane or offshore from his residence.

We are hoping that you can find an alternative federal statute that can be used. I also will wait to hear from Jack Goldberger to discuss logistics.

Thank you.

[Redacted]

Assistant U.S. Attorney

[Redacted]

West Palm Beach, FL 33401

[Redacted]

[Redacted]



[REDACTED]  
(USAFLS)  
<[REDACTED]@usdo  
.gov>

To "Jay Lefkowitz" <[REDACTED]>  
cc  
bcc

09/13/2007 07:27 PM

Subject RE:

History This message has been replied to

Hi Jay -- Yes, I am. I have been spending some quality time with Title 18 looking for misdemeanors. Do you want to take a look at 18 USC 403, 18 USC 1512(d), and 47 USC 223(a)(1)(B) and we can talk about them tomorrow? I know that someone mentioned there being activity on an airplane, I just want to make sure that there is factual basis for the plea that the agents can confirm.

I'm not sure exactly where I will be tomorrow morning, so is it alright if I call you?

Have a good evening.

[REDACTED]  
Assistant U.S. Attorney  
[REDACTED]  
West Palm Beach, FL 33401  
[REDACTED]

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

From: Jay Lefkowitz [mailto:[REDACTED]]  
Sent: Thursday, September 13, 2007 7:21 PM  
To: [REDACTED], [REDACTED]. (USAFLS)  
Subject:

[REDACTED]

\*\*\*\*\*

\*\*\*\*\*  
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\*\*\*\*\*

**US\_Atty\_Cor\_003**

EFTA00235329



[REDACTED]  
(USAFLS)  
[REDACTED]

To "Jay Lefkowitz" <[REDACTED]>

cc

bcc

09/19/2007 12:14 PM

Subject RE: Meeting

History: This message has been replied to.

Judge Johnson has duty next week.

Jay - I hate to have to be firm about this, but we need to wrap this up by Monday. I will not miss my indictment date when this has dragged on for several weeks already and then, if things fall apart, be left in a less advantageous position than before the negotiations. I have had an 82-page pros memo and 53-page indictment sitting on the shelf since May to engage in these negotiations. There has to be an ending date, and that date is Monday.

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

[REDACTED]  
[REDACTED]  
[REDACTED]  
S [REDACTED]

[REDACTED]  
[REDACTED]

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

From: "[REDACTED] (USAFLS)"

Sent: 09/19/2007 11:51 AM AST

To: Jay Lefkowitz

Subject: Meeting

[REDACTED] is available Monday morning. Our most flexible West Palm Beach magistrate is on duty on Monday, so, assuming we have signed documents by 1:30 or so, we should be able to get Mr. Epstein arraigned on Monday. I doubt that we will be able to get everything finished up here, get down to Miami, and try to find a Miami mag by close of business on Monday.

[REDACTED] [REDACTED]



[Redacted]  
[Redacted]  
[Redacted]

To <[Redacted]> "Jay Lefkowitz"  
cc  
bcc

09/14/2007 09:55 AM Subject Plea documents

History: This message has been forwarded.

Hi Jay – I'm not sure which of those e-mail addresses is correct. Here are drafts of the plea agreement and information. They have not yet been blessed by Miami, but they have approved of prior similar drafts, so these should be close to what is needed. My home e-mail is [Redacted]. You also can get me over the weekend on my cell phone at [Redacted].

<<Information charging 1512 and 113.pdf>>

<<OLY Plea Agreement v4 1512 and 113 violations.pdf>>

Regards,

[Redacted]  
[Redacted]

Assistant U.S. Attorney

[Redacted]

West Palm Beach, FL 33401

[Redacted]  
[Redacted]

Information charging 1512 and 113.pdf

OLY Plea Agreement v4 1512 and 113 violations.pdf

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

**D**

CASE NO. \_\_\_\_\_

18 U.S.C. § 1512(d)(2)

18 U.S.C. § 113(a)(5)

UNITED STATES OF AMERICA

vs.

**R**

JEFFREY EPSTEIN,

Defendant.

\_\_\_\_\_ /

**A**  
INFORMATION

The United States Attorney charges that:

COUNT 1

In or around October 2005, in Palm Beach County, in the Southern District of Florida, and elsewhere, the defendant,

**F**

JEFFREY EPSTEIN,

did intentionally harass another person, that is, Jane Doe #1, in an attempt to delay, prevent, and dissuade Jane Doe #1 from reporting to a law enforcement officer of the United States the commission of a federal offense; in violation of Title 18, United States Code, Sections 1512(d)(2) and 2.

**T**

COUNT 2

In or around \_\_\_\_\_ 2005, in the special territorial jurisdiction of the United States, that is, in an aircraft owned by a United States citizen while in flight over the high seas, and elsewhere,

the defendant,

**JEFFREY EPSTEIN,**

did knowingly commit a simple assault on a person who was over the age of 16 years, that is, [REDACTED];  
in violation of Title 18, United States Code, Section 113(a)(5).

**R**  
\_\_\_\_\_  
R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

\_\_\_\_\_  
[REDACTED] VILLAFANA  
ASSISTANT UNITED STATES ATTORNEY  
**A**

**F**

**T**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. \_\_\_\_\_

**D**  
UNITED STATES OF AMERICA

vs.

JEFFREY EPSTEIN,

Defendant.

**R**

PLEA AGREEMENT

The United States Attorney for the Southern District of Florida ("the United States"), and Jeffrey Epstein (hereinafter referred to as the "defendant") enter into the following agreement:

1. The defendant agrees to plead guilty to the Information which charges the defendant as follows: Count 1 charges that the defendant intentionally harassed another person, that is, Jane Doe #1, in an attempt to delay, prevent, and dissuade Jane Doe #1 from reporting to a law enforcement officer of the United States the commission of a federal offense; in violation of Title 18, United States Code, Sections 1512(d)(2) and 2; and Count 2 charges that the defendant, while in an airplane over the high seas, did knowingly commit a simple assault on a person who was over the age of 16 years, that is, ■■■; in violation of Title 18, United States Code, Section 113(a)(5).

2. The defendant is aware that the sentence will be imposed by the Court after considering the Federal Sentencing Guidelines and Policy Statements (hereinafter

"Sentencing Guidelines"). The defendant acknowledges and understands that the Court will compute an advisory sentence under the Sentencing Guidelines and that the applicable guidelines will be determined by the Court relying in part on the results of a Pre-Sentence Investigation by the Court's probation office, which investigation will commence after the guilty plea has been entered. The defendant is also aware that, under certain circumstances, the Court may depart from the advisory sentencing guideline range that it has computed, and may raise or lower that advisory sentence under the Sentencing Guidelines. The defendant is further aware and understands that the Court is required to consider the advisory guideline range determined under the Sentencing Guidelines, but is not bound to impose that sentence; the Court is permitted to tailor the ultimate sentence in light of other statutory concerns, and such sentence may be either more severe or less severe than the Sentencing Guidelines' advisory sentence. Knowing these facts, the defendant understands and acknowledges that the Court has the authority to impose any sentence within and up to the statutory maximum authorized by law for the offenses identified in paragraph 1 and that the defendant may not withdraw the plea solely as a result of the sentence imposed.

3. The defendant further understands and acknowledges that, as to Count 1 of the Information, the Court may impose a statutory maximum term of imprisonment of up to one (1) year, to be followed by a term of supervised release of up to a maximum of one (1) year. In addition to terms of imprisonment and supervised release, the Court may impose a fine of up to \$100,000. The defendant further understands and acknowledges that, as to Count 2 of the Information, the Court may impose a statutory maximum term of imprisonment of up to

six (6) months, to be followed by a term of supervised release of up to a maximum of one (1) year. In addition to terms of imprisonment and supervised release, the Court may impose a fine of up to \$100,000.

**D** The defendant further understands and acknowledges that, in addition to any sentence imposed under paragraph 3 of this Agreement, a special assessment in the amount of \$50 will be imposed on the defendant, which must be paid at or before the time of sentencing.

**R**

5. The defendant understands that the Court will order that he must pay full restitution to all victims of the offense to which he is pleading guilty. The defendant understands that the amount of restitution owed to each victim will be determined at or before sentencing.

**A**

6. The parties agree to jointly recommend that the defendant receive a sentence of eighteen (18) months' imprisonment, to be followed by two (2) years of supervised release; and a fine of \$200,000.

**F**

7. The defendant agrees that, if any of the victims identified in the federal investigation file suit pursuant to 18 U.S.C. § 2255, the defendant will not contest the jurisdiction of the U.S. District Court for the Southern District of Florida over his person and/or the subject matter, and the defendant will not contest that the identified victims are persons who, while minors, were victims of violations of Title 18, United States Code, Sections(s) 2422 and/or 2423. The United States agrees to provide the defendant's attorneys with a list of the identified victims, which will not exceed forty, after the defendant has signed this agreement and has been sentenced. The United

States further agrees to make a motion with the United States District Court for the Southern District of Florida for the appointment of a guardian ad litem for the identified victims and the defendant's counsel may contact the identified victims through that guardian.

8. **D** The defendant agrees to plead guilty (not nolo contendere) to an Information filed by the Palm Beach County State Attorney's Office charging an offense for which the defendant must register as a sex offender, that is, solicitation of minors to engage in prostitution, in violation of Fl. Stat. 796.03. The defendant agrees that he and the Palm Beach County State Attorney's Office will make a joint, binding recommendation **R** that the Court impose a sentence of at least thirty (30) months, to be divided as follows:

- (a) the defendant shall begin by serving at least twenty (20) months in prison, without any opportunity for withholding adjudication or sentencing, and without probation or community control in lieu of imprisonment; and
- (b) following the term of imprisonment, the defendant shall serve ten (10) months of community control/home confinement with electronic monitoring.

9. The defendant agrees to waive all challenges to the Information filed by the State Attorney's Office and to waive the right to appeal his conviction and sentence in the state court. **F**

10. The defendant agrees that he will provide to the U.S. Attorney's Office copies of all proposed agreements with the Palm Beach County State Attorney's Office prior to entering into those agreements.

11. The United States reserves the right to inform the Court and the probation office of all facts pertinent to the sentencing process, including all relevant information concerning the offenses committed, whether charged or not, as well as concerning the **T**

defendant and the defendant's background, and to respond to any questions from the Court and the Probation Office and to any misstatements of fact or law. Subject only to the express terms of any agreed-upon sentencing recommendations contained in this Agreement, this Office further reserves the right to make any recommendation as to the quality and quantity of punishment.

12. The defendant is aware that the sentence has not yet been determined by the Court. The defendant also is aware that any estimate of the probable sentencing range or sentence that the defendant may receive, whether that estimate comes from the defendant's attorney, the government, or the probation office, is a prediction, not a promise, and is not binding on the government, the probation office or the Court. The defendant understands further that any recommendation that the government makes to the Court as to sentencing, whether pursuant to this agreement or otherwise, is not binding on the Court and the Court may disregard the recommendation in its entirety. The defendant understands and acknowledges, as previously acknowledged in paragraph 2 above, that the defendant may not withdraw his plea based upon the Court's decision not to accept a sentencing recommendation made by the defendant, the government, or a recommendation made jointly by both the defendant and the government.

13. **WAIVER OF RIGHT TO APPEAL AND COLLATERALLY ATTACK THE SENTENCE.** The defendant is aware that Title 18, United States Code, Section 3742 affords the defendant the right to appeal the sentence imposed in this case. Acknowledging this, in exchange for the undertakings made by the United States in this plea agreement, the

defendant hereby waives all rights conferred by Section 3742 to appeal any sentence imposed, including any restitution order, or to appeal the manner in which the sentence was imposed, unless the sentence exceeds the maximum permitted by statute or is the result of an upward departure or upward variance from the guideline range that the Court establishes at sentencing. The defendant further voluntarily and expressly waives, to the maximum extent permitted by federal law, the right to collaterally attack his sentence in any post-conviction proceeding, including a motion on any ground brought under 28 U.S.C. § 2254, 28 U.S.C. § 2255, 18 U.S.C. § 3572, or 18 U.S.C. § 3771. The defendant further understands that nothing in this agreement shall affect the government's right and/or duty to appeal as set forth in Title 18, United States Code, Section 3742(b). However, if the United States appeals the defendant's sentence pursuant to Section 3742(b), the defendant shall be released from the above waiver of appellate rights. By signing this agreement, the defendant acknowledges that he has discussed the appeal waiver set forth in this agreement with his attorney.

14. If the defendant fails in any way to fulfill each one of his obligations under this Plea Agreement, the United States, and only the United States, may elect to be released from its commitments under this Plea Agreement. If the United States elects to void the Plea Agreement because of a breach by the defendant, then the United States agrees not to use the defendant's guilty plea against him. However, the United States may prosecute the defendant for any and all Federal crimes that he has committed related to this case and may seek any sentence for such crimes up to and including the statutory maximums. The defendant expressly waives any statute of limitations defense and any constitutional or statutory speedy



[REDACTED]  
(USAFLS)  
[REDACTED]  
j.gov>

To "Jay Lefkowitz" <[REDACTED]>

cc  
bcc

09/14/2007 09:57 AM

Subject RE: Follow up

History: This message has been replied to.

Sorry, Jay. I just got this and have to run off to the hospital. I will revise and re-email you tomorrow or late tonight.

[REDACTED]  
Assistant U.S. Attorney  
[REDACTED]  
West Palm Beach, FL 33401  
[REDACTED]

-----Original Message-----  
From: Jay Lefkowitz [mailto:[REDACTED]]  
Sent: Friday, September 14, 2007 9:40 AM  
To: [REDACTED], [REDACTED]. (USAFLS)  
Subject: Follow up

[REDACTED]

\*\*\*\*\*  
\*\*\*\*\*  
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\*\*\*\*\*  
\*\*\*\*\*

**US\_Atty\_Cor\_0015**

EFTA00235341



[Redacted]  
[Redacted]  
a@gmail.com>

To [Redacted]  
cc  
bcc

09/15/2007 03:16 PM Subject JE negotiations

History This message has been replied to and forwarded.

Hi Jay -- Sorry to trouble you over the weekend. Here are the revised documents with the 403 charge. I have gotten some negative reaction to the assault charge with [Redacted] as the victim, since she is considered one of the main perpetrators of the offenses that we planned to charge in the indictment. Can you talk to Mr. Epstein about a young woman named [Redacted]? We have hearsay evidence that she traveled on Mr. Epstein's airplane when she was under 18, in around the 2000 or 2001 time frame. That falls outside the statute of limitations, but perhaps we could construct a 371 conspiracy around that?

Let me know what you think.

Thank you.

[Redacted]

<<< Attachment 'Information charging 403 and 113.pdf' has been archived by user 'CommonStore/IT/Kirkland-Ellis' on '11/26/2007 01:07:57'. >>>

<<< Attachment 'OLY Plea Agreement v5 403 and 113 violations.pdf' has been archived by user 'CommonStore/IT/Kirkland-Ellis' on '11/26/2007 01:07:57'. >>>

D

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. \_\_\_\_\_  
18 U.S.C. § 403  
18 U.S.C. § 113(a)(5)

UNITED STATES OF AMERICA

vs.

R

JEFFREY EPSTEIN,  
Defendant.

A  
INFORMATION

The United States Attorney charges that:

COUNT 1

In or around August 2006, in Palm Beach County, in the Southern District of Florida, and elsewhere, the defendant,

JEFFREY EPSTEIN,

did knowingly and intentionally violate the privacy protection accorded by 18 U.S.C. § 3509 to a child victim, that is, Jane Doe #1; in violation of Title 18, United States Code, Sections 403 and 2.

COUNT 2

In or around \_\_\_\_\_ 2005, in the special territorial jurisdiction of the United States, that is, in an aircraft owned by a United States citizen while in flight over the high seas, and elsewhere, the defendant,

JEFFREY EPSTEIN,

**US Atty Cor 0017**

did knowingly commit a simple assault on a person who was over the age of 16 years, that is, [REDACTED];  
in violation of Title 18, United States Code, Section 113(a)(5).

D

---

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

R

---

[REDACTED]  
ASSISTANT UNITED STATES ATTORNEY

A

F

T

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

**D**  
UNITED STATES OF AMERICA

Case No. \_\_\_\_\_

vs.

JEFFREY EPSTEIN  
**R**  
Defendant

PLEA AGREEMENT

The United States Attorney for the Southern District of Florida ("the United States"),  
**A**  
and Jeffrey Epstein (hereinafter referred to as the "defendant") enter into the following  
agreement:

1. The defendant agrees to plead guilty to the Information which charges the  
defendant as follows: Count 1 charges that the defendant knowingly and intentionally  
**F**  
violated the privacy protection accorded to child victims by 18 U.S.C. § 3509; in violation  
of Title 18, United States Code, Sections 403 and 2; and Count 2 charges that the defendant,  
while in an airplane over the high seas, did knowingly commit a simple assault on a person  
**T**  
who was over the age of 16 years, that is, [REDACTED]; in violation of Title 18, United States Code,  
Section 113(a)(5).

2. The defendant is aware that the sentence will be imposed by the Court after  
considering the Federal Sentencing Guidelines and Policy Statements (hereinafter

"Sentencing Guidelines"). The defendant acknowledges and understands that the Court will compute an advisory sentence under the Sentencing Guidelines and that the applicable guidelines will be determined by the Court relying in part on the results of a Pre-Sentence Investigation by the Court's probation office, which investigation will commence after the guilty plea has been entered. The defendant is also aware that, under certain circumstances, the Court may depart from the advisory sentencing guideline range that it has computed, and may raise or lower that advisory sentence under the Sentencing Guidelines. The defendant is further aware and understands that the Court is required to consider the advisory guideline range determined under the Sentencing Guidelines, but is not bound to impose that sentence; the Court is permitted to tailor the ultimate sentence in light of other statutory concerns, and such sentence may be either more severe or less severe than the Sentencing Guidelines' advisory sentence. Knowing these facts, the defendant understands and acknowledges that the Court has the authority to impose any sentence within and up to the statutory maximum authorized by law for the offenses identified in paragraph 1 and that the defendant may not withdraw the plea solely as a result of the sentence imposed.

3. The defendant further understands and acknowledges that, as to Count 1 of the Information, the Court may impose a statutory maximum term of imprisonment of up to one (1) year, to be followed by a term of supervised release of up to a maximum of one (1) year. In addition to terms of imprisonment and supervised release, the Court may impose a fine of up to \$100,000. The defendant further understands and acknowledges that, as to Count 2 of the Information, the Court may impose a statutory maximum term of imprisonment of up to

six (6) months, to be followed by a term of supervised release of up to a maximum of one (1) year. In addition to terms of imprisonment and supervised release, the Court may impose a fine of up to \$100,000.

**D**  
4. The defendant further understands and acknowledges that, in addition to any sentence imposed under paragraph 3 of this Agreement, a special assessment in the amount of \$50 will be imposed on the defendant, which must be paid at or before the time of sentencing. **R**

5. The defendant understands that the Court will order that he must pay full restitution to all victims of the offense to which he is pleading guilty. The defendant understands that the amount of restitution owed to each victim will be determined at or before sentencing. **A**

6. The parties agree to jointly recommend that the defendant receive a sentence of eighteen (18) months' imprisonment, to be followed by two (2) years of supervised release; and a fine of \$200,000. **F**

7. The defendant agrees that, if any of the victims identified in the federal investigation file suit pursuant to 18 U.S.C. § 2255, the defendant will not contest the jurisdiction of the U.S. District Court for the Southern District of Florida over his person and/or the subject matter, and the defendant will not contest that the identified victims are persons who, while minors, were victims of violations of Title 18, United States Code, Sections(s) 2422 and/or 2423. The United States agrees to provide the defendant's attorneys with a list of the identified victims, which will not exceed forty, after the defendant has **T**

signed this agreement and has been sentenced. The United States further agrees to make a motion with the United States District Court for the Southern District of Florida for the appointment of a guardian ad litem for the identified victims and the defendant's counsel may contact the identified victims through that guardian.

8. The defendant agrees to plead guilty (not nolo contendere) to an Information filed by the Palm Beach County State Attorney's Office charging an offense for which the defendant must register as a sex offender, that is, solicitation of minors to engage in prostitution, in violation of Fl. Stat. 796.03. The defendant agrees that he and the Palm Beach County State Attorney's Office will make a joint, binding recommendation that the Court impose a sentence of at least thirty (30) months, to be divided as follows:

- (a) the defendant shall begin by serving at least twenty (20) months in prison, without any opportunity for withholding adjudication or sentencing, and without probation or community control in lieu of imprisonment; and
- (b) following the term of imprisonment, the defendant shall serve ten (10) months of community control/home confinement with electronic monitoring.

9. The defendant agrees to waive all challenges to the Information filed by the State Attorney's Office and to waive the right to appeal his conviction and sentence in the state court.

10. The defendant agrees that he will provide to the U.S. Attorney's Office copies

of all proposed agreements with the Palm Beach County State Attorney's Office prior to entering into those agreements.

**D** The United States reserves the right to inform the Court and the probation office of all facts pertinent to the sentencing process, including all relevant information concerning the offenses committed, whether charged or not, as well as concerning the defendant and the defendant's background, and to respond to any questions from the Court and the Probation Office and to any misstatements of fact or law. Subject only to the express terms of any agreed-upon sentencing recommendations contained in this Agreement, this Office further reserves the right to make any recommendation as to the quality and quantity of punishment.

**A**

12. The defendant is aware that the sentence has not yet been determined by the Court. The defendant also is aware that any estimate of the probable sentencing range or sentence that the defendant may receive, whether that estimate comes from the defendant's attorney, the government, or the probation office, is a prediction, not a promise, and is not binding on the government, the probation office or the Court. The defendant understands further that any recommendation that the government makes to the Court as to sentencing, whether pursuant to this agreement or otherwise, is not binding on the Court and the Court may disregard the recommendation in its entirety. The defendant understands and acknowledges, as previously acknowledged in paragraph 2 above, that the defendant may not withdraw his plea based upon the Court's decision not to accept a sentencing recommendation made by the defendant, the government, or a recommendation made jointly

by both the defendant and the government.

**13. WAIVER OF RIGHT TO APPEAL AND COLLATERALLY ATTACK**

**THE SENTENCE.** The defendant is aware that Title 18, United States Code, Section 3742 affords the defendant the right to appeal the sentence imposed in this case. Acknowledging this, in exchange for the undertakings made by the United States in this plea agreement, the defendant hereby waives all rights conferred by Section 3742 to appeal any sentence imposed, including any restitution order, or to appeal the manner in which the sentence was imposed, unless the sentence exceeds the maximum permitted by statute or is the result of an upward departure or upward variance from the guideline range that the Court establishes at sentencing. The defendant further voluntarily and expressly waives, to the maximum extent permitted by federal law, the right to collaterally attack his sentence in any post-conviction proceeding, including a motion on any ground brought under 28 U.S.C. § 2254, 28 U.S.C. § 2255, 18 U.S.C. § 3572, or 18 U.S.C. § 3771. The defendant further understands that nothing in this agreement shall affect the government's right and/or duty to appeal as set forth in Title 18, United States Code, Section 3742(b). However, if the United States appeals the defendant's sentence pursuant to Section 3742(b), the defendant shall be released from the above waiver of appellate rights. By signing this agreement, the defendant acknowledges that he has discussed the appeal waiver set forth in this agreement with his attorney.

14. If the defendant fails in any way to fulfill each one of his obligations under this Plea Agreement, the United States, and only the United States, may elect to be released from its commitments under this Plea Agreement. If the United States elects to void the Plea

Agreement because of a breach by the defendant, then the United States agrees not to use the defendant's guilty plea against him. However, the United States may prosecute the defendant for any **D**nd all Federal crimes that he has committed related to this case and may seek any sentence for such crimes up to and including the statutory maximums. The defendant expressly waives any statute of limitations defense and any constitutional or statutory speedy trial defense to such a prosecution, except to the extent that such a defense exists as of the date he signs this Plea **R**greement. Finally, the defendant understands that his violation of the terms of this Plea Agreement would not entitle him to withdraw his guilty plea.

15. This is the entire agreement and understanding between the United States and the defendant. There are no other **A**greements, promises, representations, or understandings.

Date: \_\_\_\_\_

By: \_\_\_\_\_  
R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

Date: \_\_\_\_\_

By: \_\_\_\_\_  
JEFFREY EPSTEIN, DEFENDANT

Date: \_\_\_\_\_

By: \_\_\_\_\_  
JAY LEFKOWITZ, ESQ.  
ATTORNEY FOR DEFENDANT



[Redacted]

om>

09/16/2007 08:49 AM

To "Jay Lefkowitz" <[Redacted]>

cc

bcc

Subject Re: JE negotiations

History This message has been replied to

Hi Jay -- Sorry -- I didn't get your message until this morning. I will call you at 9:15. If that doesn't work, let me know a better time, otherwise I will just plan to speak to you at 9:15. Thanks.

**US\_Atty\_Cor\_0026**

EFTA00235352



"[REDACTED] Villafana"  
<[REDACTED]  
om>  
09/16/2007 09:07 AM

To "Jay Lefkowitz" <[REDACTED]>  
cc  
bcc

Subject Re: JE negotiations

History: This message has been replied to.

Sounds fine. Thanks. Can you e-mail me the number where you want me to call you?

**US\_Atty\_Cor\_0027**



[Redacted]

To "Jay Lefkowitz" [Redacted]

om>  
09/16/2007 10:35 AM

cc  
bcc

Subject Re: JE negotiations

History: This message has been replied to

Hi Jay -- I will wait to hear from you before I change the documents back to the 1512, but can you tell me when you call back whether you had any issues with the language of the plea agreement or the information that I sent earlier? Thanks.



[Redacted]  
[Redacted]  
a@gmail.com>

09/16/2007 11:41 AM

To "Jay Lefkowitz" [Redacted]

cc

bcc

Subject Re: JE negotiations

History: This message has been replied to and forwarded.

Hi Jay -- I looked up some 11th Circuit cases on simple assault and found some good language. I also learned that, every moment that one is aboard an enclosed civil airplane, they are in the "special aircraft jurisdiction of the United States," so the assault charge is really a violation of 49 USC 46506, which doesn't change the penalties.

I have drafted up a factual proffer that I would use at the change of plea based upon our brief conversation and the agents' interaction with Ms. Groff at her home. The agents and I would need to speak with Ms. [Redacted] and Ms. Groff briefly to confirm that these facts are true. Feel free to make suggestions.

On an "avoid the press" note, I believe that Mr. Epstein's airplane was in Miami on the day of the Ms. Groff telephone call. If he was in Miami-Dade County at the time, then I can file the charge in the District Court in Miami, which will hopefully cut the press coverage significantly. Do you want to check that out?

I will talk to you later. Thanks.

<<< Attachment 'Epstein Plea Proffer.doc' has been archived by user 'CommonStore/IT/Kirkland-Ellis' on '11/26/2007 01:08:17'. >>>

**US\_Atty\_Cor\_0029**

EFTA00235355



[REDACTED]  
om>

09/16/2007 03:54 PM

To "Jay Lefkowitz" <[REDACTED]>

cc

bcc

Subject Re:

History: This message has been replied to and forwarded.

Hi Jay -- This can wait until after the show, but my voice is going so I thought I would type it up. I talked to [REDACTED] and he still doesn't like the factual basis. In his opinion, the plea should only address the crimes that we were addressing, and we were not investigating Mr. Epstein abusing his girlfriend.

So, these are the only options that he recommended:

1. We go back to the original agreement where Mr. Epstein pleads only to state charges and serves his time in the state, except that we can agree to only 18 months imprisonment.
2. Mr. Epstein pleads guilty to the state charges and also pleads to either two obstruction counts or to one count of violating 47 USC 223(a)(1)(B), with a joint non-binding recommendation of 18 months, so that Mr. Epstein can serve his time federally.
3. (My suggestion only, not [REDACTED]): I go back to the U.S. Attorney and ask him to agree to an ABA-plea to a 371 count (conspiracy to violate 2422(b)) with a binding 20-month recommendation so that Mr. Epstein can serve all of his time in a federal facility.

Or 4. Mr. Epstein pleads to one obstruction count, and serves part of his time federally and part state.

On your other proposed changes, some are fine and some are problematic.

Re your paragraph 2: As to timing, it is my understanding that Mr. Epstein needs to be sentenced in the state after he is sentenced in the federal case, but not that he needs to plead guilty and be sentenced after serving his federal time. [REDACTED] recommended that some of the timing issues be addressed only in the state agreement, so that it isn't obvious to the judge that we are trying to create federal jurisdiction for prison purposes. My understanding is that Mr. Epstein should sign a state plea agreement, plead guilty to the

**US Atty Cor 0030**

EFTA00235356

federal offenses, plead guilty to the state offenses, be sentenced on the federal offenses, and then be sentenced on the state offenses, and then start serving the federal sentence.

Re your paragraph 3: As to the reservation of Mr. Epstein's right to withdraw his state plea or to appeal his state plea or sentence, that is fine, but we need the caveat that, if he were to do so, the United States could proceed on our charges.

Re your paragraph 6: With respect to the waiver of the right to appeal the federal sentence, given the way we have drafted the information, it is possible that getting to the 18 month sentence will require an upward departure. The version of the agreement that you were working from is a federal non-prosecution agreement, the ones I have sent you recently are plea agreements that get filed with the court. Please see if the appeal waiver language in those versions is alright.

Re your paragraph 7: As I mentioned, we will not waive the presentence investigation. I know that this will delay Mr. Epstein's sentencing by 70 days, but that will allow him to get all of his affairs in order. As to bail, it will be set at the time of arraignment, and we can work out a joint recommendation regarding the amount and its limitations. I have no objection to making a joint recommendation that Mr. Epstein remain out on bond pending his sentencing, but I'm not sure that it belongs in a plea agreement, especially since I can't bind the court on that issue. However, I can assure you, and we can put it on the record during the plea colloquy, that I will join in your recommendation that he remain out on bond pending sentencing. The same goes for the prison camp issue. As I mentioned, I have opposed a designation only once in a very particular case. I can assure you, and we can put it on the record at the plea colloquy that I will not oppose your recommendation for Mr. Epstein's designation.

Re your paragraph 8: As I mentioned over the telephone, I cannot bind the girls to the Trust Agreement, and I don't think it is appropriate that a state court would administer a trust that seeks to pay for federal civil claims. We both want to avoid unscrupulous attorneys and/or litigants from coming forward, and I know that your client wants to keep these matters outside of public court filings, but I just don't have the power to do what you ask. Here is my recommendation. During the period between Mr. Epstein's plea and sentencing, I make a motion for appointment of the Guardian Ad Litem. The three of us sit down and discuss things,

**US\_Atty\_Cor\_0031**

EFTA00235357

and I will facilitate as much as I can getting the girls' approval of this procedure because, as I mentioned, I think it is probably in their best interests. In terms of plea agreement language, let me suggest the following:

The United States agrees to make a motion seeking the appointment of a Guardian ad Litem to represent the identified victims. Following the appointment of such Guardian, the parties agree to work together in good faith to develop a Trust Agreement, subject to the Court's approval, that would provide for any damages owed to the identified victims pursuant to 18 U.S.C. Section 2255. Then include the last two sentences of your paragraph 8.

Re the two paragraphs following your paragraph 8: I will include our standard language regarding resolving all criminal liability and I will mention "co-conspirators," but I would prefer not to highlight for the judge all of the other crimes and all of the other persons that we could charge. Also, we do not have the power to bind Immigration and we make it a policy not to try to, however, I can tell you that, as far as I know, there is no plan to try to proceed on any immigration charges against either Ms. [REDACTED] or Ms. [REDACTED].

Also, on the grand jury subpoenas, I can prepare letters withdrawing them as of the signing of the plea agreement, but I would prefer to take out that language. In my eyes, once we have a plea agreement, the grand jury's investigation has ended and there can be no more use of the grand jury's subpoena power.

I had hoped that we were far closer to resolving this than it appears that we are. Can I suggest that tomorrow we either meet live or via teleconference, either with your client or having him within a quick phone call, to hash out these items? I was hoping to work only a half day tomorrow to save my voice for Tuesday's hearing and grand jury, if necessary, but maybe we can set a time to meet. If you want to meet "off campus" somewhere, that is fine. I will make sure that I have all the necessary decision makers present or "on call," as well.

If we can resolve some of these issues today, let's try to, and then save only the difficult issues for tomorrow.

Sorry for the long e-mail, and for ruining your date with your daughter.

**US\_Atty\_Cor\_0032**

EFTA00235358



[REDACTED]  
 (USAFLS)  
 [REDACTED]@usdo  
 j.gov>  
 09/17/2007 09:43 AM

To <[REDACTED] "Jay Lefkowitz"  
 <[REDACTED]>  
 cc "Gerald Lefcourt"  
 (USAFLS) <[REDACTED]>  
 (USAFLS) <[REDACTED]>  
 bcc

Subject Hearing before Judge Marra has been tak

History This message has been replied to.

Roy and Jay -- I received a call from Jenny, who is standing in as Judge Marra's CRD. She spoke with the judge and he agreed to take the matter off the calendar. I told Jenny that if we are able to reach a plea agreement, we will withdraw the subpoena and Mr. Black will withdraw his motion to quash.

Please call if you have questions.

[REDACTED]

Assistant U.S. Attorney

[REDACTED]

West Palm Beach, FL 33401

[REDACTED]

[REDACTED]

**US Atty Cor 0033**



[Redacted]  
C.  
(USAFSL)\*  
[Redacted]

To "Jay Lefkowitz" <[Redacted]>

cc

bcc

Subject Non-Prosecution Agreements

09/17/2007 11:45 AM

History This message has been replied to and forwarded.

Hi Jay - To avoid you having to reinvent the wheel, here is a copy of the last version of the non-prosecution agreement in Word and WordPerfect.

<<070911 Epstein Non-Prosecution Agreement.wpd>> <<070911 Epstein Non-Prosecution Agreement.doc>>

[Redacted]

Assistant U.S. Attorney

[Redacted]

West Palm Beach, FL 33401

[Redacted]

[Redacted]



070911 Epstein Non-Prosecution Agreement.wpd



070911 Epstein Non-Prosecution Agreement.doc

**US\_Atty\_Cor\_0034**

EFTA00235360

**IN RE:  
INVESTIGATION OF  
JEFFREY EPSTEIN**

---

**NON-PROSECUTION AGREEMENT**

IT APPEARING that the City of Palm Beach Police Department and the State Attorney's Office for the 15th Judicial Circuit in and for Palm Beach County (hereinafter, the "State Attorney's Office") have conducted an investigation into the conduct of Jeffrey Epstein (hereinafter "Epstein");

IT APPEARING that the State Attorney's Office has charged Epstein with three counts of solicitation of prostitution, in violation of Florida Statutes Section 796.07;

IT APPEARING that the United States Attorney's Office and the Federal Bureau of Investigation have conducted their own investigation of the offenses and Epstein's background;

IT APPEARING that Jeffrey Epstein (hereinafter "Epstein") has committed offenses against the United States from in or around 2001 through in or around October 2005, including:

- (1) knowingly and willfully conspiring 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, or entice minor females to engage in prostitution, in violation of Title 18, United States Code, Section 2422(b); all in violation of Title 18, United States Code, Section 371;
- (2) knowingly and willfully conspiring 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 minor females, in violation of Title 18, United States Code, Section 2423(b); all in violation of Title 18, United States Code, Section 2423(e);
- (3) using a facility or means of interstate or foreign commerce to knowingly persuade, induce, or entice minor females to engage in prostitution; in violation of Title 18, United States Code, Sections 2422(b) and 2;
- (4) traveling in interstate commerce for the purpose of engaging in illicit sexual conduct, as defined in 18 U.S.C. § 2423(f), with minor females; in violation of Title 18, United States Code, Section 2423(b); and
- (5) knowingly, in and affecting interstate and foreign commerce, recruiting, enticing,

and obtaining by any means a person, 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); in violation of Title 18, United States Code, Sections 1591(a)(1) and 2; and

IT APPEARING that Epstein has accepted responsibility for his behavior by his signature on this Agreement; and

IT APPEARING, 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;

THEREFORE, on the authority of R. Alexander Acosta, United States Attorney for the Southern District of Florida, prosecution in this District for these offenses shall be deferred in favor of prosecution by the State of Florida, provided that Epstein abides by the following conditions and the requirements of this Agreement set forth below.

Should Epstein violate any of the conditions of this Agreement, the United States Attorney may at any time initiate prosecution against Epstein for any offense. In this case, the United States Attorney will furnish Epstein with notice specifying the condition(s) of the Agreement that he has violated.

After timely fulfilling all the terms and conditions of the Agreement, no prosecution for the offenses set out on pages 1 and 2 of this Agreement will be instituted in this District, and the charges against Epstein if any, will be dismissed.

Terms of the Agreement:

1. Epstein shall plead guilty (not nolo contendere) to an Information filed by the State Attorney's Office charging violations of the following Florida Statutes:
  - (a) lewd and lascivious battery on a child, in violation of Fl. Stat. 800.04(4);
  - (b) solicitation of minors to engage in prostitution, in violation of Fl. Stat. 796.03; and
  - (c) engaging in sexual activity with minors at least sixteen years of age, in violation of Fl. Stat. 794.05.
2. Epstein and the State Attorney's Office shall make a joint, binding recommendation that the Court impose a thirty (30) month sentence to be divided as follows:

- (a) Epstein shall begin by serving at least twenty (20) months in prison, without any opportunity for withholding adjudication or sentencing, and without probation or community control in lieu of imprisonment; and
  - (b) following the term of imprisonment, Epstein shall serve ten (10) months of community control.
3. Epstein shall waive all challenges to the Information filed by the State Attorney's Office and shall waive the right to appeal his conviction and sentence.
4. Epstein shall provide to the U.S. Attorney's Office copies of all proposed agreements with the State Attorney's Office prior to entering into those agreements.
5. Epstein agrees that, if any of the victims identified in the federal investigation file suit pursuant to 18 U.S.C. § 2255, Epstein will not contest the jurisdiction of the U.S. District Court for the Southern District of Florida over his person and/or the subject matter, and Epstein will not contest that the identified victims are persons who, while minors, were victims of violations of Title 18, United States Code, Sections(s) 2422 and/or 2423.
6. The United States shall provide Epstein's attorneys with a list of the identified victims, which will not exceed forty, after Epstein has signed this agreement and has been sentenced. The United States shall make a motion with the United States District Court for the Southern District of Florida for the appointment of a guardian ad litem for the identified victims and Epstein's counsel may contact the identified victims through that counsel.
7. Epstein shall enter his guilty plea and be sentenced not later than September 28, 2007, and shall begin service of his sentence not later than October 15, 2007.
8. With credit for gain time, Epstein shall serve at least 17 months in a state correctional institution.

Epstein understands that the United States Attorney has no authority to require the State Attorney's Office to abide by any terms of this agreement. 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.

By signing this agreement, Epstein asserts and certifies that each of these terms is material to this agreement and is supported by independent consideration and that a breach of any one of these conditions allows the United States to elect to terminate the agreement and to investigate and prosecute Epstein for any and all federal offenses.

By signing this agreement, Epstein asserts and certifies that he is aware of the fact that the Sixth Amendment to the Constitution of the United States provides that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial. Epstein further is aware that Rule 48(b) of the Federal Rules of Criminal Procedure provides that the Court may dismiss an indictment, information, or complaint for unnecessary delay in presenting a charge to the Grand Jury, filing an information, or in bringing a defendant to trial. Epstein hereby requests that the United States Attorney for the Southern District of Florida defer such prosecution. Epstein agrees and consents that any delay from the date of this Agreement to the date of initiation of prosecution, as provided for in the terms expressed herein, shall be deemed to be a necessary delay at his own request, and he hereby waives any defense to such prosecution on the ground that such delay operated to deny him rights under Rule 48(b) of the Federal Rules of Criminal Procedure and the Sixth Amendment to the Constitution of the United States to a speedy trial or to bar the prosecution by reason of the running of the statute of limitations for a period of months equal to the period between the signing of this agreement and the breach of this agreement. Epstein further asserts and certifies that he understands that the Fifth Amendment and Rule 7(a) of the Federal Rules of Criminal Procedure provide that all felonies must be charged in an indictment presented to a grand jury. Epstein hereby agrees and consents that, if a prosecution against him is instituted, it may be by way of an Information signed and filed by the United States Attorney, and hereby waives his right to be indicted by a grand jury.

By signing this agreement, Epstein asserts and certifies that the above has been read and explained to him. Epstein hereby states that he understands the conditions of this Non-Prosecution Agreement and agrees to comply with them.

Dated: \_\_\_\_\_

\_\_\_\_\_  
JEFFREY EPSTEIN

Dated: \_\_\_\_\_

\_\_\_\_\_  
GERALD LEFCOURT, ESQ.  
COUNSEL TO JEFFREY EPSTEIN

Dated: \_\_\_\_\_

\_\_\_\_\_  
R. ALEXANDER ACOSTA



[REDACTED]  
(USAFLS)\*  
[REDACTED]@usdo  
.gov>

09/17/2007 01:11 PM

To <[REDACTED]>  
cc [REDACTED] (USAFLS)\* [REDACTED]  
bcc

Subject My whereabouts

History: This message has been replied to

Hi Jay – I am headed home. If a document is ready to be reviewed later today, can you send a copy to me and also to [REDACTED] (who is stepping in for [REDACTED]). Please send to my home e-mail address – [REDACTED], and give me a call on my cell [REDACTED], so I can be ready for some discussions tomorrow. If anything else comes up, please don't hesitate to call.

Thanks,

[REDACTED]

**US Atty Cor 0039**

EFTA00235365

[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

" [REDACTED] [REDACTED]  
[REDACTED] (USAFLS)"  
[REDACTED]  
[REDACTED]  
@usdoj.gov>

To "Jay Lefkowitz"  
[REDACTED]

09/18/2007 09:14 AM

cc

Sub RE: Draft Agreements?  
ject

Hi Jay – I know that the U.S. Attorney will not go below 18 months of prison/jail time (and I would strongly oppose the suggestion).

[REDACTED]  
Assistant U.S. Attorney  
[REDACTED]  
West Palm Beach, FL 33401  
[REDACTED]

**US\_Atty\_Cor\_0040**

I believe there are only two types of agreements that would apply to this case: (1) a plea agreement to a federal charge or charges; and (2) a non-prosecution agreement (which is really a deferred prosecution agreement because the defendant agrees that if he violates the agreement, the U.S. can prosecute him).

A plea agreement is part of the court file. It is not accessible on-line via PACER, but someone can go to the Clerk's Office to obtain a copy.

A non-prosecution agreement would not be made public or filed with the Court, but it would remain part of our case file. It probably would be subject to a FOIA request, but it is not something that we would distribute without compulsory process.

On the obstruction charges, many of the facts I included in that first proffer were hypothesized based upon our discussions and the agents' observations of Ms. Groff. We will need to interview her to confirm the accuracy of those facts. On a second count, we could rely on the incident where Mr. Epstein's private investigators followed [REDACTED] father, forcing him off the road. Or, if there is something more recent related to any grand jury subpoenas, we could consider that.

Hope that helps.

[REDACTED]

Assistant U.S. Attorney

[REDACTED]

West Palm Beach, FL 33401

[REDACTED]

[REDACTED]

\*\*\*\*\*

\*\*\*\*\*

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**US\_Attorney\_Cor\_0041**

EFTA00235367

and may be unlawful. If you have received this communication in error, please notify us immediately by return e-mail or by e-mail to [postmaster@kirkland.com](mailto:postmaster@kirkland.com), and destroy this communication and all copies thereof, including all attachments.

\*\*\*\*\*

\*\*\*\*\*



070918 12.22 pm Plea Agreement 1512 counts.wpd

**US\_Attorney\_Cor\_0042**

EFTA00235368



[REDACTED]  
(USAFLS)  
<[REDACTED]>  
j.gov

To "Jay Lefkowitz" [REDACTED]  
cc  
bcc

09/18/2007 09:14 AM

Subject RE: Draft Agreements?

History This message has been replied to

Hi Jay - I know that the U.S. Attorney will not go below 18 months of prison/jail time (and I would strongly oppose the suggestion).

[REDACTED]  
Assistant U.S. Attorney  
[REDACTED]  
West Palm Beach, FL 33401  
[REDACTED]

[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]ol.

[REDACTED] (USAFLS)

To "Jay Lefkowitz"  
<[REDACTED]>  
cc  
Subject Draft Agreements?  
t

09/18/2007 08:44 AM

Hi Jay - I was hoping there would be things for me to read this morning, but I will try to remain patient.

I believe there are only two types of agreements that would apply to this case: (1) a plea agreement to a federal charge or charges;

**US Atty Cor 0043**



[REDACTED]  
 (USAFELSW)  
 [REDACTED]  
 .gov>  
 09/18/2007 01:23 PM

To "Jay Lefkowitz" <[REDACTED]>  
 cc  
 bcc  
 Subject RE: Draft Agreements?

Hi Jay – I think that you are referring to USSG 1B1.9, which doesn't apply to Class A misdemeanors. If you have some other basis, please let me know.

Could you share the attached draft with your colleagues. It is in keeping with what [REDACTED] communicated to me was the operative "deal." The U.S. Attorney hasn't had a chance to review all of the language, but agrees with it in principle. The only thing we haven't been able to discuss is the highlighted language regarding the state sentence. I believe that takes care of your client's concern about having to serve "duplicate" time in the state, and our concern about getting the state guilty plea wrapped up at the beginning rather than years down the road.

[REDACTED] and I will both be available at 2:00. You can reach us at [REDACTED]. One of my suggestions is going to be (again) that we all sit down together in the same room, including [REDACTED] and/or [REDACTED], so we can hash out the still existing issues and get a signed document.

[REDACTED]

Assistant U.S. Attorney

[REDACTED]

West Palm Beach, FL 33401

[REDACTED]

**US\_Atty\_Cor\_0044**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

----- Original Message -----  
From: "[REDACTED] (USAFLS)"  
[REDACTED]  
Sent: 09/18/2007 12:43 PM AST  
To: Jay Lefkowitz  
Subject: RE: Draft Agreements?

Hi Jay – It looks like I will be here all afternoon, but earlier is better than later. There are a number of issues with your version, but one that you can look at before our call is the calculation of the guidelines on the 1512(d) counts. The cross-reference to 2X3.1 applies, which then takes us to 2G1.3. Giving Mr. Epstein the benefit of the doubt (that they would treat this as though there were only one victim), he would have a base offense level of 24, plus 2 for a commercial sex act, totaling 26. Returning to 2X3.1, we would subtract 6 levels and subtract another 3 levels for acceptance for a total offense level of 17. With criminal history category of I, that results in 24 to 30 months, which is in Zone D.

[REDACTED]

Assistant U.S. Attorney

[REDACTED]

West Palm Beach, FL 33401

[REDACTED]

**US Atty Cor 0045**



"Villafana, [REDACTED]  
 (USA/ELSV)  
 [REDACTED]  
 09/18/2007 02:53  
 PM

To "Jay Lefkowitz" <[REDACTED]>  
 cc  
 bcc  
 Subject Factual proffer

History: This message has been replied to and forwarded.

Hi Jay – I didn't want us to get sidetracked during the conference call. I want to make sure that we have a factual basis for "harassment." Forcibly flying [REDACTED] and [REDACTED] somewhere else is a different 1512 offense with a 10 year cap. This is the factual proffer that I drafted up earlier this afternoon, to give you an idea of what it would look like.

When I include a factual proffer in a plea agreement, I usually use prefatory language like: The parties agree that, had this case proceeded to trial, the United States would have proven the following facts beyond a reasonable doubt, and that the following facts are true and correct and are sufficient to support a plea of guilty .

<<Epstein Plea Proffer.doc>>

[REDACTED]

Assistant U.S. Attorney

[REDACTED]

West Palm Beach, FL 33401

[REDACTED]

[REDACTED]

<<< Attachment 'Epstein Plea Proffer.doc' has been archived by user 'CommonStore/IT/Kirkland-Ellis' on '11/26/2007 01:11:55'. >>>

**UNITED STATES vs. JEFFREY EPSTEIN**  
**PLEA PROFFER**

On August 21, 2007, FBI Special Agents [REDACTED] and [REDACTED] traveled to the home of Lesley Groff to serve her with a federal grand jury subpoena in connection with an investigation pending in the Southern District of Florida. Ms. Groff works as the personal assistant of the defendant. Ms. Groff began speaking with the agents and then excused herself to go upstairs to check on her sleeping child. While upstairs, Ms. Groff telephoned the defendant, Jeffrey Epstein, and informed him that the FBI agents were at her home. Mr. Epstein instructed Ms. Groff not to speak with the agents and reprimanded her for allowing them into her home. Mr. Epstein applied pressure to keep Ms. Groff from complying with the grand jury subpoena that the agents had served upon her. In particular, Mr. Epstein warned Ms. Groff against turning over documents and electronic evidence responsive to the subpoena and pressured her to delay her appearance before the federal grand jury in the Southern District of Florida.

This conversation occurred when Mr. Epstein was aboard his privately owned civilian aircraft in Miami in the Southern District of Florida. His pilot had filed a flight plan showing that the parties were about to return to Teterboro, New Jersey. After the conversation with Ms. Groff, Mr. Epstein became concerned that the FBI would try to serve his traveling companion, [REDACTED], with a similar grand jury subpoena. In fact, the agents were preparing to serve Ms. [REDACTED] with a target letter when the flight landed in Teterboro. Mr. Epstein then re-directed his airplane, making the pilot file a new flight plan to travel to the U.S. Virgin Islands instead of the New York City area, thereby keeping the Special Agents from serving the target letter on [REDACTED].

**US\_Attorney\_Cor\_0047**

EFTA00235373

During the course of that flight, the defendant verbally harassed Ms. [REDACTED], harassing and pressuring her not to cooperate with the grand jury's investigation, thereby hindering and dissuading her from reporting the commission of a violation of federal law to a law enforcement officer, namely, Special Agents of the FBI.

**US\_Atty\_Cor\_0048**

EFTA00235374

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. \_\_\_\_\_

UNITED STATES OF AMERICA

vs.

JEFFREY EPSTEIN,

Defendant.

---

PLEA AGREEMENT

The United States Attorney for the Southern District of Florida ("the United States"), and Jeffrey Epstein (hereinafter referred to as the "defendant") enter into the following agreement:

1. The defendant agrees to plead guilty to a two-count Information which charges the defendant as follows. Count 1 charges that the defendant intentionally harassed another person, that is, [REDACTED], in an attempt to delay, prevent, and dissuade [REDACTED] from attending or testifying in an official proceeding, that is a Federal Grand Jury appearance in the Southern District of Florida, in violation of Title 18, United States Code, Sections 1512(d)(2) and 2; and Count 2 charges that the defendant intentionally harassed another person, that is, [REDACTED], in an attempt to delay, prevent, and dissuade [REDACTED] from reporting to a law enforcement officer of the United States the commission of a federal offense; in violation of Title 18, United States Code, Sections 1512(d)(2) and 2.

2. The defendant agrees and understands that the above charges involve his conduct, and the conduct of others, between in and around early 2001 through in and

around September 2007 involving a conspiracy to solicit minors to engage in prostitution and to travel in interstate commerce to engage in illicit sexual conduct. This agreement resolves the federal criminal liability of the defendant and any co-conspirators in the Southern District of Florida growing out of any criminal conduct by those persons known to the United States Attorney's Office for the Southern District of Florida as of the date of this plea agreement, including but not limited to the above-described scheme.

3. The United States agrees that, upon entry of the defendant's guilty plea, its Grand Jury investigation will be suspended, and all pending Grand Jury subpoenas will be held in abeyance unless and until the defendant violates any term of this agreement, as explained in paragraph 19, *infra*. The defendant likewise agrees to withdraw his pending motion to intervene and to quash certain grand jury subpoenas. The defendant further agrees that the current custodian of certain computer equipment shall maintain that evidence inviolate until all of the terms of this agreement have been satisfied.

4. The defendant is aware that the sentence will be imposed by the Court after considering the Federal Sentencing Guidelines and Policy Statements (hereinafter "Sentencing Guidelines"). The defendant acknowledges and understands that the Court will compute an advisory sentence under the Sentencing Guidelines and that the applicable guidelines will be determined by the Court relying in part on the results of a Pre-Sentence Investigation by the Court's probation office, which investigation will commence after the guilty plea has been entered. The defendant is also aware that, under certain circumstances, the Court may depart from the advisory sentencing guideline range that it has computed, and may raise or lower that advisory sentence under the Sentencing Guidelines. The defendant is further aware and understands that the Court is required to consider the advisory guideline range determined under the Sentencing Guidelines, but is not bound to impose that sentence; the Court is permitted to tailor the ultimate sentence in light of other statutory concerns, and such sentence may be either more severe or less

severe than the Sentencing Guidelines' advisory sentence. Knowing these facts, the defendant understands and acknowledges that the Court has the authority to impose any sentence within and up to the statutory maximum authorized by law for the offenses identified in paragraph 1 and that the defendant may not withdraw the plea solely as a result of the sentence imposed.

5. The defendant further understands and acknowledges that, as to each of Counts 1 and 2 of the Information, the Court may impose a statutory maximum term of imprisonment of up to one (1) year, to be followed by a term of supervised release of up to a maximum of one (1) year. In addition to terms of imprisonment and supervised release, the Court may impose a fine of up to \$100,000 as to each count.

6. The defendant further understands and acknowledges that, in addition to any sentence imposed under paragraph 3 of this Agreement, a special assessment in the amount of \$50 will be imposed on the defendant, which must be paid at or before the time of sentencing.

7. The defendant understands that the Court will order that he must pay full restitution to all victims of the offense to which he is pleading guilty. The defendant understands that the amount of restitution owed to each victim will be determined at or before sentencing.

8. The parties agree to jointly recommend that the defendant receive a sentence of eighteen (18) months' imprisonment, to be followed by two (2) years of supervised release; and a fine of \$200,000. The parties' further agree to jointly recommend that the Court impose one year of home confinement as a special condition of supervised release.

9. The defendant agrees that, if any of the victims identified in the federal investigation file suit pursuant to 18 U.S.C. § 2255, the defendant will not contest the jurisdiction of the U.S. District Court for the Southern District of Florida over his person

and/or the subject matter, and the defendant will not contest that the identified victims are persons who, while minors, were victims of violations of Title 18, United States Code, Sections(s) 2422 and/or 2423. The United States agrees to provide the defendant's attorneys with a list of the identified victims, which will not exceed forty, after the defendant has signed this agreement and has been sentenced. The United States further agrees to make a motion with the United States District Court for the Southern District of Florida for the appointment of a guardian ad litem for the identified victims and the defendant's counsel may contact the identified victims through that guardian.

10. The defendant further understands and acknowledges that he must undertake certain actions with the State Attorney's Office for the 15th Judicial Circuit in and for Palm Beach County (hereinafter, "State Attorney's Office") in order to satisfy the United States' federal interest in the investigation and prosecution of his offenses, in accordance with the Justice Department's *Petite* policy. Epstein understands and acknowledges that the United States Attorney has no authority to require the State Attorney's Office to abide by any terms of this Agreement. Epstein understands that it is his obligation to undertake discussion with the State Attorney's Office to ensure compliance with these procedures.

11. In addition to entering a guilty plea in the instant case, the defendant agrees to plead guilty to an Information filed by the Palm Beach County State Attorney's Office charging an offense for which the defendant must register as a sex offender, that is, solicitation of minors to engage in prostitution, in violation of Fl. Stat. 796.03. The defendant must enter this guilty plea before he is sentenced on the federal offenses.

12. The defendant agrees that he and the Palm Beach County State Attorney's Office will make a joint, binding recommendation that the Court impose a sentence of at least eighteen (18) months' imprisonment to be followed by at least twelve (12) months of community control/home confinement to be served upon the defendant's release from

federal prison. Those sentences may run concurrently with the federal sentence imposed pursuant to this agreement. **[NB: The other option is: The defendant and the Palm Beach County State Attorney's Office shall make a joint, binding recommendation that the Court impose a sentence of at least sixty (60) months' probation, which will include at least twelve (12) months of community control/home confinement to be served upon the defendant's release from federal prison.]**

13. The defendant agrees to waive all challenges to the Information filed by the State Attorney's Office and to waive the right to appeal his conviction and sentence in the state court.

14. The defendant agrees to provide to the U.S. Attorney's Office copies of all proposed agreements with the Palm Beach County State Attorney's Office prior to entering into those agreements.

15. The defendant agrees that the timely completion of these actions is material to this agreement and is supported by independent consideration and that a breach of any one of these conditions allows the United States to elect to terminate the agreement and to investigate and prosecute Epstein for any and all federal offenses.

16. The United States reserves the right to inform the Court and the probation office of all facts pertinent to the sentencing process, including all relevant information concerning the offenses committed, whether charged or not, as well as concerning the defendant and the defendant's background, and to respond to any questions from the Court and the Probation Office and to any misstatements of fact or law. Subject only to the express terms of any agreed-upon sentencing recommendations contained in this Agreement, this Office further reserves the right to make any recommendation as to the quality and quantity of punishment.

17. The defendant is aware that the sentence has not yet been determined by the Court. The defendant also is aware that any estimate of the probable sentencing range or

sentence that the defendant may receive, whether that estimate comes from the defendant's attorney, the government, or the probation office, is a prediction, not a promise, and is not binding on the government, the probation office or the Court. The defendant understands further that any recommendation that the government makes to the Court as to sentencing, whether pursuant to this agreement or otherwise, is not binding on the Court and the Court may disregard the recommendation in its entirety. The defendant understands and acknowledges, as previously acknowledged in paragraph 4 above, that the defendant may not withdraw his plea based upon the Court's decision not to accept a sentencing recommendation made by the defendant, the government, or a recommendation made jointly by both the defendant and the government.

**18. WAIVER OF RIGHT TO APPEAL AND COLLATERALLY ATTACK THE SENTENCE.** The defendant is aware that Title 18, United States Code, Section 3742 affords the defendant the right to appeal the sentence imposed in this case. Acknowledging this, in exchange for the undertakings made by the United States in this plea agreement, the defendant hereby waives all rights conferred by Section 3742 to appeal any sentence imposed, including any restitution order, or to appeal the manner in which the sentence was imposed, unless the sentence exceeds the maximum permitted by statute. The defendant further voluntarily and expressly waives, to the maximum extent permitted by federal law, the right to collaterally attack his sentence in any post-conviction proceeding, including a motion on any ground brought under 28 U.S.C. § 2254, 28 U.S.C. § 2255, 18 U.S.C. § 3572, or 18 U.S.C. § 3771. The defendant further understands that nothing in this agreement shall affect the government's right and/or duty to appeal as set forth in Title 18, United States Code, Section 3742(b). However, if the United States appeals the defendant's sentence pursuant to Section 3742(b), the defendant shall be released from the above waiver of appellate rights. By signing this agreement, the defendant acknowledges that he has discussed the appeal waiver set forth in this

agreement with his attorney.

19. If the defendant fails in any way to fulfill each one of his obligations under this Plea Agreement, the United States, and only the United States, may elect to be released from its commitments under this Plea Agreement. If the United States elects to void the Plea Agreement because of a breach by the defendant, then the United States agrees not to use the defendant's guilty plea against him. However, the United States may prosecute the defendant for any and all Federal crimes that he has committed related to this case and may seek any sentence for such crimes up to and including the statutory maximums. The defendant expressly waives any statute of limitations defense and any constitutional or statutory speedy trial defense to such a prosecution, except to the extent that such a defense exists as of the date he signs this Plea Agreement. Finally, the defendant understands that his violation of the terms of this Plea Agreement would not entitle him to withdraw his guilty plea.

20. This is the entire agreement and understanding between the United States and the defendant. There are no other agreements, promises, representations, or understandings.

Date: \_\_\_\_\_

By: \_\_\_\_\_  
R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

Date: \_\_\_\_\_

By: \_\_\_\_\_  
JEFFREY EPSTEIN, DEFENDANT

Date: \_\_\_\_\_

By: \_\_\_\_\_



[REDACTED]  
(USA FLS)  
<[REDACTED]@usdo  
j.gov>

To "Jay Lefkowitz" <[REDACTED]>  
cc  
bcc

09/19/2007 10:39 AM

Subject RE: Draft Agreements?

History This message has been replied to.

Hi Jay - Can you send me an update on where we are? I assume that everyone will be off on Friday, so we need to have a final agreement by tomorrow so I can set up an arraignment on Monday. I will need to get the Information approved, file it with the Court, get a judge assigned, and get us on the calendar for an initial appearance and arraignment. Thank you.

My a/c isn't working, so I am sitting in a different office. You can get me at [REDACTED] or on my cell at [REDACTED]. Also, if you want me to look at BOP regs regarding the camp issue, please let me know.

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

**US Atty Cor 0056**

EFTA00235382



[REDACTED]  
"USAFLSV"  
[REDACTED]  
J.gov

09/19/2007 11:21 AM

To "Jay Lefkowitz" <[REDACTED]>  
cc  
bcc

Subject RE: Draft Agreements?

History This message has been replied to and forwarded.

Hi Jay - I don't know the factual basis for the alleged harassment of [REDACTED] and [REDACTED] because we have no independent evidence of that. So, the agents need to talk to them and then I can draft up a proposed factual proffer. I have sent an e-mail to [REDACTED] and [REDACTED] to determine their availability. Thanks.

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

**US Atty Cor 0057**

EFTA00235383



[REDACTED]  
(USAFLSW)  
[REDACTED]  
j.gov>

To "Jay Lefkowitz" <[REDACTED]>  
cc  
bcc

09/19/2007 11:48 AM

Subject RE: Draft Agreements?

History: This message has been forwarded.

Alright, that is pretty much what I had written yesterday. Here is my suggestion:

On August 21, 2007, FBI Special Agents [REDACTED] and [REDACTED] traveled to the home of Lesley Groff to serve her with a federal grand jury subpoena in connection with an investigation pending in the Southern District of Florida. Ms. Groff works as the personal assistant of the defendant. Ms. Groff began speaking with the agents and then excused herself to go upstairs to check on her sleeping child. While upstairs, Ms. Groff telephoned the defendant, Jeffrey Epstein, and informed him that the FBI agents were at her home.

This conversation occurred when Mr. Epstein was aboard his privately owned civilian aircraft in Miami in the Southern District of Florida. His pilot had filed a flight plan showing that the parties were about to return to Teterboro, New Jersey. After the conversation with Ms. Groff, Mr. Epstein became concerned that the FBI would try to serve his traveling companions, [REDACTED] and [REDACTED], with similar grand jury subpoenas. In fact, the agents were preparing to serve Ms. [REDACTED] and Ms. [REDACTED] with target letters when the flight landed in Teterboro. Mr. Epstein then re-directed his airplane, making the pilot file a new flight plan to travel to the U.S. Virgin Islands instead of the New York City area, thereby keeping the Special Agents from serving the target letters on Ms. [REDACTED] and Ms. [REDACTED]. During the course of that flight, the defendant verbally harassed both Ms. [REDACTED] and Ms. [REDACTED], harassing and pressuring them not to cooperate with the grand jury's investigation, thereby hindering and dissuading them from reporting the commission of a violation of federal law to law enforcement officers, namely, Special Agents of the FBI.

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

[REDACTED]

US Atty Cor 0058

[REDACTED]

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

**From:** [REDACTED] (USAFLS)"  
[REDACTED]@usdoj.gov]  
**Sent:** 09/19/2007 11:18 AM AST  
**To:** Jay Lefkowitz  
**Subject:** RE: Draft Agreements?

Hi Jay - I don't know the factual basis for the alleged harassment of [REDACTED] and [REDACTED] because we have no independent evidence of that. So, the agents need to talk to them and then I can draft up a proposed factual proffer. I have sent an e-mail to [REDACTED] and [REDACTED] to determine their availability. Thanks.

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

\*\*\*\*\*

\*\*\*\*\*

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\*\*\*\*\*

\*\*\*\*\*



[REDACTED]  
[REDACTED] (USAEL SW)  
[REDACTED]@usdo  
j.gov>

09/19/2007 01:29 PM

To "Jay Lefkowitz" [REDACTED]

cc

bcc

Subject Meeting on Monday

Hi Jay – We can start as early as you like on Monday. [REDACTED] will join us at 10:00. We can meet here in our offices so I can make any necessary changes and get us over to the courthouse.

[REDACTED]

Assistant U.S. Attorney

[REDACTED]

**US Atty\_Cor\_0061**

EFTA00235387



[Redacted]  
(USAFLS)\*  
[Redacted]  
[Redacted]@usdoj.go

To "Jay Lefkowitz" <[Redacted]>  
cc "[Redacted]@usdoj.gov", [Redacted]  
(USAFLS)\* <[Redacted]>  
Karen \ (USAFLS)\* <[Redacted]>

09/20/2007 03:52 PM Subject Final version of Plea Agreement – EPSTEIN

History: This message has been replied to and forwarded.

Hi Jay – I have attached the plea agreement as approved by the U.S. Attorney and the proposed information. If your client is going to accept the agreement, please let me know by noon tomorrow, so that I can file the Information, get a judicial assignment, and arrange an arraignment and change of plea for Monday. We also will need to set a time for the agents to interview Ms. [Redacted] and Ms. [Redacted] to finalize a factual proffer.

Following the plea, Mr. Epstein will have at least 70 days before sentencing plus the time to self-surrender in order to get his affairs in order, including entering his guilty pleas to the state charges.

[Redacted] mentioned that your client is considering returning to our original offer of just a state plea. If that is the case, the non-prosecution agreement that was provided to you last week will control. Again, we will need to receive a signed version by tomorrow if that is Mr. Epstein's decision.

You can reach me on my cell phone at [Redacted]. Thank you.

<<070920 3.45 pm Plea Agreement 1512 counts.wpd>>

<<070919 Information charging 1512.wpd>>

[Redacted]

Assistant U.S. Attorney

[Redacted]

West Palm Beach, FL 33401

[Redacted]

[Redacted]

<<< Attachment '070920 3.45 pm Plea Agreement 1512 counts.wpd'

**US Atty Cor 0062**

has been archived by user 'CommonStore/IT/Kirkland-Ellis' on  
'11/26/2007 01:16:02'. >>>  
<<< Attachment '070919 Information charging 1512.wpd' has been  
archived by user 'CommonStore/IT/Kirkland-Ellis' on '11/26/2007  
01:16:03'. >>>

**US\_Attorney\_Cor\_0063**

EFTA00235389

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. \_\_\_\_\_

UNITED STATES OF AMERICA

vs.

JEFFREY EPSTEIN,

Defendant.

---

PLEA AGREEMENT

The United States Attorney for the Southern District of Florida ("the United States"), and Jeffrey Epstein (hereinafter referred to as the "defendant") enter into the following agreement:

1. The defendant agrees to plead guilty to a two-count Information which charges that the defendant intentionally harassed two other persons, that is, [REDACTED] and [REDACTED], in an attempt to delay, prevent, and dissuade those persons from reporting to a law enforcement officer of the United States the commission of a federal offense; in violation of Title 18, United States Code, Sections 1512(d)(2) and 2.

2. The defendant agrees and understands that the above charges involve his conduct, and the criminal conduct of others, between in and around early 2001 through in and around September 2007. This agreement resolves the federal criminal liability of the defendant and any co-conspirators in the Southern District of Florida growing out of any criminal conduct by those persons known to the United States Attorney's Office for the Southern District of Florida as of the date of this plea agreement.

3. The United States agrees that, upon entry of the defendant's guilty plea, its Grand Jury investigation will be suspended, and all pending litigation between the parties will be held in abeyance unless and until the defendant violates any term of this agreement, as explained in paragraph 18, *infra*. Both parties agree to maintain their evidence inviolate until all of the terms of this agreement have been satisfied.

4. The defendant is aware that the sentence will be imposed by the Court after considering the Federal Sentencing Guidelines and Policy Statements (hereinafter "Sentencing Guidelines"). The defendant acknowledges and understands that the Court will compute an advisory sentence under the Sentencing Guidelines and that the applicable guidelines will be determined by the Court relying in part on the results of a Pre-Sentence Investigation by the Court's probation office, which investigation will commence after the guilty plea has been entered. The defendant is also aware that, under certain circumstances, the Court may depart from the advisory sentencing guideline range that it has computed, and may raise or lower that advisory sentence under the Sentencing Guidelines. The defendant is further aware and understands that the Court is required to consider the advisory guideline range determined under the Sentencing Guidelines, but is not bound to impose that sentence; the Court is permitted to tailor the ultimate sentence in light of other statutory concerns, and such sentence may be either more severe or less severe than the Sentencing Guidelines' advisory sentence. Knowing these facts, the defendant understands and acknowledges that the Court has the authority to impose any sentence within and up to the statutory maximum authorized by law for the offenses identified in paragraph 1 and that the defendant may not withdraw the plea solely as a result of the sentence imposed.

5. The defendant further understands and acknowledges that, as to each of Counts 1 and 2 of the Information, the Court may impose a statutory maximum term of imprisonment of up to one (1) year, to be followed by a term of supervised release of up

to a maximum of one (1) year. In addition to terms of imprisonment and supervised release, the Court may impose a fine of up to \$100,000 as to each count.

6. The defendant further understands and acknowledges that, in addition to any sentence imposed under paragraph 4 of this Agreement, a special assessment in the amount of \$50 will be imposed on the defendant, which must be paid at or before the time of sentencing.

7. The defendant understands that the Court will order that he must pay full restitution to all victims of the offenseS to which he is pleading guilty. The defendant understands that the amount of restitution owed to each victim will be determined at or before sentencing.

8. The parties agree to jointly recommend that the defendant receive a sentence of eighteen (18) months' imprisonment, to be followed by one (1) year of supervised release, and a fine of \$200,000. The parties' further agree to jointly recommend that the Court impose one year of home confinement as a special condition of supervised release.

9. The defendant agrees that, if any of the victims identified in the federal investigation file suit pursuant to 18 U.S.C. § 2255, the defendant will not contest the jurisdiction of the U.S. District Court for the Southern District of Florida over his person and/or the subject matter, and the defendant will not contest that the identified victims are persons who, while minors, were victims of violations of Title 18, United States Code, Sections(s) 2422 and/or 2423. The United States agrees to provide the defendant's attorneys with a list of the identified victims, which will not exceed forty, after the defendant has signed this agreement and has been sentenced. The United States further agrees to make a motion with the United States District Court for the Southern District of Florida for the appointment of a guardian ad litem for the identified victims and the defendant's counsel may contact the identified victims through that guardian.

10. The United States has reached this agreement with the defendant in response to the defendant's request to globally resolve his state and federal criminal liability. To do so, the defendant further understands and acknowledges that he must undertake certain actions with the State Attorney's Office for the 15th Judicial Circuit in and for Palm Beach County (hereinafter, "State Attorney's Office").

11. In addition to entering a guilty plea in the instant case, the defendant agrees that, prior to his sentencing on the federal charges, he will plead guilty to an Information filed by the State Attorney's Office charging an offense for which the defendant must register as a sex offender, that is, solicitation of minors to engage in prostitution, in violation of Fl. Stat. 796.03. The defendant agrees that he will waive all challenges to the Information filed by the State Attorney's Office and waive the right to appeal his conviction and sentence in the state court.

12. The defendant agrees that he will make a binding recommendation that the 15th Judicial Circuit Court impose a sentence of at least eighteen (18) months' imprisonment to be followed by at least twelve (12) months of community control/home confinement to be served upon the defendant's release from federal prison. The defendant further represents that he has had discussions with the State Attorney's Office, which has agreed to likewise make this recommendation. The sentences imposed by the 15th Judicial Circuit Court may run concurrently with the federal sentence imposed pursuant to this agreement.

13. The defendant agrees to provide to the U.S. Attorney's Office copies of all proposed agreements with the State Attorney's Office prior to entering into those agreements.

14. The defendant agrees that the timely completion of these actions is material to this agreement and is supported by independent consideration and that a breach of any one of these conditions allows the United States to elect to terminate the agreement and to

investigate and prosecute the defendant for any and all federal offenses.

15. The United States reserves the right to inform the Court and the probation office of all facts pertinent to the sentencing process, including all relevant information concerning the offenses committed, whether charged or not, as well as concerning the defendant and the defendant's background, and to respond to any questions from the Court and the Probation Office and to any misstatements of fact or law. Subject only to the express terms of any agreed-upon sentencing recommendations contained in this Agreement, this Office further reserves the right to make any recommendation as to the quality and quantity of punishment.

16. The defendant is aware that the sentence has not yet been determined by the Court. The defendant also is aware that any estimate of the probable sentencing range or sentence that the defendant may receive, whether that estimate comes from the defendant's attorney, the government, or the probation office, is a prediction, not a promise, and is not binding on the government, the probation office or the Court. The defendant understands further that any recommendation that the government makes to the Court as to sentencing, whether pursuant to this agreement or otherwise, is not binding on the Court and the Court may disregard the recommendation in its entirety. The defendant understands and acknowledges, as previously acknowledged in paragraph 4 above, that the defendant may not withdraw his plea based upon the Court's decision not to accept a sentencing recommendation made by the defendant, the government, or a recommendation made jointly by both the defendant and the government.

17. **WAIVER OF RIGHT TO APPEAL AND COLLATERALLY ATTACK THE SENTENCE.** The defendant is aware that Title 18, United States Code, Section 3742 affords the defendant the right to appeal the sentence imposed in this case. Acknowledging this, in exchange for the undertakings made by the United States in this

plea agreement, the defendant hereby waives all rights conferred by Section 3742 to appeal any sentence imposed, including any restitution order, or to appeal the manner in which the sentence was imposed, unless the sentence exceeds the maximum permitted by statute. The defendant further voluntarily and expressly waives, to the maximum extent permitted by federal law, the right to collaterally attack his sentence in any post-conviction proceeding, including a motion on any ground brought under 28 U.S.C. § 2254, 28 U.S.C. § 2255, 18 U.S.C. § 3572, or 18 U.S.C. § 3771. The defendant further understands that nothing in this agreement shall affect the government's right and/or duty to appeal as set forth in Title 18, United States Code, Section 3742(b). However, if the United States appeals the defendant's sentence pursuant to Section 3742(b), the defendant shall be released from the above waiver of appellate rights. By signing this agreement, the defendant acknowledges that he has discussed the appeal waiver set forth in this agreement with his attorney.

18. If the defendant fails in any way to fulfill each one of his obligations under this Plea Agreement, the United States, and only the United States, may elect to be released from its commitments under this Plea Agreement. If the United States elects to void the Plea Agreement because of a breach by the defendant, then the United States agrees not to use the defendant's guilty plea against him. However, the United States may prosecute the defendant for any and all Federal crimes that he has committed related to this case and may seek any sentence for such crimes up to and including the statutory maximums. The defendant expressly waives any statute of limitations defense and any constitutional or statutory speedy trial defense to such a prosecution, except to the extent that such a defense exists as of the date he signs this Plea Agreement. Finally, the defendant understands that his violation of the terms of this Plea Agreement would not entitle him to withdraw his guilty plea.

19. This is the entire agreement and understanding between the United States

and the defendant. There are no other agreements, promises, representations, or understandings.

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

Date: \_\_\_\_\_

By: \_\_\_\_\_  
[REDACTED]  
ASSISTANT UNITED STATES ATTORNEY

Date: \_\_\_\_\_

By: \_\_\_\_\_  
JEFFREY EPSTEIN, DEFENDANT

Date: \_\_\_\_\_

By: \_\_\_\_\_  
ROY BLACK, ESQ.  
ATTORNEY FOR DEFENDANT

Date: \_\_\_\_\_

By: \_\_\_\_\_  
GERALD LEFCOURT, ESQ.  
COUNSEL TO DEFENDANT



[REDACTED]  
C. VOISAE LSW  
[REDACTED]  
@usdoj.gov

To "Jay Lefkowitz" [REDACTED]  
cc:  
bcc:

09/20/2007 03:58 PM

Subject Epstein plea agreement

History This message has been replied to.

Jay – there was one spacing problem with the last version. Here is the final. We have added Roy Black’s name to a signature line so that a Florida attorney signs it and we don’t have to worry about Pro Hac Vice motions. If you would prefer Jack Goldberger’s name, please let me know.

<<070920 3.45 pm Plea Agreement 1512 counts.wpd>>

[REDACTED]

Assistant U.S. Attorney

[REDACTED]

West Palm Beach, FL 33401

[REDACTED]

[REDACTED]

<<< Attachment '070920 3.45 pm Plea Agreement 1512 counts.wpd' has been archived by user 'CommonStore/IT/Kirkland-Ellis' on '11/26/2007 01:16:07'. >>>



Hi Jay – I have attached the plea agreement as approved by the U.S. Attorney and the proposed information. If your client is going to accept the agreement, please let me know by noon tomorrow, so that I can file the Information, get a judicial assignment, and arrange an arraignment and change of plea for Monday. We also will need to set a time for the agents to interview Ms. [REDACTED] and Ms. [REDACTED] to finalize a factual proffer.

Following the plea, Mr. Epstein will have at least 70 days before sentencing plus the time to self-surrender in order to get his affairs in order, including entering his guilty pleas to the state charges.

[REDACTED] mentioned that your client is considering returning to our original offer of just a state plea. If that is the case, the non-prosecution agreement that was provided to you last week will control. Again, we will need to receive a signed version by tomorrow if that is Mr. Epstein's decision.

You can reach me on my cell phone at [REDACTED]. Thank you.

<<070920 3.45 pm Plea Agreement 1512 counts.wpd>>

<<070919 Information charging 1512.wpd>>

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

[REDACTED]  
West Palm Beach, FL 33401

[REDACTED]

[REDACTED]

**US\_Attorney\_Cor\_0073**

EFTA00235399



[REDACTED]  
 "VISAELSW"  
 [REDACTED]  
 .gov>  
 09/20/2007 06:43 PM

To "Jay Lefkowitz" [REDACTED]  
 cc  
 bcc  
 Subject RE: Plea Agreement - EPSTEIN

History: This message has been replied to and forwarded.

Jay -- The 18 and 12 has already been agreed to by our office, so that is not a problem.

On the issue about 18 USC 2255, we seem to be miles apart. Your most recent version not only had me binding the girls to a trust fund administered by the state court, but also promising that they will give up their 2255 rights.

I reviewed the e-mail that I sent you on Sunday with the comments on some of your other changes. In the context of a non-prosecution agreement, the office may be more willing to be specific about not pursuing charges against others. However, as I stated on Sunday, the Office cannot and will not bind Immigration.

Also, your timetable will need to move up significantly. As [REDACTED] said in our meeting last week, his office can put together a plea agreement, information, and get you all before the judge on a change of plea within a day.

I am headed out now, but you can get me on my cell or call me tomorrow in the office. Thank you.

[REDACTED]  
 Assistant U.S. Attorney  
 [REDACTED]  
 West Palm Beach, FL 33401  
 [REDACTED]

[REDACTED]  
 [REDACTED] 09/20/2007 6:12 PM  
 [REDACTED]

[REDACTED]  
 [REDACTED]

[REDACTED]

\*\*\*\*\*  
\*\*\*\*  
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\*\*\*\*\*  
\*\*\*\*\*



"Villafana, [REDACTED]  
(USAFIS)"  
[REDACTED]  
j.gov>

09/21/2007 11:00 AM

To "Jay Lefkowitz" [REDACTED]

cc

bcc

Subject RE: Plea Agreement -- EPSTEIN

History This message has been replied to

Jay -- I read it through. Can you send me a non-redlined version? It will be easier to read. I have a few questions and concerns, but not nearly as many as with your earlier draft. I need to follow up on a couple of things before I go over this with you, and, of course, paragraph 1 of the agreement terms needs to be confirmed.

Thanks.

[REDACTED]  
Assistant U.S. Attorney  
[REDACTED]  
West Palm Beach, FL 33401  
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] (USAFIS)"

09/20/2007 08:43 PM

To "Jay Lefkowitz" [REDACTED]

cc  
Subject RE: Plea Agreement -- EPSTEIN  
t

Jay -- The 18 and 12 has already been agreed to by our office, so

**US Atty Cor 0076**



\*\*\*\*\*  
\*\*\*\*  
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\*\*\*\*\*  
\*\*\*\*

\*\*\*\*\*  
\*\*\*\*  
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. It is the property of Kirkland & Ellis LLP or Kirkland & Ellis International LLP. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify us immediately by return e-mail or by e-mail to postmaster@kirkland.com, and destroy this communication and all copies thereof, including all attachments.  
\*\*\*\*\*  
\*\*\*\*



"Acosta, Alex (USAFLS)"

09/21/2007 11:49 AM

To <[redacted]>

cc

bcc

Subject Re: Call today

I am happy to talk.

My caveat is that in the middle of negotiations, u try to avoid undermining my staff by allowing "interlocutory" appeals so to speak so I'd want [redacted] on the call

I'll have her set something up.

Alex

Sent from my BlackBerry Wireless Handheld

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

[Large redacted section containing the body of the original message]

[REDACTED]

\*\*\*\*\*  
\*\*\*\*\*  
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\*\*\*\*\*  
\*\*\*\*\*



[REDACTED]  
"MISAEI SW"  
[REDACTED]  
@usdoj.gov

To "Jay Lefkowitz" <[REDACTED]>  
cc  
bcc

09/21/2007 02:12 PM Subject Revised Non-Prosecution Agreement

History: This message has been forwarded.

Hi Jay -- Here is my attempt at combining our thoughts. I need to talk to the office about the immigration language before I put it in here. I know that we have not and don't plan to ask immigration to do that, but let me see if they are okay with including it in writing.

I spent about an hour with a former corporate counsel from a hospital who now works here to go over the 2255 language. I think that the attached addresses the concern about having an unlimited number of claimed victims, without me trying to bind girls whom I do not represent. This language hasn't been approved by the office yet, so consider it a draft.

These are all the same document, just in different formats.

<<070921 Epstein Non-Prosecution Agreement.wpd>> <<070921 Epstein Non-Prosecution Agreement.doc>> <<070921 Epstein Non-Prosecution Agreement.pdf>>

Thanks. If you have any immediate thoughts before you leave, please let me know.

[REDACTED]

Assistant U.S. Attorney

[REDACTED]

West Palm Beach, FL 33401

[REDACTED]

[REDACTED]

<<< Attachment '070921 Epstein Non-Prosecution Agreement.wpd' has been archived by user 'CommonStore/IT/Kirkland-Ellis' on '11/26/2007 01:17:28'. >>>  
<<< Attachment '070921 Epstein Non-Prosecution Agreement.doc' has been archived by user 'CommonStore/IT/Kirkland-Ellis' on '11/26/2007 01:17:28'. >>>

**US Atty Cor 0081**

01:17:28'. >>>

<<< Attachment '070921 Epstein Non-Prosecution Agreement.pdf' has  
been archived by user 'CommonStore/IT/Kirkland-Ellis' on '11/26/2007  
01:17:29'. >>>

**US\_Atty\_Cor\_0082**

EFTA00235408

**IN RE:  
INVESTIGATION OF  
JEFFREY EPSTEIN**

---

**NON-PROSECUTION AGREEMENT**

IT APPEARING that the City of Palm Beach Police Department and the State Attorney's Office for the 15th Judicial Circuit in and for Palm Beach County (hereinafter, the "State Attorney's Office") have conducted an investigation into the conduct of Jeffrey Epstein (hereinafter "Epstein");

IT APPEARING that the State Attorney's Office has charged Epstein with three counts of solicitation of prostitution, in violation of Florida Statutes Section 796.07;

IT APPEARING that the United States Attorney's Office and the Federal Bureau of Investigation have conducted their own investigation of the offenses and Epstein's background;

IT APPEARING that Jeffrey Epstein (hereinafter "Epstein") has committed offenses against the United States from in or around 2001 through in or around October 2005, including:

- (1) knowingly and willfully conspiring 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, or entice minor females to engage in prostitution, in violation of Title 18, United States Code, Section 2422(b); all in violation of Title 18, United States Code, Section 371;
- (2) knowingly and willfully conspiring 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 minor females, in violation of Title 18, United States Code, Section 2423(b); all in violation of Title 18, United States Code, Section 2423(e);
- (3) using a facility or means of interstate or foreign commerce to knowingly persuade, induce, or entice minor females to engage in prostitution; in violation of Title 18, United States Code, Sections 2422(b) and 2;
- (4) traveling in interstate commerce for the purpose of engaging in illicit sexual conduct, as defined in 18 U.S.C. § 2423(f), with minor females; in violation of Title 18, United States Code, Section 2423(b); and
- (5) knowingly, in and affecting interstate and foreign commerce, recruiting, enticing,

and obtaining by any means a person, 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); in violation of Title 18, United States Code, Sections 1591(a)(1) and 2; and

IT APPEARING that Epstein has accepted responsibility for his behavior by his signature on this Agreement; and

IT APPEARING, 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;

THEREFORE, on the authority of R. Alexander Acosta, United States Attorney for the Southern District of Florida, prosecution in this District for these offenses shall be deferred in favor of prosecution by the State of Florida, provided that Epstein abides by the following conditions and the requirements of this Agreement set forth below.

If the United States Attorney should determine that Epstein has violated any of the conditions of this Agreement, then the United States Attorney may at any time initiate prosecution against Epstein for any offense. In this case, the United States Attorney will furnish Epstein with notice specifying the condition(s) of the Agreement that he has violated.

After timely fulfilling all the terms and conditions of the Agreement, no prosecution for the offenses set out on pages 1 and 2 of this Agreement, nor any other offenses that have been the subject of the joint investigation by the Federal Bureau of Investigation and the United States Attorney's Office will be instituted in this District, and the charges against Epstein if any, will be dismissed.

Terms of the Agreement:

1. Epstein shall plead guilty (not nolo contendere) to an Information filed by the State Attorney's Office charging Epstein with an offense that requires him to register as a sex offender, that is, the solicitation of minors to engage in prostitution, in violation of Florida Statutes Section 796.03;
2. Epstein and the State Attorney's Office shall make a joint, binding recommendation that the Court impose a thirty (30) month sentence to be divided as follows:
  - (a) Epstein shall begin by serving at least eighteen (18) months in county jail for all charges, without any opportunity for withholding adjudication or sentencing, and without probation or community control in lieu of imprisonment; and

- (b) following the term of imprisonment, Epstein shall serve twelve (12) months of community control.
3. Epstein shall waive all challenges to the Information filed by the State Attorney's Office and shall waive the right to appeal his conviction and sentence.
  4. Epstein shall provide to the U.S. Attorney's Office copies of all proposed agreements with the State Attorney's Office prior to entering into those agreements.
  5. The United States shall provide Epstein's attorneys with a list of individuals whom it has identified as victims, as defined in 18 U.S.C. § 2255, after Epstein has signed this agreement and been sentenced. Upon the execution of this agreement, the United States will file a motion with the United States District Court for the Southern District of Florida for the appointment of a guardian ad litem for these persons. Epstein's counsel may contact the identified individuals through that guardian.
  6. If any of the individuals referred to in paragraph (5), *supra*, elect to file suit pursuant to 18 U.S.C. § 2255, Epstein will not contest the jurisdiction of the United States District Court for the Southern District of Florida over his person and/or the subject matter, and Epstein waives his right to contest liability and also waives his right to contest damages up to an amount as agreed to between the identified victim and Epstein. Epstein's signature on this agreement is not to be construed as an admission of civil or criminal liability as to any person whose name does not appear on the list provided by the United States. As to those individuals whose names appear on the list provided by the United States, Epstein's signature on this agreement likewise is not to be construed as an admission of any civil liability other than that contained in 18 U.S.C. § 2255.
  7. Epstein shall enter his guilty plea and be sentenced not later than October 19, 2007, and shall self-report to begin serving his sentence not later than December 1, 2007.
  8. With credit for gain time, Epstein shall serve at least 450 days in the county jail.

Epstein understands that the United States Attorney has no authority to require the State Attorney's Office to abide by any terms of this agreement. 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.

In consideration of Epstein's agreement to plead guilty and to provide compensation to victims, if Epstein successfully fulfills all of the terms and conditions of this agreement, the United States also agrees that it will not institute any criminal charges against any potential co-conspirator of Epstein, including [REDACTED], [REDACTED], Lesley Groff, or [REDACTED]. Further, upon execution of this agreement and a plea agreement with the State Attorney's Office, the federal Grand Jury investigation will be suspended, and all pending federal Grand Jury subpoenas will be held in abeyance unless and until the defendant violates any term of this agreement. The defendant likewise agrees to withdraw his pending motion to intervene and to quash certain grand jury subpoenas. Both parties agree to maintain their evidence, including certain computer equipment, inviolate until all of the terms of this agreement have been satisfied.

By signing this agreement, Epstein asserts and certifies that each of these terms is material to this agreement and is supported by independent consideration and that a breach of any one of these conditions allows the United States to elect to terminate the agreement and to investigate and prosecute Epstein and any other individual or entity for any and all federal offenses.

By signing this agreement, Epstein asserts and certifies that he is aware of the fact that the Sixth Amendment to the Constitution of the United States provides that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial. Epstein further is aware that Rule 48(b) of the Federal Rules of Criminal Procedure provides that the Court may dismiss an indictment, information, or complaint for unnecessary delay in presenting a charge to the Grand Jury, filing an information, or in bringing a defendant to trial. Epstein hereby requests that the United States Attorney for the Southern District of Florida defer such prosecution. Epstein agrees and consents that any delay from the date of this Agreement to the date of initiation of prosecution, as provided for in the terms expressed herein, shall be deemed to be a necessary delay at his own request, and he hereby waives any defense to such prosecution on the ground that such delay operated to deny him rights under Rule 48(b) of the Federal Rules of Criminal Procedure and the Sixth Amendment to the Constitution of the United States to a speedy trial or to bar the prosecution by reason of the running of the statute of limitations for a period of months equal to the period between the signing of this agreement and the breach of this agreement. Epstein further asserts and certifies that he understands that the Fifth Amendment and Rule 7(a) of the Federal Rules of Criminal Procedure provide that all felonies must be charged in an indictment presented to a grand jury. Epstein hereby agrees and consents that, if a prosecution against him is instituted, it may be by way of an Information signed and filed by the United States Attorney, and hereby waives his right to be indicted by a grand jury.

By signing this agreement, Epstein asserts and certifies that the above has been read and explained to him. Epstein hereby states that he understands the conditions of this Non-Prosecution Agreement and agrees to comply with them.

Dated: \_\_\_\_\_

\_\_\_\_\_  
JEFFREY EPSTEIN

Dated: \_\_\_\_\_

\_\_\_\_\_  
GERALD LEFCOURT, ESQ.  
COUNSEL TO JEFFREY EPSTEIN

Dated: \_\_\_\_\_

\_\_\_\_\_  
R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY



[REDACTED]  
(USAFLSI)  
[REDACTED]  
[REDACTED]  
[REDACTED]  
09/21/2007 02:45 PM

To "Jay Lefkowitz" <[REDACTED]>  
cc  
bcc  
Subject RE: Reminder

Yes. I'm here for a while. Thanks.

[REDACTED] *Villafaña*  
Assistant U.S. Attorney  
[REDACTED]  
West Palm Beach, FL 33401  
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Marie C. (USAFLSI)  
[REDACTED]  
09/21/2007 02:42 PM

To "Jay Lefkowitz"  
<JLefkowitz@kirkland.com>  
cc  
Subject Reminder  
t

Hi Jay – Just a reminder. My home e-mail address is  
[REDACTED]@gmail.com

Thanks.

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

**US Atty\_Cor\_0088**

West Palm Beach, FL 33401

[REDACTED]

[REDACTED]

**US\_Atty\_Cor\_0089**



"Villafana, [REDACTED]  
(USAFLS)  
[REDACTED].Villafana@usdo  
j.gov"

09/21/2007 02:54 PM

To "Jay Lefkowitz" <[REDACTED]>

cc

bcc

Subject RE: Reminder

Hi Jay – I thought there was 5 years' probation with 18 months in jail followed by 12 months' home confinement. I only see 12 months incarceration, 12 months community control, with 6 of those months in jail, which would result in only 6 months' home confinement. Am I missing something? Thanks.

[REDACTED]  
Assistant U.S. Attorney  
[REDACTED]  
West Palm Beach, FL 33401  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED] (USAFLS)"

09/21/2007 02:42 PM

To "Jay Lefkowitz"  
<J.Lefkowitz@kirkland.com>

cc

Subject Reminder

t

Hi Jay – Just a reminder. My home e-mail address is

[REDACTED]

Thanks.

**US Atty Cor 0090**

A. [REDACTED] *Villafaña*

Assistant U.S. Attorney

[REDACTED]

West Palm Beach, FL 33401

[REDACTED]

[REDACTED]

**US\_Attorney\_Cor\_0091**

EFTA00235417



[REDACTED] Marie C.  
"VISA/ELSI"  
[REDACTED]  
[REDACTED].gov>  
09/21/2007 02:55 PM

To "Jay Lefkowitz" <JLefkowitz@kirkland.co  
cc  
bcc  
Subject Immigration question

Hi Jay - I talked to [REDACTED] about the immigration language you wanted to include. He said absolutely not, we don't include that in any of our agreements.

[REDACTED] Villaña

Assistant U.S. Attorney

[REDACTED]

West Palm Beach, FL 33401

[REDACTED]

[REDACTED]

**US\_Atty\_Cor\_0092**

EFTA00235418



"Acosta, Alex (USAFLS)"  
<Alex.Acosta@usdoj.gov>  
09/23/2007 12:23 PM

To <[REDACTED]>  
cc <[REDACTED]> "Andrew.Lourie2@usdc  
<[REDACTED]> (USAFLS)"  
<[REDACTED]>  
bcc

Subject Re: Jeffrey Epstein - confidential

History This message has been replied to.

Apologies - a. Call on our side.

Jay - marie will get back to you.

-----  
Sent from my BlackBerry Wireless Handheld

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

From: Acosta, Alex (USAFLS) <AAcosta@usa.doj.gov>  
To: 'JLefkowitz@kirkland.com'  
<[REDACTED]>  
CC: <[REDACTED]> <Andrew.Lourie2@usdoj.gov>;  
<[REDACTED]> (USAFLS)  
<AVillafana@usa.doj.gov>  
Sent: Sun Sep 23 12:22:46 2007  
Subject: Re: Jeffrey Epstein - confidential

Can we do a conf call?

-----  
Sent from my BlackBerry Wireless Handheld

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

[REDACTED]





[REDACTED]



[Redacted]@gmail.c  
om>  
09/23/2007 04:04 PM

To "Jay Lefkowitz" <[Redacted]>  
cc "Ami Sheth" <ASheth@kirkland.com>  
C. (USAFLS)" <[Redacted]>@u  
bcc

Subject Re: Draft Agreement

History This message has been forwarded

Here is the most recent version. I noticed that the font size kept changing throughout, so I put it all in Times New Roman 13pt. I am attaching in Word Perfect, Word, and PDF.

[Redacted]

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

[Redacted]

153 East 53rd Street | New York, NY 10022 |  
[REDACTED] Direct | 212-446-6460 Fax |  
[asheth@kirkland.com](mailto:asheth@kirkland.com) |  
\*Admission Pending in New York

[attachment "20070923 Draft of Epstein Non-Prosecution Agreement (without Term 1) (Redlined).doc" deleted by Jay Lefkowitz/New York/Kirkland-Ellis]

\*\*\*\*\*  
\*\*\*\*\*

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\*\*\*\*\*

[REDACTED].[kirkland.com](mailto:[REDACTED]@kirkland.com)  
<<< Attachment '070923 Epstein Non-Prosecution Agreement.doc' has been archived by user 'CommonStore/IT/Kirkland-Ellis' on '11/26/2007 01:19:45'. >>>  
<<< Attachment '070923 Epstein Non-Prosecution Agreement.pdf' has been archived by user 'CommonStore/IT/Kirkland-Ellis' on '11/26/2007 01:19:45'. >>>  
<<< Attachment '070923 Epstein Non-Prosecution Agreement.wpd' has been archived by user 'CommonStore/IT/Kirkland-Ellis' on '11/26/2007 01:19:46'. >>>

**US\_Atty\_Cor\_0098**

EFTA00235424

**IN RE:  
INVESTIGATION OF  
JEFFREY EPSTEIN**

---

**NON-PROSECUTION AGREEMENT**

IT APPEARING that the City of Palm Beach Police Department and the State Attorney's Office for the 15th Judicial Circuit in and for Palm Beach County (hereinafter, the "State Attorney's Office") have conducted an investigation into the conduct of Jeffrey Epstein (hereinafter "Epstein");

IT APPEARING that the State Attorney's Office has charged Epstein by indictment with solicitation of prostitution, in violation of Florida Statutes Section 796.07;

IT APPEARING that the United States Attorney's Office and the Federal Bureau of Investigation have conducted their own investigation into Epstein's background and any offenses committed by Epstein against the United States from in or around 2001 through in or around October 2005, including:

- (1) knowingly and willfully conspiring 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, or entice minor females to engage in prostitution, in violation of Title 18, United States Code, Section 2422(b); all in violation of Title 18, United States Code, Section 371;
- (2) knowingly and willfully conspiring 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 minor females, in violation of Title 18, United States Code, Section 2423(b); all in violation of Title 18, United States Code, Section 2423(e);
- (3) using a facility or means of interstate or foreign commerce to knowingly persuade, induce, or entice minor females to engage in prostitution; in violation of Title 18, United States Code, Sections 2422(b) and 2;
- (4) traveling in interstate commerce for the purpose of engaging in illicit sexual

conduct, as defined in 18 U.S.C. § 2423(f), with minor females; in violation of Title 18, United States Code, Section 2423(b); and

- (5) knowingly, in and affecting interstate and foreign commerce, recruiting, enticing, and obtaining by any means a person, 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); in violation of Title 18, United States Code, Sections 1591(a)(1) and 2; and

IT APPEARING, 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;

THEREFORE, on the authority of R. Alexander Acosta, United States Attorney for the Southern District of Florida, prosecution in this District for these offenses shall be deferred in favor of prosecution by the State of Florida, provided that Epstein abides by the following conditions and the requirements of this Agreement set forth below.

If the United States Attorney should determine, based on information he deems reliable, that Epstein has violated any of the conditions of this Agreement, then the United States Attorney may at any time initiate prosecution against Epstein for any offense. In this case, the United States Attorney will furnish Epstein with timely notice specifying the condition(s) of the Agreement that he has violated, and shall initiate its prosecution within sixty (60) days' of giving notice of the violation.

After timely fulfilling all the terms and conditions of the Agreement, no prosecution for the offenses set out on pages 1 and 2 of this Agreement, nor any other offenses that have been the subject of the joint investigation by the Federal Bureau of Investigation and the United States Attorney's Office, nor any offenses that were the subject of the Federal Grand Jury investigation will be instituted in this District, and the charges against Epstein if any, will be dismissed.

Terms of the Agreement:

1. Epstein shall plead guilty (not nolo contendere) to an Information filed by the State Attorney's Office charging Epstein with an offense that requires him to register as a sex offender, that is, the solicitation of minors to engage in prostitution, in violation of Florida Statutes Section 796.03;
2. Epstein and the State Attorney's Office shall make a joint, binding

recommendation that the Court impose a thirty (30) month sentence to be divided as follows:

- (a) Epstein shall begin by serving eighteen (18) months in county jail for all charges, without any opportunity for withholding adjudication or sentencing, and without probation or community control in lieu of imprisonment; and
  - (b) following the term of imprisonment, Epstein shall serve twelve (12) months of community control.
3. The terms contained in paragraph 2, *supra*, do not foreclose Epstein and the State Attorney's Office from agreeing to recommend any additional term(s) of probation and/or incarceration.
4. Epstein shall waive all challenges to the Information filed by the State Attorney's Office and shall waive the right to appeal his conviction and sentence.
5. Epstein shall provide to the U.S. Attorney's Office copies of all proposed agreements with the State Attorney's Office prior to entering into those agreements.
6. The United States shall provide Epstein's attorneys with a list of individuals whom it has identified as victims, as defined in 18 U.S.C. § 2255, after Epstein has signed this agreement and been sentenced. Upon the execution of this agreement, the United States will file a motion with the United States District Court for the Southern District of Florida for the appointment of a guardian ad litem for these persons. Epstein's counsel may contact the identified individuals through that guardian.
7. If any of the individuals referred to in paragraph (6), *supra*, elects to file suit pursuant to 18 U.S.C. § 2255, Epstein will not contest the jurisdiction of the United States District Court for the Southern District of Florida over his person and/or the subject matter, and Epstein waives his right to contest liability and also waives his right to contest damages up to an amount as agreed to between the identified victim and Epstein. Notwithstanding this waiver, as to those individuals whose names appear on the list provided by the United States, Epstein's signature on this agreement is not to be

- construed as an admission of any criminal or civil liability other than that contained in 18 U.S.C. § 2255.
8. Epstein's signature on this agreement also is not to be construed as an admission of civil or criminal liability or a waiver of any jurisdictional or other defense as to any person whose name does not appear on the list provided by the United States.
  9. Epstein shall enter his guilty plea and be sentenced not later than October 19, 2007, and shall self-report to begin serving his sentence not later than December 10, 2007.
  10. Epstein agrees that he will not be afforded any benefits with respect to gain time, other than the rights, opportunities, and benefits as any other inmate, including but not limited to, eligibility for gain time credit based on standard rules and regulations that apply in the State of Florida. At the United States' request, Epstein agrees to provide an account of the gain time he earned during his period of incarceration.

Epstein understands that the United States Attorney has no authority to require the State Attorney's Office to abide by any terms of this agreement. 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.

In consideration of Epstein's agreement to plead guilty and to provide compensation in the manner described above, if Epstein successfully fulfills all of the terms and conditions of this agreement, the United States also agrees that it will not institute any criminal charges against any potential co-conspirator of Epstein, including but not limited to [REDACTED], [REDACTED], Lesley Groff, or [REDACTED]. Further, upon execution of this agreement and a plea agreement with the State Attorney's Office, the federal Grand Jury investigation will be suspended, and all pending federal Grand Jury subpoenas will be held in abeyance unless and until the defendant violates any term of this agreement. The defendant likewise agrees to withdraw his pending motion to intervene and to quash certain grand jury subpoenas. Both parties agree to maintain their evidence, including certain computer equipment, inviolate until all of the terms of this agreement have been satisfied. Upon the successful completion of the terms of this agreement, all outstanding grand jury subpoenas shall be deemed withdrawn.

By signing this agreement, Epstein asserts and certifies that each of these terms is material to this agreement and is supported by independent consideration and that a

breach of any one of these conditions allows the United States to elect to terminate the agreement and to investigate and prosecute Epstein and any other individual or entity for any and all federal offenses.

By signing this agreement, Epstein asserts and certifies that he is aware of the fact that the Sixth Amendment to the Constitution of the United States provides that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial. Epstein further is aware that Rule 48(b) of the Federal Rules of Criminal Procedure provides that the Court may dismiss an indictment, information, or complaint for unnecessary delay in presenting a charge to the Grand Jury, filing an information, or in bringing a defendant to trial. Epstein hereby requests that the United States Attorney for the Southern District of Florida defer such prosecution. Epstein agrees and consents that any delay from the date of this Agreement to the date of initiation of prosecution, as provided for in the terms expressed herein, shall be deemed to be a necessary delay at his own request, and he hereby waives any defense to such prosecution on the ground that such delay operated to deny him rights under Rule 48(b) of the Federal Rules of Criminal Procedure and the Sixth Amendment to the Constitution of the United States to a speedy trial or to bar the prosecution by reason of the running of the statute of limitations for a period of months equal to the period between the signing of this agreement and the breach of this agreement as to those offenses that were the subject of the grand jury's investigation. Epstein further asserts and certifies that he understands that the Fifth Amendment and Rule 7(a) of the Federal Rules of Criminal Procedure provide that all felonies must be charged in an indictment presented to a grand jury. Epstein hereby agrees and consents that, if a prosecution against him is instituted for any offense that was the subject of the grand jury's investigation, it may be by way of an Information signed and filed by the United States Attorney, and hereby waives his right to be indicted by a grand jury.

///

///

///

By signing this agreement, Epstein asserts and certifies that the above has been read and explained to him. Epstein hereby states that he understands the conditions of this Non-Prosecution Agreement and agrees to comply with them.

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
ASSISTANT U.S. ATTORNEY

Dated: \_\_\_\_\_

\_\_\_\_\_  
JEFFREY EPSTEIN

Dated: \_\_\_\_\_

\_\_\_\_\_  
GERALD LEFCOURT, ESQ.  
COUNSEL TO JEFFREY EPSTEIN

Dated: \_\_\_\_\_

\_\_\_\_\_  
JACK GOLDBERGER, ESQ.  
ATTORNEY FOR JEFFREY EPSTEIN



[REDACTED]

\*\*\*\*\*  
\*\*\*\*\*

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\*\*\*\*\*  
\*\*\*\*\*



[REDACTED]  
(USAFLS)  
[REDACTED]@usdo  
.gov>  
09/23/2007 06:52 PM

To <JLefkowitz@kirkland.com>  
cc  
bcc  
Subject Revised agreement

History: This message has been replied to and forwarded.

Hi Jay-- Can you look at this? Especially paragraph 7. I think this covers the exclusive remedy concern you had.

<<070923 Epstein Non-Prosecution Agreement final.pdf>>

<<< Attachment '070923 Epstein Non-Prosecution Agreement final.pdf' has been archived by user 'CommonStore/IT/Kirkland-Ellis' on '11/26/2007 01:19:58'. >>>

**US Atty Cor 00107**

EFTA00235433

**IN RE:  
INVESTIGATION OF  
JEFFREY EPSTEIN**

---

**NON-PROSECUTION AGREEMENT**

IT APPEARING that the City of Palm Beach Police Department and the State Attorney's Office for the 15th Judicial Circuit in and for Palm Beach County (hereinafter, the "State Attorney's Office") have conducted an investigation into the conduct of Jeffrey Epstein (hereinafter "Epstein");

IT APPEARING that the State Attorney's Office has charged Epstein by indictment with solicitation of prostitution, in violation of Florida Statutes Section 796.07;

IT APPEARING that the United States Attorney's Office and the Federal Bureau of Investigation have conducted their own investigation into Epstein's background and any offenses that may have been committed by Epstein against the United States from in or around 2001 through in or around September 2007, including:

- (1) knowingly and willfully conspiring 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, or entice minor females to engage in prostitution, in violation of Title 18, United States Code, Section 2422(b); all in violation of Title 18, United States Code, Section 371;
- (2) knowingly and willfully conspiring 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 minor females, in violation of Title 18, United States Code, Section 2423(b); all in violation of Title 18, United States Code, Section 2423(e);
- (3) using a facility or means of interstate or foreign commerce to knowingly persuade, induce, or entice minor females to engage in prostitution; in violation of Title 18, United States Code, Sections 2422(b) and 2;
- (4) traveling in interstate commerce for the purpose of engaging in illicit sexual conduct, as defined in 18 U.S.C. § 2423(f), with minor females; in violation

of Title 18, United States Code, Section 2423(b); and

- (5) knowingly, in and affecting interstate and foreign commerce, recruiting, enticing, and obtaining by any means a person, 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); in violation of Title 18, United States Code, Sections 1591(a)(1) and 2; and

IT APPEARING, 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;

THEREFORE, on the authority of R. Alexander Acosta, United States Attorney for the Southern District of Florida, prosecution in this District for these offenses shall be deferred in favor of prosecution by the State of Florida, provided that Epstein abides by the following conditions and the requirements of this Agreement set forth below.

If the United States Attorney should determine, based on reliable evidence, that Epstein has willfully violated any of the conditions of this Agreement, then the United States Attorney may at any time initiate prosecution against Epstein for any offense. In this case, the United States Attorney will furnish Epstein with timely notice specifying the condition(s) of the Agreement that he has violated, and shall initiate its prosecution within sixty (60) days' of giving notice of the violation.

After timely fulfilling all the terms and conditions of the Agreement, no prosecution for the offenses set out on pages 1 and 2 of this Agreement, nor any other offenses that have been the subject of the joint investigation by the Federal Bureau of Investigation and the United States Attorney's Office, nor any offenses that were the subject of the Federal Grand Jury investigation will be instituted in this District, and the charges against Epstein if any, will be dismissed.

Terms of the Agreement:

1. Epstein shall plead guilty (not *nolo contendere*) to an Information filed by the State Attorney's Office charging Epstein with an offense that requires him to register as a sex offender, that is, the solicitation of minors to engage in prostitution, in violation of Florida Statutes Section 796.03;
2. Epstein and the State Attorney's Office shall make a joint, binding recommendation that the Court impose a thirty (30) month sentence to

be divided as follows:

- (a) Epstein shall begin by serving eighteen (18) months in county jail for all charges, without any opportunity for withholding adjudication or sentencing, and without probation or community control in lieu of imprisonment; and
  - (b) following the term of imprisonment, Epstein shall serve twelve (12) months of community control.
3. The terms contained in paragraphs 1 and 2, *supra*, do not foreclose Epstein and the State Attorney's Office from agreeing to plead to any additional charge(s) or from recommending any additional term(s) of probation and/or incarceration.
4. Epstein shall waive all challenges to the Information filed by the State Attorney's Office and shall waive the right to appeal his conviction and sentence.
5. Epstein shall provide to the U.S. Attorney's Office copies of all proposed agreements with the State Attorney's Office prior to entering into those agreements.
6. The United States shall provide Epstein's attorneys with a list of individuals whom it has identified as victims, as defined in 18 U.S.C. § 2255, after Epstein has signed this agreement and been sentenced. Upon the execution of this agreement, the United States will file a motion with the United States District Court for the Southern District of Florida for the appointment of a guardian ad litem for these persons. Epstein's counsel may contact the identified individuals through that guardian.
7. If any of the individuals referred to in paragraph (6), *supra*, elects to file suit pursuant to 18 U.S.C. § 2255, Epstein will not contest the jurisdiction of the United States District Court for the Southern District of Florida over his person and/or the subject matter, and Epstein waives his right to contest liability and also waives his right to contest damages up to an amount as agreed to between the identified victim and Epstein, so long as the identified victim elects to proceed exclusively under 18 U.S.C. § 2255, and agrees to waive any other claim for damages, whether pursuant to state, federal, or common law. Notwithstanding

this waiver, as to those individuals whose names appear on the list provided by the United States, Epstein's signature on this agreement is not to be construed as an admission of any criminal or civil liability other than that contained in 18 U.S.C. § 2255.

8. Epstein's signature on this agreement also is not to be construed as an admission of civil or criminal liability or a waiver of any jurisdictional or other defense as to any person whose name does not appear on the list provided by the United States.
9. Epstein shall enter his guilty plea and be sentenced not later than October 26, 2007, and shall self-report to begin serving his sentence not later than January 4, 2008.
10. Epstein agrees that he will not be afforded any benefits with respect to gain time, other than the rights, opportunities, and benefits as any other inmate, including but not limited to, eligibility for gain time credit based on standard rules and regulations that apply in the State of Florida. At the United States' request, Epstein agrees to provide an account of the gain time he earned during his period of incarceration.

Epstein understands that the United States Attorney has no authority to require the State Attorney's Office to abide by any terms of this agreement. 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.

In consideration of Epstein's agreement to plead guilty and to provide compensation in the manner described above, if Epstein successfully fulfills all of the terms and conditions of this agreement, the United States also agrees that it will not institute any criminal charges against any potential co-conspirator of Epstein, including but not limited to [REDACTED], [REDACTED], Lesley Groff, or [REDACTED]. Further, upon execution of this agreement and a plea agreement with the State Attorney's Office, the federal Grand Jury investigation will be suspended, and all pending federal Grand Jury subpoenas will be held in abeyance unless and until the defendant violates any term of this agreement. The defendant likewise agrees to withdraw his pending motion to intervene and to quash certain grand jury subpoenas. Both parties agree to maintain their evidence, including certain computer equipment, inviolate until all of the terms of this agreement have been satisfied. Upon the successful completion of the terms of this agreement, all outstanding grand jury subpoenas shall be deemed withdrawn.

By signing this agreement, Epstein asserts and certifies that each of these terms is material to this agreement and is supported by independent consideration and that a breach of any one of these conditions allows the United States to elect to terminate the agreement and to investigate and prosecute Epstein and any other individual or entity for any and all federal offenses.

By signing this agreement, Epstein asserts and certifies that he is aware of the fact that the Sixth Amendment to the Constitution of the United States provides that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial. Epstein further is aware that Rule 48(b) of the Federal Rules of Criminal Procedure provides that the Court may dismiss an indictment, information, or complaint for unnecessary delay in presenting a charge to the Grand Jury, filing an information, or in bringing a defendant to trial. Epstein hereby requests that the United States Attorney for the Southern District of Florida defer such prosecution. Epstein agrees and consents that any delay from the date of this Agreement to the date of initiation of prosecution, as provided for in the terms expressed herein, shall be deemed to be a necessary delay at his own request, and he hereby waives any defense to such prosecution on the ground that such delay operated to deny him rights under Rule 48(b) of the Federal Rules of Criminal Procedure and the Sixth Amendment to the Constitution of the United States to a speedy trial or to bar the prosecution by reason of the running of the statute of limitations for a period of months equal to the period between the signing of this agreement and the breach of this agreement as to those offenses that were the subject of the grand jury's investigation. Epstein further asserts and certifies that he understands that the Fifth Amendment and Rule 7(a) of the Federal Rules of Criminal Procedure provide that all felonies must be charged in an indictment presented to a grand jury. Epstein hereby agrees and consents that, if a prosecution against him is instituted for any offense that was the subject of the grand jury's investigation, it may be by way of an Information signed and filed by the United States Attorney, and hereby waives his right to be indicted by a grand jury.

///

///

///

By signing this agreement, Epstein asserts and certifies that the above has been read and explained to him. Epstein hereby states that he understands the conditions of this Non-Prosecution Agreement and agrees to comply with them.

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
ASSISTANT U.S. ATTORNEY

Dated: \_\_\_\_\_

\_\_\_\_\_  
JEFFREY EPSTEIN

Dated: \_\_\_\_\_

\_\_\_\_\_  
GERALD LEFCOURT, ESQ.  
COUNSEL TO JEFFREY EPSTEIN

Dated: \_\_\_\_\_

\_\_\_\_\_  
JACK GOLDBERGER, ESQ.  
ATTORNEY FOR JEFFREY EPSTEIN



[REDACTED]  
(USAFLS)  
[REDACTED]  
@usdoj.gov

To "Jay Lefkowitz" <[REDACTED]>

cc

bcc

09/23/2007 08:04 PM

Subject RE: Revised agreement

History: This message has been replied to

Yes. Where would you like me to call you?

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

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

From: "[REDACTED] (USAFLS)"  
[REDACTED]@usdoj.gov]  
Sent: 09/23/2007 06:52 PM AST  
To: Jay Lefkowitz  
Subject: Revised agreement

Hi Jay – Can you look at this? Especially paragraph 7. I think this covers the exclusive remedy concern you had.

<<070923 Epstein Non-Prosecution Agreement final.pdf>>

\*\*\*\*\*  
\*\*\*\*\*

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. It is the property of Kirkland & Ellis LLP or Kirkland & Ellis International LLP. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify us immediately by return e-mail or by e-mail to postmaster@kirkland.com, and destroy this communication and all copies thereof, including all attachments.

\*\*\*\*\*

US Atty Cor 00114



"[REDACTED]"  
 (USAFLS)  
 <[REDACTED]  
 j.gov>  
 09/23/2007 08:04 PM

To "Jay Lefkowitz" <JLefkowitz@kirkland.com>  
 cc  
 bcc  
 Subject RE: Revised agreement

1 is definitely under 18 still, and I think there is a second minor. The appointment of the guardian ad litem is to provide you with a mechanism to make contact with the girls and to give them the assistance of an independent attorney who represents them (as opposed to me, who represents the government). If you are willing to provide the girls with independent counsel, at Mr. Epstein's expense (and I get to pick the attorney), that is alright with me.

[REDACTED]

[REDACTED]

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

From: "[REDACTED] (USAFLS)"  
 Sent: 09/23/2007 06:52 PM AST  
 To: Jay Lefkowitz  
 Subject: Revised agreement

Hi Jay - Can you look at this? Especially paragraph 7. I think this covers the exclusive remedy concern you had.

<<070923 Epstein Non-Prosecution Agreement final.pdf>>

\*\*\*\*\*  
 \*\*\*\*\*

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. It is the property of Kirkland & Ellis LLP or Kirkland & Ellis International LLP. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this

**US Atty Cor 00115**

communication in error, please notify us immediately by  
return e-mail or by e-mail to [postmaster@kirkland.com](mailto:postmaster@kirkland.com), and  
destroy this communication and all copies thereof,  
including all attachments.

\*\*\*\*\*  
\*\*\*\*\*

**US\_Atty\_Cor\_00116**

EFTA00235442



[REDACTED]  
(USAFIS)  
[REDACTED]  
.gov

09/23/2007 08:37 PM

To "Jay Lefkowitz" <JLefkowitz@kirkland.com>

cc

bcc

Subject RE:

History: This message has been replied to

A trustee means there is a trust that has been approved by a court and that the court has appointed a trustee. That doesn't apply here. I cannot bind the girls to a trust. If a guardian is appointed, the girls elect to use him as their attorney and they all agree that a trust is in their best interests, that is their decision, not mine. I would not be making the motion for appointment of the guardian under 17(c) anyway.

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

[REDACTED]

\*\*\*\*\*  
\*\*\*\*\*  
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US Atty Cor 00117

Unauthorized use, disclosure or copying of this  
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prohibited  
and may be unlawful. If you have received this  
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return e-mail or by e-mail to postmaster@kirkland.com,  
and  
destroy this communication and all copies thereof,  
including all attachments.  
\*\*\*\*\*  
\*\*\*\*\*

**US\_Atty\_Cor\_00118**

EFTA00235444



"Villafana, [REDACTED]  
[REDACTED] (USAFELSI)"  
[REDACTED]  
@usdoj.gov>

To "Jay Lefkowitz" <JLefkowitz@kirkland.com>

cc

bcc

09/23/2007 08:58 PM

Subject Epstein agreement

History This message has been replied to and forwarded.

Hi Jay- Here are the revisions that I agree with and those I don't. We have been over paragraph 6 an infinite number of times. It is factually accurate that the list we are going to give you are persons we have identified as victims. If we did not think they were victims, they would have no right to bring suit, regardless of whether your client is willing to waive liability or not. I have not balked about giving your client yet another month to self-surrender, so please let us just put this to rest. I changed the amount of time for the US to notify you of breach to take into account the fact that this agreement will not be completed within 30 months of execution (because of the lengthy delay before self-surrender) and to give us a 6 month window in case we discover a violation after Mr. Epstein is released.

I do not care if you want to call the appointed person a "representative" instead of a guardian, so long as he/she is: (1) a lawyer; (2) independent; (3) selected by our Office or a federal judge; and (4) paid for by your client or by the federal court.

I have sent this to Alex for his review. I have asked him to call me either late tonight or early tomorrow morning. When I get his comments, I will get back to you, probably tomorrow.

Thank you.

<<070923 Epstein Non-Prosecution Agreement final v2.pdf>>

<<< Attachment '070923 Epstein Non-Prosecution Agreement final v2.pdf' has been archived by user 'CommonStore/IT/Kirkland-Ellis' on '11/26/2007 01:20:24'. >>>

**US Atty Cor 00119**

EFTA00235445

**IN RE:  
INVESTIGATION OF  
JEFFREY EPSTEIN**

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**NON-PROSECUTION AGREEMENT**

IT APPEARING that the City of Palm Beach Police Department and the State Attorney's Office for the 15th Judicial Circuit in and for Palm Beach County (hereinafter, the "State Attorney's Office") have conducted an investigation into the conduct of Jeffrey Epstein (hereinafter "Epstein");

IT APPEARING that the State Attorney's Office has charged Epstein by indictment with solicitation of prostitution, in violation of Florida Statutes Section 796.07;

IT APPEARING that the United States Attorney's Office and the Federal Bureau of Investigation have conducted their own investigation into Epstein's background and any offenses that may have been committed by Epstein against the United States from in or around 2001 through in or around September 2007, including:

- (1) knowingly and willfully conspiring 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, or entice minor females to engage in prostitution, in violation of Title 18, United States Code, Section 2422(b); all in violation of Title 18, United States Code, Section 371;
- (2) knowingly and willfully conspiring 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 minor females, in violation of Title 18, United States Code, Section 2423(b); all in violation of Title 18, United States Code, Section 2423(e);
- (3) using a facility or means of interstate or foreign commerce to knowingly persuade, induce, or entice minor females to engage in prostitution; in violation of Title 18, United States Code, Sections 2422(b) and 2;
- (4) traveling in interstate commerce for the purpose of engaging in illicit sexual conduct, as defined in 18 U.S.C. § 2423(f), with minor females; in violation

of Title 18, United States Code, Section 2423(b); and

- (5) knowingly, in and affecting interstate and foreign commerce, recruiting, enticing, and obtaining by any means a person, 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); in violation of Title 18, United States Code, Sections 1591(a)(1) and 2; and

IT APPEARING, 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;

THEREFORE, on the authority of R. Alexander Acosta, United States Attorney for the Southern District of Florida, prosecution in this District for these offenses shall be deferred in favor of prosecution by the State of Florida, provided that Epstein abides by the following conditions and the requirements of this Agreement set forth below.

If the United States Attorney should determine, based on reliable evidence, that Epstein has willfully violated any of the conditions of this Agreement, then the United States Attorney may, within forty (40) months of the execution of this Agreement, provide Epstein with timely notice specifying the condition(s) of the Agreement that he has violated, and shall initiate its prosecution on any offense within sixty (60) days' of giving notice of the violation.

After timely fulfilling all the terms and conditions of the Agreement, no prosecution for the offenses set out on pages 1 and 2 of this Agreement, nor any other offenses that have been the subject of the joint investigation by the Federal Bureau of Investigation and the United States Attorney's Office, nor any offenses that were the subject of the Federal Grand Jury investigation will be instituted in this District, and the charges against Epstein if any, will be dismissed.

Terms of the Agreement:

1. Epstein shall plead guilty (not nolo contendere) to an Information filed by the State Attorney's Office charging Epstein with an offense that requires him to register as a sex offender, that is, the solicitation of minors to engage in prostitution, in violation of Florida Statutes Section 796.03;
2. Epstein and the State Attorney's Office shall make a joint, binding recommendation that the Court impose a thirty (30) month sentence to

be divided as follows:

- (a) Epstein shall begin by serving eighteen (18) months in county jail for all charges, without any opportunity for withholding adjudication or sentencing, and without probation or community control in lieu of imprisonment; and
  - (b) following the term of imprisonment, Epstein shall serve twelve (12) months of community control.
3. The terms contained in paragraphs 1 and 2, *supra*, do not foreclose Epstein and the State Attorney's Office from agreeing to recommend any additional charge(s) or any additional term(s) of probation and/or incarceration.
4. Epstein shall waive all challenges to the Information filed by the State Attorney's Office and shall waive the right to appeal his conviction and sentence.
5. Epstein shall provide to the U.S. Attorney's Office copies of all proposed agreements with the State Attorney's Office prior to entering into those agreements.
6. The United States shall provide Epstein's attorneys with a list of individuals whom it has identified as victims, as defined in 18 U.S.C. § 2255, after Epstein has signed this agreement and been sentenced. Upon the execution of this agreement, the United States will file a motion with the United States District Court for the Southern District of Florida for the appointment of a guardian ad litem for these persons. Epstein's counsel may contact the identified individuals through that guardian.
7. If any of the individuals referred to in paragraph (6), *supra*, elects to file suit pursuant to 18 U.S.C. § 2255, Epstein will not contest the jurisdiction of the United States District Court for the Southern District of Florida over his person and/or the subject matter, and Epstein waives his right to contest liability and also waives his right to contest damages up to an amount as agreed to between the identified victim and Epstein, so long as the identified victim elects to proceed exclusively under 18 U.S.C. § 2255, and agrees to waive any other claim for damages, whether pursuant to state, federal, or common law. Notwithstanding

this waiver, as to those individuals whose names appear on the list provided by the United States, Epstein's signature on this agreement is not to be construed as an admission of any criminal or civil liability other than that contained in 18 U.S.C. § 2255.

8. Epstein's signature on this agreement also is not to be construed as an admission of civil or criminal liability or a waiver of any jurisdictional or other defense as to any person whose name does not appear on the list provided by the United States.
9. Epstein shall enter his guilty plea and be sentenced not later than October 26, 2007, and shall self-report to begin serving his sentence not later than January 4, 2008.
10. Epstein agrees that he will not be afforded any benefits with respect to gain time, other than the rights, opportunities, and benefits as any other inmate, including but not limited to, eligibility for gain time credit based on standard rules and regulations that apply in the State of Florida. At the United States' request, Epstein agrees to provide an accounting of the gain time he earned during his period of incarceration.
11. The parties anticipate that this agreement will not be made part of any public record. If the United States receives a Freedom of Information Act request or any compulsory process commanding the disclosure of the agreement, it will provide notice to Epstein before making that disclosure.

Epstein understands that the United States Attorney has no authority to require the State Attorney's Office to abide by any terms of this agreement. 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.

In consideration of Epstein's agreement to plead guilty and to provide compensation in the manner described above, if Epstein successfully fulfills all of the terms and conditions of this agreement, the United States also agrees that it will not institute any criminal charges against any potential co-conspirators of Epstein, including but not limited to [REDACTED], [REDACTED], Lesley Groff, or [REDACTED]. Further, upon execution of this agreement and a plea agreement with the State Attorney's Office, the federal Grand Jury investigation will be suspended, and all pending federal Grand Jury subpoenas will be held

in abeyance unless and until the defendant violates any term of this agreement. The defendant likewise agrees to withdraw his pending motion to intervene and to quash certain grand jury subpoenas. Both parties agree to maintain their evidence, including certain computer equipment, inviolate until all of the terms of this agreement have been satisfied. Upon the successful completion of the terms of this agreement, all outstanding grand jury subpoenas shall be deemed withdrawn.

By signing this agreement, Epstein asserts and certifies that each of these terms is material to this agreement and is supported by independent consideration and that a breach of any one of these conditions allows the United States to elect to terminate the agreement and to investigate and prosecute Epstein and any other individual or entity for any and all federal offenses.

By signing this agreement, Epstein asserts and certifies that he is aware of the fact that the Sixth Amendment to the Constitution of the United States provides that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial. Epstein further is aware that Rule 48(b) of the Federal Rules of Criminal Procedure provides that the Court may dismiss an indictment, information, or complaint for unnecessary delay in presenting a charge to the Grand Jury, filing an information, or in bringing a defendant to trial. Epstein hereby requests that the United States Attorney for the Southern District of Florida defer such prosecution. Epstein agrees and consents that any delay from the date of this Agreement to the date of initiation of prosecution, as provided for in the terms expressed herein, shall be deemed to be a necessary delay at his own request, and he hereby waives any defense to such prosecution on the ground that such delay operated to deny him rights under Rule 48(b) of the Federal Rules of Criminal Procedure and the Sixth Amendment to the Constitution of the United States to a speedy trial or to bar the prosecution by reason of the running of the statute of limitations for a period of months equal to the period between the signing of this agreement and the breach of this agreement as to those offenses that were the subject of the grand jury's investigation. Epstein further asserts and certifies that he understands that the Fifth Amendment and Rule 7(a) of the Federal Rules of Criminal Procedure provide that all felonies must be charged in an indictment presented to a grand jury. Epstein hereby agrees and consents that, if a prosecution against him is instituted for any offense that was the subject of the grand jury's investigation, it may be by way of an Information signed and filed by the United States Attorney, and hereby waives his right to be indicted by a grand jury.

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By signing this agreement, Epstein asserts and certifies that the above has been read and explained to him. Epstein hereby states that he understands the conditions of this Non-Prosecution Agreement and agrees to comply with them.

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
ASSISTANT U.S. ATTORNEY

Dated: \_\_\_\_\_

\_\_\_\_\_  
JEFFREY EPSTEIN

Dated: \_\_\_\_\_

\_\_\_\_\_  
GERALD LEFCOURT, ESQ.  
COUNSEL TO JEFFREY EPSTEIN

Dated: \_\_\_\_\_

\_\_\_\_\_  
LILLY \_\_\_\_\_ SANCHEZ, ESQ.  
ATTORNEY FOR JEFFREY EPSTEIN



and  
destroy this communication and all copies thereof,  
including all attachments.  
\*\*\*\*\*  
\*\*\*\*\*

**US\_Atty\_Cor\_00127**

EFTA00235453



Marie  
C. (USAFLS)  
@usdoj.gov

To "Jay Lefkowitz" <JLefkowitz@kirkland.com>

cc

bcc

09/24/2007 10:13 AM

Subject Epstein agreement as reviewed by the U.S. Attor

History: This message has been replied to and forwarded

Hi Jay – Here is the agreement with Alex's edits. Thank you.

<<070924 Epstein Non-Prosecution Agreement w Acosta edits v2.pdf>>

[Redacted]

Assistant U.S. Attorney

[Redacted]

West Palm Beach, FL 33401

[Redacted]

[Redacted]

<<< Attachment '070924 Epstein Non-Prosecution Agreement w Acosta edits v2.pdf' has been archived by user 'CommonStore/IT/Kirkland-Ellis' on '11/26/2007 01:21:11'. >>>

**US Atty Cor 00128**

EFTA00235454

**IN RE:  
INVESTIGATION OF  
JEFFREY EPSTEIN**

---

**NON-PROSECUTION AGREEMENT**

IT APPEARING that the City of Palm Beach Police Department and the State Attorney's Office for the 15th Judicial Circuit in and for Palm Beach County (hereinafter, the "State Attorney's Office") have conducted an investigation into the conduct of Jeffrey Epstein (hereinafter "Epstein");

IT APPEARING that the State Attorney's Office has charged Epstein by indictment with solicitation of prostitution, in violation of Florida Statutes Section 796.07;

IT APPEARING that the United States Attorney's Office and the Federal Bureau of Investigation have conducted their own investigation into Epstein's background and any offenses that may have been committed by Epstein against the United States from in or around 2001 through in or around September 2007, including:

- (1) knowingly and willfully conspiring 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, or entice minor females to engage in prostitution, in violation of Title 18, United States Code, Section 2422(b); all in violation of Title 18, United States Code, Section 371;
- (2) knowingly and willfully conspiring 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 minor females, in violation of Title 18, United States Code, Section 2423(b); all in violation of Title 18, United States Code, Section 2423(e);
- (3) using a facility or means of interstate or foreign commerce to knowingly persuade, induce, or entice minor females to engage in prostitution; in violation of Title 18, United States Code, Sections 2422(b) and 2;
- (4) traveling in interstate commerce for the purpose of engaging in illicit sexual conduct, as defined in 18 U.S.C. § 2423(f), with minor females; in violation

of Title 18, United States Code, Section 2423(b); and

- (5) knowingly, in and affecting interstate and foreign commerce, recruiting, enticing, and obtaining by any means a person, 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); in violation of Title 18, United States Code, Sections 1591(a)(1) and 2; and

IT APPEARING that Epstein seeks to resolve globally his state and federal criminal liability and Epstein understands and acknowledges that, in order to do so, he must undertake certain actions with the State Attorney's Office;

IT APPEARING, after an investigation of the offenses and Epstein's background by both State and Federal law enforcement agencies, and after due consultation with the State Attorney's Office, that the interests of the United States, the State of Florida, and the Defendant will be served by the following procedure;

THEREFORE, on the authority of R. Alexander Acosta, United States Attorney for the Southern District of Florida, prosecution in this District for these offenses shall be deferred in favor of prosecution by the State of Florida, provided that Epstein abides by the following conditions and the requirements of this Agreement set forth below.

If the United States Attorney should determine, based on reliable evidence, that, during the period of the Agreement, Epstein willfully violated any of the conditions of this Agreement, then the United States Attorney may, within ninety (90) days following the expiration of the term of home confinement discussed below, provide Epstein with timely notice specifying the condition(s) of the Agreement that he has violated, and shall initiate its prosecution on any offense within sixty (60) days' of giving notice of the violation.

After timely fulfilling all the terms and conditions of the Agreement, no prosecution for the offenses set out on pages 1 and 2 of this Agreement, nor any other offenses that have been the subject of the joint investigation by the Federal Bureau of Investigation and the United States Attorney's Office, nor any offenses that were the subject of the Federal Grand Jury investigation will be instituted in this District, and the charges against Epstein if any, will be dismissed.

Terms of the Agreement:

1. Epstein shall plead guilty (not nolo contendere) to an Information filed by the State Attorney's Office charging Epstein with an offense that requires him to register as a sex offender, that is, the solicitation of

minors to engage in prostitution, in violation of Florida Statutes Section 796.03;

2. Epstein shall make a binding recommendation that the Court impose a thirty (30) month sentence to be divided as follows:
  - (a) Epstein shall be sentenced to eighteen (18) months in county jail for all charges, without any opportunity for withholding adjudication or sentencing, and without probation or community control in lieu of imprisonment; and
  - (b) following the term of imprisonment, Epstein shall serve twelve (12) months of community control.
3. The terms contained in paragraphs 1 and 2, *supra*, do not foreclose Epstein and the State Attorney's Office from agreeing to recommend any additional charge(s) or any additional term(s) of probation and/or incarceration, and do not foreclose a Judge of the 15th Judicial Circuit from imposing a sentence in excess of the terms set forth above.
4. Epstein shall waive all challenges to the Information filed by the State Attorney's Office and shall waive the right to appeal his conviction and sentence.
5. Epstein shall provide to the U.S. Attorney's Office copies of all proposed agreements with the State Attorney's Office prior to entering into those agreements.
6. The United States shall provide Epstein's attorneys with a list of individuals whom it has identified as victims, as defined in 18 U.S.C. § 2255, after Epstein has signed this agreement and been sentenced. Upon the execution of this agreement, the United States will file a motion with the United States District Court for the Southern District of Florida for the appointment of a guardian ad litem for these persons. Epstein's counsel may contact the identified individuals through that guardian.
7. If any of the individuals referred to in paragraph (6), *supra*, elects to file suit pursuant to 18 U.S.C. § 2255, Epstein will not contest the jurisdiction of the United States District Court for the Southern District of Florida over his person and/or the subject matter, and Epstein waives

his right to contest liability and also waives his right to contest damages up to an amount as agreed to between the identified victim and Epstein, so long as the identified victim elects to proceed exclusively under 18 U.S.C. § 2255, and agrees to waive any other claim for damages, whether pursuant to state, federal, or common law. Notwithstanding this waiver, as to those individuals whose names appear on the list provided by the United States, Epstein's signature on this agreement is not to be construed as an admission of any criminal or civil liability other than that contained in 18 U.S.C. § 2255.

8. Epstein's signature on this agreement also is not to be construed as an admission of civil or criminal liability or a waiver of any jurisdictional or other defense as to any person whose name does not appear on the list provided by the United States.
9. 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.
10. Epstein agrees that he will not be afforded any benefits with respect to gain time, other than the rights, opportunities, and benefits as any other inmate, including but not limited to, eligibility for gain time credit based on standard rules and regulations that apply in the State of Florida. At the United States' request, Epstein agrees to provide an accounting of the gain time he earned during his period of incarceration.
11. The parties anticipate that this agreement will not be made part of any public record. If the United States receives a Freedom of Information Act request or any compulsory process commanding the disclosure of the agreement, it will provide notice to Epstein before making that disclosure.

Epstein understands that the United States Attorney has no authority to require the State Attorney's Office to abide by any terms of this agreement. Epstein understands that it is his obligation to undertake discussions with the State Attorney's Office and to use his best efforts to ensure compliance with these procedures, which compliance will be necessary to satisfy the United States' interest. Epstein also understands that it is his obligation to use his best efforts to convince the Judge of the 15th Judicial Circuit to accept Epstein's binding recommendation regarding the sentence to be imposed, and understands that the failure to

do so will be a breach of the agreement.

In consideration of Epstein's agreement to plead guilty and to provide compensation in the manner described above, if Epstein successfully fulfills all of the terms and conditions of this agreement, the United States also agrees that it will not institute any criminal charges against any potential co-conspirators of Epstein, including but not limited to [REDACTED] [REDACTED] Lesley Groff, or [REDACTED] Marcinkova. Further, upon execution of this agreement and a plea agreement with the State Attorney's Office, the federal Grand Jury investigation will be suspended, and all pending federal Grand Jury subpoenas will be held in abeyance unless and until the defendant violates any term of this agreement. The defendant likewise agrees to withdraw his pending motion to intervene and to quash certain grand jury subpoenas. Both parties agree to maintain their evidence, including certain computer equipment, inviolate until all of the terms of this agreement have been satisfied. Upon the successful completion of the terms of this agreement, all outstanding grand jury subpoenas shall be deemed withdrawn.

By signing this agreement, Epstein asserts and certifies that each of these terms is material to this agreement and is supported by independent consideration and that a breach of any one of these conditions allows the United States to elect to terminate the agreement and to investigate and prosecute Epstein and any other individual or entity for any and all federal offenses.

By signing this agreement, Epstein asserts and certifies that he is aware of the fact that the Sixth Amendment to the Constitution of the United States provides that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial. Epstein further is aware that Rule 48(b) of the Federal Rules of Criminal Procedure provides that the Court may dismiss an indictment, information, or complaint for unnecessary delay in presenting a charge to the Grand Jury, filing an information, or in bringing a defendant to trial. Epstein hereby requests that the United States Attorney for the Southern District of Florida defer such prosecution. Epstein agrees and consents that any delay from the date of this Agreement to the date of initiation of prosecution, as provided for in the terms expressed herein, shall be deemed to be a necessary delay at his own request, and he hereby waives any defense to such prosecution on the ground that such delay operated to deny him rights under Rule 48(b) of the Federal Rules of Criminal Procedure and the Sixth Amendment to the Constitution of the United States to a speedy trial or to bar the prosecution by reason of the running of the statute of limitations for a period of months equal to the period between the signing of this agreement and the breach of this agreement as to those offenses that were the subject of the grand jury's investigation. Epstein further asserts and certifies that he understands that the Fifth Amendment and Rule 7(a) of the Federal Rules of Criminal Procedure provide that all felonies must be charged in an indictment presented to a grand jury. Epstein hereby agrees and consents that, if a prosecution against him is instituted for any offense that was the

subject of the grand jury's investigation, it may be by way of an Information signed and filed by the United States Attorney, and hereby waives his right to be indicted by a grand jury.

By signing this agreement, Epstein asserts and certifies that the above has been read and explained to him. Epstein hereby states that he understands the conditions of this Non-Prosecution Agreement and agrees to comply with them.

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

Dated: \_\_\_\_\_

By:

\_\_\_\_\_  
ASSISTANT U.S. ATTORNEY

Dated: \_\_\_\_\_

\_\_\_\_\_  
JEFFREY EPSTEIN

Dated: \_\_\_\_\_

\_\_\_\_\_  
GERALD LEFCOURT, ESQ.  
COUNSEL TO JEFFREY EPSTEIN

Dated: \_\_\_\_\_

\_\_\_\_\_  
LILLY [REDACTED] SANCHEZ, ESQ.  
ATTORNEY FOR JEFFREY EPSTEIN



[REDACTED]  
 (USAFLS)  
 [REDACTED]  
 llafana@usdoj.gov

To "Jay Lefkowitz" <[REDACTED]>  
 cc "Martin Weinberg" <owimgw@worldnet.att.net>, [REDACTED]  
 [REDACTED] <Andrew.Lourie2@usdoj.gov>, "Garcla, Roland"  
 (USAFLS) <[REDACTED]>

bcc

Subject RE: Epstein agreement as reviewed by the U.S. Attorney

09/24/2007  
 01:27 PM

History: This message has been forwarded.

Hi Jay - Sorry for the delay. The U.S. Attorney had a last-minute concern, that I think I fixed (it is in the first "It Appearing" clause following the list of statutes potentially violated).

After you get the green light, let's discuss the potential representative. The person I am thinking of has run a preliminary conflicts check and it looks alright.

Also, to address Mr. Epstein's concern regarding the list of names, I wanted to tell you that I have compiled a list of 34 confirmed minors. There are six others, whose names we already have, who need to be interviewed by the FBI to confirm whether they were 17 or 18 at the time of their activity with Mr. Epstein. Once those interviews are completed, I can finalize the list of identified victims, which I will put in a formal document that I will maintain until the time of Mr. Epstein's sentencing.

Assuming that this agreement is fine, please execute at least three copies, and send one to me by fax and the rest by FedEx. I will execute and send the copies back.

Thank you.

[REDACTED]

**US Atty Cor 00135**

Assistant U.S. Attorney

[REDACTED]

West Palm Beach, FL 33401

[REDACTED]

[REDACTED]

[REDACTED]  
September 24, 2007 11:10 AM  
[REDACTED]  
Sub [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED] (USAFLS)  
[REDACTED]  
[REDACTED]@usdoj.gov>

To "Jay Lefkowitz"  
<JLefkowitz@kirkland.com>

09/24/2007 10:13 AM

cc

Sub Epstein agreement as reviewed  
ject by the U.S. Attorney

Hi Jay – Here is the agreement with Alex's edits. Thank you.

**US Atty Cor 00136**

<<070924 Epstein Non-Prosecution Agreement w Acosta edits  
v2.pdf>>

[REDACTED]

Assistant U.S. Attorney

[REDACTED]

West Palm Beach, FL 33401

[REDACTED]

[REDACTED]

<<< Attachment '070924 Final Epstein Non-Prosecution Agreement.pdf'  
has been archived by user 'CommonStore/IT/Kirkland-Ellis' on  
'11/26/2007 01:22:05'. >>>

**US\_Atty\_Cor\_00137**

EFTA00235463

**IN RE:  
INVESTIGATION OF  
JEFFREY EPSTEIN**

---

**NON-PROSECUTION AGREEMENT**

IT APPEARING that the City of Palm Beach Police Department and the State Attorney's Office for the 15th Judicial Circuit in and for Palm Beach County (hereinafter, the "State Attorney's Office") have conducted an investigation into the conduct of Jeffrey Epstein (hereinafter "Epstein");

IT APPEARING that the State Attorney's Office has charged Epstein by indictment with solicitation of prostitution, in violation of Florida Statutes Section 796.07;

IT APPEARING that the United States Attorney's Office and the Federal Bureau of Investigation have conducted their own investigation into Epstein's background and any offenses that may have been committed by Epstein against the United States from in or around 2001 through in or around September 2007, including:

- (1) knowingly and willfully conspiring 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, or entice minor females to engage in prostitution, in violation of Title 18, United States Code, Section 2422(b); all in violation of Title 18, United States Code, Section 371;
- (2) knowingly and willfully conspiring 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 minor females, in violation of Title 18, United States Code, Section 2423(b); all in violation of Title 18, United States Code, Section 2423(e);
- (3) using a facility or means of interstate or foreign commerce to knowingly persuade, induce, or entice minor females to engage in prostitution; in violation of Title 18, United States Code, Sections 2422(b) and 2;
- (4) traveling in interstate commerce for the purpose of engaging in illicit sexual conduct, as defined in 18 U.S.C. § 2423(f), with minor females; in violation

of Title 18, United States Code, Section 2423(b); and

- (5) knowingly, in and affecting interstate and foreign commerce, recruiting, enticing, and obtaining by any means a person, 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); in violation of Title 18, United States Code, Sections 1591(a)(1) and 2; and

IT APPEARING that Epstein seeks to resolve globally his state and federal criminal liability and Epstein understands and acknowledges that, in exchange for the benefits provided by this agreement, he agrees to comply with its terms, including undertaking certain actions with the State Attorney's Office;

IT APPEARING, after an investigation of the offenses and Epstein's background by both State and Federal law enforcement agencies, and after due consultation with the State Attorney's Office, that the interests of the United States, the State of Florida, and the Defendant will be served by the following procedure;

THEREFORE, on the authority of R. Alexander Acosta, United States Attorney for the Southern District of Florida, prosecution in this District for these offenses shall be deferred in favor of prosecution by the State of Florida, provided that Epstein abides by the following conditions and the requirements of this Agreement set forth below.

If the United States Attorney should determine, based on reliable evidence, that, during the period of the Agreement, Epstein willfully violated any of the conditions of this Agreement, then the United States Attorney may, within ninety (90) days following the expiration of the term of home confinement discussed below, provide Epstein with timely notice specifying the condition(s) of the Agreement that he has violated, and shall initiate its prosecution on any offense within sixty (60) days' of giving notice of the violation. Any notice provided to Epstein pursuant to this paragraph shall be provided within 60 days of the United States learning of facts which may provide a basis for a determination of a breach of the Agreement.

After timely fulfilling all the terms and conditions of the Agreement, no prosecution for the offenses set out on pages 1 and 2 of this Agreement, nor any other offenses that have been the subject of the joint investigation by the Federal Bureau of Investigation and the United States Attorney's Office, nor any offenses that arose from the Federal Grand Jury investigation will be instituted in this District, and the charges against Epstein if any, will be dismissed.

Terms of the Agreement:

1. Epstein shall plead guilty (not nolo contendere) to the Indictment as currently pending against him in the 15th Judicial Circuit in and for Palm Beach County (Case No. 2006-cf-009495AXXXMB) charging one (1) count of solicitation of prostitution, in violation of Fl. Stat. § 796.07. In addition, Epstein shall plead guilty to an Information filed by the State Attorney's Office charging Epstein with an offense that requires him to register as a sex offender, that is, the solicitation of minors to engage in prostitution, in violation of Florida Statutes Section 796.03;
2. Epstein shall make a binding recommendation that the Court impose a thirty (30) month sentence to be divided as follows:
  - (a) Epstein shall be sentenced to consecutive terms of twelve (12) months and six (6) months in county jail for all charges, without any opportunity for withholding adjudication or sentencing, and without probation or community control in lieu of imprisonment; and
  - (b) Epstein shall be sentenced to a term of twelve (12) months of community control consecutive to his two terms in county jail as described in Term 2(a), *supra*.
3. This agreement is contingent upon a Judge of the 15th Judicial Circuit accepting and executing the sentence agreed upon between the State Attorney's Office and Epstein, the details of which are set forth in this agreement.
4. The terms contained in paragraphs 1 and 2, *supra*, do not foreclose Epstein and the State Attorney's Office from agreeing to recommend any additional charge(s) or any additional term(s) of probation and/or incarceration.
5. Epstein shall waive all challenges to the Information filed by the State Attorney's Office and shall waive the right to appeal his conviction and sentence.
6. Epstein shall provide to the U.S. Attorney's Office copies of all proposed agreements with the State Attorney's Office prior to entering

into those agreements.

7. The United States shall provide Epstein's attorneys with a list of individuals whom it has identified as victims, as defined in 18 U.S.C. § 2255, after Epstein has signed this agreement and been sentenced. Upon the execution of this agreement, the United States, in consultation with and subject to the good faith approval of Epstein's counsel, shall select an attorney representative for these persons, who shall be paid for by Epstein. Epstein's counsel may contact the identified individuals through that representative.
8. If any of the individuals referred to in paragraph (7), *supra*, elects to file suit pursuant to 18 U.S.C. § 2255, Epstein will not contest the jurisdiction of the United States District Court for the Southern District of Florida over his person and/or the subject matter, and Epstein waives his right to contest liability and also waives his right to contest damages up to an amount as agreed to between the identified individual and Epstein, so long as the identified individual elects to proceed exclusively under 18 U.S.C. § 2255, and agrees to waive any other claim for damages, whether pursuant to state, federal, or common law. Notwithstanding this waiver, as to those individuals whose names appear on the list provided by the United States, Epstein's signature on this agreement, his waivers and failures to contest liability and such damages in any suit are not to be construed as an admission of any criminal or civil liability.
9. Epstein's signature on this agreement also is not to be construed as an admission of civil or criminal liability or a waiver of any jurisdictional or other defense as to any person whose name does not appear on the list provided by the United States.
10. Except as set forth in paragraph (8), *supra*, neither Epstein's signature on this agreement, nor its terms, nor any resulting waivers or settlements by Epstein are to be construed as admissions or evidence of civil or criminal liability or a waiver of any jurisdictional or other defense as to any person, whether or not her name appears on the list provided by the United States.
11. 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.

12. Epstein agrees that he will not be afforded any benefits with respect to gain time, other than the rights, opportunities, and benefits as any other inmate, including but not limited to, eligibility for gain time credit based on standard rules and regulations that apply in the State of Florida. At the United States' request, Epstein agrees to provide an accounting of the gain time he earned during his period of incarceration.
13. The parties anticipate that this agreement will not be made part of any public record. If the United States receives a Freedom of Information Act request or any compulsory process commanding the disclosure of the agreement, it will provide notice to Epstein before making that disclosure.

Epstein understands that the United States Attorney has no authority to require the State Attorney's Office to abide by any terms of this agreement. Epstein understands that it is his obligation to undertake discussions with the State Attorney's Office and to use his best efforts to ensure compliance with these procedures, which compliance will be necessary to satisfy the United States' interest. Epstein also understands that it is his obligation to use his best efforts to convince the Judge of the 15th Judicial Circuit to accept Epstein's binding recommendation regarding the sentence to be imposed, and understands that the failure to do so will be a breach of the agreement.

In consideration of Epstein's agreement to plead guilty and to provide compensation in the manner described above, if Epstein successfully fulfills all of the terms and conditions of this agreement, the United States also agrees that it will not institute any criminal charges against any potential co-conspirators of Epstein, including but not limited to [REDACTED], [REDACTED], Lesley Groff, or [REDACTED]. Further, upon execution of this agreement and a plea agreement with the State Attorney's Office, the federal Grand Jury investigation will be suspended, and all pending federal Grand Jury subpoenas will be held in abeyance unless and until the defendant violates any term of this agreement. The defendant likewise agrees to withdraw his pending motion to intervene and to quash certain grand jury subpoenas. Both parties agree to maintain their evidence, specifically evidence requested by or directly related to the grand jury subpoenas that have been issued, and including certain computer equipment, inviolate until all of the terms of this agreement have been satisfied. Upon the successful completion of the terms of this agreement, all outstanding grand jury subpoenas shall be deemed withdrawn.

By signing this agreement, Epstein asserts and certifies that each of these terms is

material to this agreement and is supported by independent consideration and that a breach of any one of these conditions allows the United States to elect to terminate the agreement and to investigate and prosecute Epstein and any other individual or entity for any and all federal offenses.

By signing this agreement, Epstein asserts and certifies that he is aware of the fact that the Sixth Amendment to the Constitution of the United States provides that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial. Epstein further is aware that Rule 48(b) of the Federal Rules of Criminal Procedure provides that the Court may dismiss an indictment, information, or complaint for unnecessary delay in presenting a charge to the Grand Jury, filing an information, or in bringing a defendant to trial. Epstein hereby requests that the United States Attorney for the Southern District of Florida defer such prosecution. Epstein agrees and consents that any delay from the date of this Agreement to the date of initiation of prosecution, as provided for in the terms expressed herein, shall be deemed to be a necessary delay at his own request, and he hereby waives any defense to such prosecution on the ground that such delay operated to deny him rights under Rule 48(b) of the Federal Rules of Criminal Procedure and the Sixth Amendment to the Constitution of the United States to a speedy trial or to bar the prosecution by reason of the running of the statute of limitations for a period of months equal to the period between the signing of this agreement and the breach of this agreement as to those offenses that were the subject of the grand jury's investigation. Epstein further asserts and certifies that he understands that the Fifth Amendment and Rule 7(a) of the Federal Rules of Criminal Procedure provide that all felonies must be charged in an indictment presented to a grand jury. Epstein hereby agrees and consents that, if a prosecution against him is instituted for any offense that was the subject of the grand jury's investigation, it may be by way of an Information signed and filed by the United States Attorney, and hereby waives his right to be indicted by a grand jury as to any such offense.

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By signing this agreement, Epstein asserts and certifies that the above has been read and explained to him. Epstein hereby states that he understands the conditions of this Non-Prosecution Agreement and agrees to comply with them.

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
ASSISTANT U.S. ATTORNEY

Dated: \_\_\_\_\_

\_\_\_\_\_  
JEFFREY EPSTEIN

Dated: \_\_\_\_\_

\_\_\_\_\_  
GERALD LEFCOURT, ESQ.  
COUNSEL TO JEFFREY EPSTEIN

Dated: \_\_\_\_\_

\_\_\_\_\_  
LILLY \_\_\_\_\_ SANCHEZ, ESQ.  
ATTORNEY FOR JEFFREY EPSTEIN



Villafana, [redacted]  
[redacted]  
(USAFLS)  
[redacted]

To "Jay Lefkowitz" <[redacted]>

cc

bcc

Subject The final final

09/24/2007 02:16  
PM

History This message has been forwarded.

<<070924 Final Epstein Non-Prosecution Agreement.pdf>>

[redacted]

Assistant U.S. Attorney

[redacted]

West Palm Beach, FL 33401

[redacted]

[redacted]

 070924 Final Epstein Non-Prosecution Agreement.pdf

**IN RE:  
INVESTIGATION OF  
JEFFREY EPSTEIN**

---

**NON-PROSECUTION AGREEMENT**

IT APPEARING that the City of Palm Beach Police Department and the State Attorney's Office for the 15th Judicial Circuit in and for Palm Beach County (hereinafter, the "State Attorney's Office") have conducted an investigation into the conduct of Jeffrey Epstein (hereinafter "Epstein");

IT APPEARING that the State Attorney's Office has charged Epstein by indictment with solicitation of prostitution, in violation of Florida Statutes Section 796.07;

IT APPEARING that the United States Attorney's Office and the Federal Bureau of Investigation have conducted their own investigation into Epstein's background and any offenses that may have been committed by Epstein against the United States from in or around 2001 through in or around September 2007, including:

- (1) knowingly and willfully conspiring 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, or entice minor females to engage in prostitution, in violation of Title 18, United States Code, Section 2422(b); all in violation of Title 18, United States Code, Section 371;
- (2) knowingly and willfully conspiring 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 minor females, in violation of Title 18, United States Code, Section 2423(b); all in violation of Title 18, United States Code, Section 2423(e);
- (3) using a facility or means of interstate or foreign commerce to knowingly persuade, induce, or entice minor females to engage in prostitution; in violation of Title 18, United States Code, Sections 2422(b) and 2;
- (4) traveling in interstate commerce for the purpose of engaging in illicit sexual conduct, as defined in 18 U.S.C. § 2423(f), with minor females; in violation

of Title 18, United States Code, Section 2423(b); and

- (5) knowingly, in and affecting interstate and foreign commerce, recruiting, enticing, and obtaining by any means a person, 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); in violation of Title 18, United States Code, Sections 1591(a)(1) and 2; and

IT APPEARING that Epstein seeks to resolve globally his state and federal criminal liability and Epstein understands and acknowledges that, in exchange for the benefits provided by this agreement, he agrees to comply with its terms, including undertaking certain actions with the State Attorney's Office;

IT APPEARING, after an investigation of the offenses and Epstein's background by both State and Federal law enforcement agencies, and after due consultation with the State Attorney's Office, that the interests of the United States, the State of Florida, and the Defendant will be served by the following procedure;

THEREFORE, on the authority of R. Alexander Acosta, United States Attorney for the Southern District of Florida, prosecution in this District for these offenses shall be deferred in favor of prosecution by the State of Florida, provided that Epstein abides by the following conditions and the requirements of this Agreement set forth below.

If the United States Attorney should determine, based on reliable evidence, that, during the period of the Agreement, Epstein willfully violated any of the conditions of this Agreement, then the United States Attorney may, within ninety (90) days following the expiration of the term of home confinement discussed below, provide Epstein with timely notice specifying the condition(s) of the Agreement that he has violated, and shall initiate its prosecution on any offense within sixty (60) days' of giving notice of the violation. Any notice provided to Epstein pursuant to this paragraph shall be provided within 60 days of the United States learning of facts which may provide a basis for a determination of a breach of the Agreement.

After timely fulfilling all the terms and conditions of the Agreement, no prosecution for the offenses set out on pages 1 and 2 of this Agreement, nor any other offenses that have been the subject of the joint investigation by the Federal Bureau of Investigation and the United States Attorney's Office, nor any offenses that arose from the Federal Grand Jury investigation will be instituted in this District, and the charges against Epstein if any, will be dismissed.

Terms of the Agreement:

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4. The terms contained in paragraphs 1 and 2, *supra*, do not foreclose Epstein and the State Attorney's Office from agreeing to recommend any additional charge(s) or any additional term(s) of probation and/or incarceration.
5. Epstein shall waive all challenges to the Information filed by the State Attorney's Office and shall waive the right to appeal his conviction and sentence, except a sentence that exceeds what is set forth in paragraph (2), *supra*.
6. Epstein shall provide to the U.S. Attorney's Office copies of all

proposed agreements with the State Attorney's Office prior to entering into those agreements.

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8. If any of the individuals referred to in paragraph (7), *supra*, elects to file suit pursuant to 18 U.S.C. § 2255, Epstein will not contest the jurisdiction of the United States District Court for the Southern District of Florida over his person and/or the subject matter, and Epstein waives his right to contest liability and also waives his right to contest damages up to an amount as agreed to between the identified individual and Epstein, so long as the identified individual elects to proceed exclusively under 18 U.S.C. § 2255, and agrees to waive any other claim for damages, whether pursuant to state, federal, or common law. Notwithstanding this waiver, as to those individuals whose names appear on the list provided by the United States, Epstein's signature on this agreement, his waivers and failures to contest liability and such damages in any suit are not to be construed as an admission of any criminal or civil liability.
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11. 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.

12. Epstein agrees that he will not be afforded any benefits with respect to gain time, other than the rights, opportunities, and benefits as any other inmate, including but not limited to, eligibility for gain time credit based on standard rules and regulations that apply in the State of Florida. At the United States' request, Epstein agrees to provide an accounting of the gain time he earned during his period of incarceration.
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Epstein understands that the United States Attorney has no authority to require the State Attorney's Office to abide by any terms of this agreement. Epstein understands that it is his obligation to undertake discussions with the State Attorney's Office and to use his best efforts to ensure compliance with these procedures, which compliance will be necessary to satisfy the United States' interest. Epstein also understands that it is his obligation to use his best efforts to convince the Judge of the 15th Judicial Circuit to accept Epstein's binding recommendation regarding the sentence to be imposed, and understands that the failure to do so will be a breach of the agreement.

In consideration of Epstein's agreement to plead guilty and to provide compensation in the manner described above, if Epstein successfully fulfills all of the terms and conditions of this agreement, the United States also agrees that it will not institute any criminal charges against any potential co-conspirators of Epstein, including but not limited to [REDACTED], [REDACTED], Lesley Groff, or [REDACTED]. Further, upon execution of this agreement and a plea agreement with the State Attorney's Office, the federal Grand Jury investigation will be suspended, and all pending federal Grand Jury subpoenas will be held in abeyance unless and until the defendant violates any term of this agreement. The defendant likewise agrees to withdraw his pending motion to intervene and to quash certain grand jury subpoenas. Both parties agree to maintain their evidence, specifically evidence requested by or directly related to the grand jury subpoenas that have been issued, and including certain computer equipment, inviolate until all of the terms of this agreement have been satisfied. Upon the successful completion of the terms of this agreement, all outstanding grand jury subpoenas shall be deemed withdrawn.

By signing this agreement, Epstein asserts and certifies that each of these terms is material to this agreement and is supported by independent consideration and that a breach of any one of these conditions allows the United States to elect to terminate the agreement and to investigate and prosecute Epstein and any other individual or entity for any and all federal offenses.

By signing this agreement, Epstein asserts and certifies that he is aware of the fact that the Sixth Amendment to the Constitution of the United States provides that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial. Epstein further is aware that Rule 48(b) of the Federal Rules of Criminal Procedure provides that the Court may dismiss an indictment, information, or complaint for unnecessary delay in presenting a charge to the Grand Jury, filing an information, or in bringing a defendant to trial. Epstein hereby requests that the United States Attorney for the Southern District of Florida defer such prosecution. Epstein agrees and consents that any delay from the date of this Agreement to the date of initiation of prosecution, as provided for in the terms expressed herein, shall be deemed to be a necessary delay at his own request, and he hereby waives any defense to such prosecution on the ground that such delay operated to deny him rights under Rule 48(b) of the Federal Rules of Criminal Procedure and the Sixth Amendment to the Constitution of the United States to a speedy trial or to bar the prosecution by reason of the running of the statute of limitations for a period of months equal to the period between the signing of this agreement and the breach of this agreement as to those offenses that were the subject of the grand jury's investigation. Epstein further asserts and certifies that he understands that the Fifth Amendment and Rule 7(a) of the Federal Rules of Criminal Procedure provide that all felonies must be charged in an indictment presented to a grand jury. Epstein hereby agrees and consents that, if a prosecution against him is instituted for any offense that was the subject of the grand jury's investigation, it may be by way of an Information signed and filed by the United States Attorney, and hereby waives his right to be indicted by a grand jury as to any such offense.

///

///

///

By signing this agreement, Epstein asserts and certifies that the above has been read and explained to him. Epstein hereby states that he understands the conditions of this Non-Prosecution Agreement and agrees to comply with them.

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

Dated: \_\_\_\_\_

By:

\_\_\_\_\_  
VILLAFANA  
ASSISTANT U.S. ATTORNEY

Dated: \_\_\_\_\_

\_\_\_\_\_  
JEFFREY EPSTEIN

Dated: \_\_\_\_\_

\_\_\_\_\_  
GERALD LEFCOURT, ESQ.  
COUNSEL TO JEFFREY EPSTEIN

Dated: \_\_\_\_\_

\_\_\_\_\_  
LILLY [REDACTED] SANCHEZ, ESQ.  
ATTORNEY FOR JEFFREY EPSTEIN



[REDACTED]  
 (USAFLS)  
 <[REDACTED]  
 l.gov>  
 09/24/2007 04:34 PM

To "Jay Lefkowitz" <[REDACTED]>  
 cc  
 bcc  
 Subject RE: Do you have a signed copy?

Thank you, Jay. I have forwarded your message only to Alex, [REDACTED] and [REDACTED]. I don't anticipate it going any further than that. When I receive the originals, I will sign and return one copy to you. The other will be placed in the case file, which will be kept confidential since it also contains identifying information about the girls.

When we reach an agreement about the attorney representative for the girls, we can discuss what I can tell him and the girls about the agreement. I know that [REDACTED] promised Chief Reiter an update when a resolution was achieved. (Something I wouldn't have promised in light of what happened last year.) [REDACTED] is calling, but [REDACTED] knows not to tell Chief Reiter about the money issue, just about what crimes Mr. Epstein is pleading guilty to and the amount of time that has been agreed to. [REDACTED] also is telling Chief Reiter not to disclose the outcome to anyone.

[REDACTED]

[REDACTED]

[REDACTED] (USAFLS)  
 <[REDACTED]>  
 09/24/2007 04:04 PM

To "Jay Lefkowitz"  
 <JLefkowitz@kirkland.com>  
 cc  
 Subject Do you have a signed copy?

Hi Jay - Sorry to be a bother, but do you have a copy that at least contains Mr. Epstein's signature? I need to pass it along to the powers that be. Thanks.

**US Atty Cor 00153**



"Villafana, [REDACTED]  
(USAFLS)"  
<[REDACTED]  
j.gov>

09/25/2007 08:36 PM

To "Jay Lefkowitz" <JLefkowitz@kirkland.co

cc

bcc

Subject Other attorneys

History:

This message has been replied  
to and forwarded.

Hi Jay -- These four people were recommended. I have not contacted them to find out what their rates are. All are very active in the plaintiffs' bar in the West Palm area. Ted Babbitt would be my first choice of these four but I think he is conflicted out because one of his partners is married to an AUSA here. Stuart Grossman is probably my second choice.

Ted Babbitt -- <http://www.babbitt-johnson.com/tbabbitt.html>

Stuart Grossman --  
<http://www.grossmanandroth.com/sgrossman.htm>

Chris Searcy --  
<http://www.searcylaw.com/CHRISTIANDSEARCY/tabid/935/default.aspx>

Lake Lytal, Jr. -- [http://www.lytalreiter.com/index.php?page\\_id=37](http://www.lytalreiter.com/index.php?page_id=37)

Talk to Jack Goldberger about this group. They are all very good personal injury lawyers, but I have concerns about whether there would be an inherent tension because they may feel that THEY might make more money (and get a lot more press coverage) if they proceed outside the terms of the plea agreement. (Sorry -- I just have a bias against plaintiffs' attorneys.) One nice thing about Bert is that he is in Miami where there has been almost no coverage of this case.

Just so you know, I have never met Bert, but a good friend in our appellate section and one of the district judges in Miami are good friends with him and recommended him.

Can you let me know tomorrow? I am going to be out for a while starting on Friday, and I would like to get this underway before I leave.

Thank you.

**US Atty Cor 00154**

EFTA00235480

[REDACTED]

Assistant U.S. Attorney

[REDACTED]

West Palm Beach, FL 33401

[REDACTED]

[REDACTED]

**US\_Atty\_Cor\_00155**

EFTA00235481



"Villafana, [redacted]  
(USAFLSW)  
<[redacted]  
[redacted]  
[redacted].gov>  
09/25/2007 12:11 PM

To "Jay Lefkowitz" <[redacted]>  
cc  
bcc  
Subject Conference call

History This message has been replied to and forwarded.

Hi Jay – Have you approved Mr. Ocariz as the girls' representative? And can we have a conference call to discuss what I may disclose to him and to the girls regarding the agreement?

Thank you.

[redacted]

Assistant U.S. Attorney

[redacted]

West Palm Beach, FL 33401

[redacted]

[redacted]

Stuart Grossman --  
<http://www.grossmanandroth.com/sgrossman.htm>

Chris Searcy --  
<http://www.searcy.com/CHRISTIANDSEARCY/tabid/935/default.aspx>

Lake Lytal, Jr. -- [http://www.lytalreiter.com/index.php?page\\_id=37](http://www.lytalreiter.com/index.php?page_id=37)

Talk to Jack Goldberger about this group. They are all very good personal injury lawyers, but I have concerns about whether there would be an inherent tension because they may feel that THEY might make more money (and get a lot more press coverage) if they proceed outside the terms of the plea agreement. (Sorry - I just have a bias against plaintiffs' attorneys.) One nice thing about Bert is that he is in Miami where there has been almost no coverage of this case.

Just so you know, I have never met Bert, but a good friend in our appellate section and one of the district judges in Miami are good friends with him and recommended him.

Can you let me know tomorrow? I am going to be out for a while starting on Friday, and I would like to get this underway before I leave.

Thank you.

[REDACTED]

Assistant U.S. Attorney

[REDACTED]

West Palm Beach, FL 33401

[REDACTED]

[REDACTED]

**US Atty Cor 00157**

EFTA00235483



"Villafana, [REDACTED]  
VUSAELS)"  
[REDACTED]  
j.gov>  
09/26/2007 11:03 AM

To "Jay Lefkowitz" <JLefkowitz@kirkland.com>  
cc  
bcc  
Subject One more thing

History: This message has been replied to.

Hi Jay – Did you send me the original signed agreement? I would like to sign that copy and return copies to you. Thank you.

[REDACTED]

Assistant U.S. Attorney

[REDACTED]

West Palm Beach, FL 33401

[REDACTED]

[REDACTED]

**US Atty Cor 00158**

EFTA00235484



Marie C.  
 (USAFLS)  
 @usdo  
 j.gov  
 09/26/2007 11:49 AM

To "Jay Lefkowitz" <JLefkowitz@kirkland.com>  
 cc  
 bcc  
 Subject RE: One more thing

Hi Jay – Meaning no disrespect to these distinguished gentlemen, one of my criteria is that, if negotiations with you don't work out, they have the stamina to take you all to trial, so I politely decline your suggestion.

Assistant U.S. Attorney

[Redacted]

[Redacted]

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

From: (USAFLS)  
 Sent: 09/26/2007 11:03 AM AST  
 To: Jay Lefkowitz  
 Subject: One more thing

Hi Jay – Did you send me the original signed agreement? I would like to sign that copy and return copies to you. Thank you.

Assistant U.S. Attorney

[Redacted]

West Palm Beach, FL 33401

[Redacted]

**US Atty Cor 00159**



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\*\*\*\*\*

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\*\*\*\*\*  
\*\*\*\*\*



"Villafana, [REDACTED]  
(USAELS)"  
[REDACTED]  
j.gov>  
09/27/2007 10:52 AM

To "Jay Lefkowitz" <JLefkowitz@kirkland.com>  
cc  
bcc  
Subject Conference Call with Bert Ocariz

History This message has been replied to and forwarded.

Hi Jay – Bert's firm has raised a number of good questions about how they are going to get paid and setting up a procedure that avoids any conflict of interest with their clients. Are you around today to do a conference call? Let me know what times work for you because Bert wants to get their conflicts counsel on the call with us.

These are some of the questions he sent to me. I told Bert that as part of our agreement we (the federal government) are not going to indict Mr. Epstein, but gave him an idea of the charges that we had planned to bring as related to 18 USC 2255. With respect to question 2, do I have your permission to send Bert just that section of the plea agreement that applies to the damages claims (I would recommend sending paragraphs 7 through 10, or at least 7 and 8)? Can you talk with your client about items 3 and 4? I envisioned Shook Hardy sending regular bills to you, with any privileged information redacted, and being paid like every other client pays the bills.

1. Can we get a copy of the indictment (or can you tell me the nature of the crimes against the girls)?
2. When will it be possible to see the plea agreement so that we understand exactly what Epstein concedes to in the civil case?
3. Is there any cap or other limitation on attorney's fees that the defendant will pay in the civil case?
4. What is the contemplated procedure for, and timing of, the payment of attorney's fees and costs?

[REDACTED] Villafaña

**US Atty Cor 00161**

EFTA00235487

Assistant U.S. Attorney

[REDACTED]

West Palm Beach, FL 33401

[REDACTED]

[REDACTED]

**US\_Atty\_Cor\_00162**

EFTA00235488



"Villafana, [REDACTED]  
 (USAFLS)"  
 <[REDACTED]  
 j.gov>  
 09/27/2007 11:08 AM

To "Jay Lefkowitz" <[REDACTED]>  
 cc  
 bcc

Subject RE: Conference Call with Bert Ocariz

History: This message has been forwarded

Thanks, Jay. Can we make it 4:15 or later? I have a 3:30 that might run more than a half hour. And let me know about sending Bert the agreement language. That might aid our discussions because the firm will have a better idea of what the litigation will entail.

[REDACTED]  
 Assistant U.S. Attorney  
 [REDACTED]  
 West Palm Beach, FL 33401  
 [REDACTED]

[REDACTED]

[REDACTED]

----- Original Message -----  
 From: "[REDACTED] (USAFLS)"  
 Sent: 09/27/2007 10:51 AM AST  
 To: Jay Lefkowitz  
 Subject: Conference Call with Bert Ocariz

Hi Jay – Bert's firm has raised a number of good questions about how they are going to get paid and setting up a procedure that avoids any conflict of interest with their clients. Are you around today to do a conference call? Let me know what times work for you because Bert wants to get their conflicts counsel on the call with us.

These are some of the questions he sent to me. I told Bert that as

**US Atty Cor 00163**



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destroy this communication and all copies thereof,  
including all attachments.

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\*\*\*\*\*



"Villafana [REDACTED]  
(USAFLS)"  
[REDACTED]  
j.gov>

09/27/2007 03:06 PM

To "Jay Lefkowitz" [REDACTED]  
cc  
bcc

Subject RE: Conference Call with Bert Ocariz

History This message has been forwarded.

Hi Jay – I already told Bert that there is no indictment and, as I mentioned, he doesn't really need to/want to see the entire plea agreement, just the relevant paragraphs so that he understands what the scope of his representation will be. I think they would be happy knowing that their hourly rate will be paid when it is billed. The concern is, if all 40 girls decide they want to sue, they don't want to be in a situation where Mr. Epstein says this is getting too expensive, we won't pay any more attorneys' fees.

Two suggestions, that I haven't run past Bert, are:

1. Mr. Epstein signs a standard fee agreement, where one of his attorneys or accountants who is not working on the damages litigation receives a monthly bill with attorney's fees charged at an hourly rate and costs billed monthly. The bills will have any privileged information redacted. If there is a dispute about a bill that cannot be resolved, it will be submitted to a mediator for resolution.
2. If that is too open-ended for Mr. Epstein, do the hourly/monthly billing until Bert has had a chance to confer with all of the girls to determine how many want him to represent them. Once it is known how many girls will be represented by Bert, and maybe who those girls are, there can be a more educated discussion about estimated fees and costs.

Just some food for thought. I will be out of the office tomorrow, but I will be reachable by cell phone. I will make sure Bert is available and confirm the time with you.

[REDACTED]  
Assistant U.S. Attorney  
[REDACTED]  
West Palm Beach, FL 33401  
[REDACTED]

**US Atty Cor 00166**



These are some of the questions he sent to me. I told Bert that as part of our agreement we (the federal government) are not going to indict Mr. Epstein, but gave him an idea of the charges that we had planned to bring as related to 18 USC 2255. With respect to question 2, do I have your permission to send Bert just that section of the plea agreement that applies to the damages claims (I would recommend sending paragraphs 7 through 10, or at least 7 and 8)? Can you talk with your client about items 3 and 4? I envisioned Shook Hardy sending regular bills to you, with any privileged information redacted, and being paid like every other client pays the bills.

1. Can we get a copy of the indictment (or can you tell me the nature of the crimes against the girls)?

2. When will it be possible to see the plea agreement so that we understand exactly what Epstein concedes to in the civil case?

3. Is there any cap or other limitation on attorney's fees that the defendant will pay in the civil case?

4. What is the contemplated procedure for, and timing of, the payment of attorney's fees and costs?

[REDACTED]

Assistant U.S. Attorney

[REDACTED]

West Palm Beach, FL 33401

[REDACTED]

[REDACTED]

\*\*\*\*\*  
\*\*\*\*\*

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**US Atty Cor 00168**

EFTA00235494

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\*\*\*\*\*  
\*\*\*\*\*



[Redacted]  
(USA/E/S)  
[Redacted]  
j.gov>

To "Jay Lefkowitz" <JLefkowitz@kirkland.co

cc

bcc

09/27/2007 05:11 PM

Subject Can you give me a call?

History This message has been replied to and forwarded.

Hi Jay – Can you give me a quick ring. Thanks.

[Redacted] *Villafaña*

Assistant U.S. Attorney

[Redacted]

West Palm Beach, FL 33401

[Redacted]

[Redacted]

**US Atty Cor 00170**



[Redacted]

10/01/2007 09:31 AM

To "Jay Lefkowitz" <[Redacted]>

cc

bcc

Subject Re:

History This message has been replied to.

Hi Jay -- I haven't been able to access my e-mail until now. I am free until 10:00, then at 1:00, then at 5:00. Would any of those work for you?

[Redacted]

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

[Redacted]

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

[Redacted]

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\*\*\*\*\*  
\*\*\*\*\*

[REDACTED]



"Villafana, [REDACTED]  
Marie C.  
(USAFLS)"  
[REDACTED]  
[REDACTED]@usdoj.gov

To "Jay Lefkowitz" <JLefkowitz@kirkland.com>  
cc  
bcc  
Subject RE:

10/03/2007 03:15  
PM

History: This message has been replied to and forwarded.

Hi Jay -- This afternoon is fine. Here is the memo that I put together. Just let me know where I should call you at 4:00. Thanks.

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

-----Original Message-----  
[REDACTED]  
Sent: [REDACTED]  
C: [REDACTED]  
[REDACTED]

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<<< Attachment 'Special Master Proposal.wpd' has been archived by user 'CommonStore/IT/Kirkland-Ellis' on '12/04/2007 00:49:45'. >>>

**PROPOSAL FOR PROCEEDING ONCE ATTORNEY  
IS SELECTED**

1. Provide selected attorney with:
  - a. a copy of the relevant portion of the Non-Prosecution Agreement;
  - b. the names and contact information for the identified victims; and
  - c. a retainer agreement.
    - i. The retainer agreement will provide for the monthly billing of fees at an hourly rate and monthly expenses.
    - ii. The billing statements will be sent to and paid by an attorney or accountant not involved in the damages litigation, and will not be made available to any person or firm involved in the damages litigation.
    - iii. Billing statements will have privileged and work product information redacted.
    - iv. Disputes regarding fees will be referred to a Special Master (perhaps the Special Master who selected the attorney).
2. The agents and I will contact the girls individually to inform them of the resolution of the case, including the selection of an attorney to represent them, if they so choose. I will provide them with the name and telephone number of the attorney and also let them know that the attorney will be contacting them.
3. The selected attorney will contact each victim and review with her the facts of her case and the options that she has, namely:
  - a. selecting another attorney and handling everything through that attorney;
  - b. attempting to reach an agreement with Mr. Epstein for an amount of damages pursuant to 18 U.S.C. § 2255;
  - c. filing suit seeking other state and/or federal damages or restitution;  
and

**US\_Atty\_Cor\_00174**

**PROPOSAL FOR SELECTION OF ATTORNEY  
TO REPRESENT VICTIMS**

1. Select a Special Master.
2. Provide the Special Master with:
  - a. a joint list containing the names of five attorneys;
  - b. a joint statement of relevant facts regarding the case;
  - c. each party's list of criteria;
  - d. a copy of the relevant portion of the Non-Prosecution Agreement (discussing the role of the attorney for the victims); and
  - e. a proposed retainer agreement.
3. Each attorney on the list can provide the Special Master with information regarding his/her experience, firm size, etc.
4. The Special Master can interview any or all of the attorneys as the Special Master deems appropriate.
5. The Special Master will provide us with the top three choices (in order). The first attorney will be contacted and a conflicts check will be run. If there is a conflict in representation, the second attorney will be contacted, etc.

- d. not seeking any money damages from Mr. Epstein.
4. If the specific victim selects option (3)(b), the selected attorney will contact counsel for Mr. Epstein to negotiate a settlement amount and the terms of that settlement.
  5. If the specific victim selects option (3)(b) and the parties are unable to reach an agreement regarding a settlement amount, then the victim can:
    - a. ask the selected attorney to file suit in the U.S. District Court for the Southern District of Florida, pursuant to 18 U.S.C. § 2255; or
    - b. file suit in state or federal court pursuing damages under any state or federal remedy.
  6. If the specific victim selects option (5)(a), the representation of the victim by the selected attorney will continue using the same monthly billing and payment system contained in the retainer agreement.
  7. If the specified victim selects option (5)(b), Mr. Epstein will have no further obligation to pay the attorney, except as ordered by the Court hearing the suit.



[REDACTED]  
(USAFLS)  
<[REDACTED]@usdo  
j.gov>

To "Jay Lefkowitz" <JLefkowitz@kirkland.coi

cc

bcc

10/03/2007 03:38 PM

Subject RE:

History: This message has been replied to.

That is fine. I'm sorry I didn't get your e-mail sooner. Since I am out of the office, the best way to reach me is on my cell, or you can send an e-mail (which becomes a text message) to 5616012301@cingularme.com

Tomorrow I am available early in the morning (7:00 to 7:45), or at 8:30, or at 5:00, or after 6:45.

Thanks.

A. [REDACTED]  
Assistant U.S. Attorney

-----Original Message-----  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

----- Original Message -----  
From: "[REDACTED], [REDACTED] (USAFLS)"  
[REDACTED]  
Sent: 10/03/2007 03:15 PM AST  
To: Jay Lefkowitz  
Subject: RE:

Hi Jay -- This afternoon is fine. Here is the memo that I put together. Just let me know where I should call you at 4:00. Thanks.

[REDACTED]  
Assistant U.S. Attorney

[REDACTED]

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

[REDACTED]  
[REDACTED] 2007 10:33 AM  
[REDACTED]  
[REDACTED]

[REDACTED] om.

\*\*\*\*\*  
\*\*\*\*\*

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"Villafena, [REDACTED]  
(USAFLS)"  
<[REDACTED]  
j.gov>

10/03/2007 07:31 PM

To "Jay Lefkowitz" <JLefkowitz@kirkland.com>

cc

bcc

Subject RE: Proposed Letter to Special Master

Hi Jay -- That was simply a draft for discussion purposes. I am hoping that we will send such a letter jointly, once we have finalized the process and pick a master. Thanks.

[REDACTED]

[REDACTED]

"[REDACTED] (USAFLS)"  
<[REDACTED]>

10/03/2007 04:24 PM

To  
"Jay Lefkowitz" <[REDACTED]>  
cc  
Subject  
Proposed Letter to Special Master

Hi Jay - To move things along, I also have enclosed the proposed text of a letter to the Special Master.

<<PROPOSED Letter to Special Master.pdf>>

[REDACTED] Villafaña  
Assistant U.S. Attorney

[REDACTED]  
[REDACTED]



[REDACTED]  
(USAFLS)  
[REDACTED]@usdo  
[REDACTED].gov>

To "Jay Lefkowitz" <JLefkowitz@kirkland.co  
cc  
bcc

10/05/2007 07:48 AM

Subject RE: Proposed Letter to Special Master

History: This message has been replied to and forwarded.

Good morning, Jay. We need to resolve the attorney issue today. It has been weeks since execution of the contract, and there is no need for further delay.

As far as the five attorney names that we will be providing, I propose Bert Ocariz, Katherine Ezell at Podhurst Orseck, Stuart Grossman, Ed Rogers, and Walter Cobath.

If you would like to use the same Special Master to resolve fees disputes as well as to handle the selection of the attorney, I would recommend that we use retired 11th Circuit Judge Joseph Hatchett instead of Judge Davis because of Judge Davis's health problems. (No one has contacted Judge Hatchett yet, but one of the District Judges in Miami mentioned him as a good choice.)

I am available for a conference call between 9:00 and 10:00, and between 3:15 and 6:00. Please call me on my cell ([REDACTED]) and let me know which of those times works best for you.

Thank you.

[REDACTED]

[REDACTED]

[REDACTED] (USAFLS)  
>

10/03/2007 04:24 PM

To  
"Jay Lefkowitz" <[REDACTED]>

cc  
Subject  
Proposed Letter to Special Master

Hi Jay - To move things along, I also have enclosed  
the proposed text of a letter to the Special Master.

<<PROPOSED Letter to Special Master.pdf>>

[REDACTED]  
Assistant U.S. Attorney

[REDACTED]  
Fax 561 820-8777

**US\_Atty\_Cor\_00181**

EFTA00235507



[REDACTED]  
(USAFLS)  
[REDACTED]  
.gov>

10/05/2007 04:47 PM

To "Jay Lefkowitz" <JLefkowitz@kirkland.com>

cc

bcc

Subject RE: Proposed Letter to Special Master

History This message has been forwarded

Jay -- I will call in at 5:30.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
Subject: [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]

[REDACTED] (USAFLS)  
<[REDACTED]>

10/05/2007 07:48 AM

To "Jay Lefkowitz" <[REDACTED]>  
cc  
Subject  
RE: Proposed Letter to Special Master

Good morning, Jay. We need to resolve the attorney issue today. It has been weeks since execution of the contract, and there is no need for further delay.

As far as the five attorney names that we will be providing, I propose Bert Ocariz, Katherine Ezell at Podhurst Orseck, Stuart Grossman, Ed Rogers, and Walter Cobath.

If you would like to use the same Special Master to resolve fees disputes as well as to handle the selection of the attorney, I would recommend that we use retired 11th Circuit Judge Joseph Hatchett instead of Judge Davis because of Judge Davis's health problems. (No one has contacted Judge Hatchett yet, but one of the District Judges in Miami mentioned him as a good choice.)

I am available for a conference call between 9:00 and 10:00, and between 3:15 and 6:00. Please call me on my cell ( [REDACTED] ) and let me know which of those times works best for you.

Thank you.

[REDACTED]

" [REDACTED] . (USAFLS) "  
< [REDACTED] >

10/03/2007 04:24 PM

To  
"Jay Lefkowitz" < [REDACTED] >  
cc  
Subject  
Proposed Letter to Special Master

Hi Jay - To move things along, I also have enclosed the proposed text of a letter to the Special Master.

<<PROPOSED Letter to Special Master.pdf>>

[REDACTED] Villafaña  
Assistant U.S. Attorney

[REDACTED]  
[REDACTED]

[REDACTED] (USAFLS)"  
<[REDACTED]>

10/03/2007 04:24 PM

To  
"Jay Lefkowitz" <[REDACTED]>  
cc  
Subject  
Proposed Letter to Special Master

Hi Jay - To move things along, I also have enclosed the proposed text of a letter to the Special Master.

<<PROPOSED Letter to Special Master.pdf>>

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

[REDACTED]  
[REDACTED]

[REDACTED] (USAFLS)"  
<[REDACTED]>

10/03/2007 03:18 PM

To  
"Jay Lefkowitz" <[REDACTED]>  
cc  
Subject  
Memo in PDF format

Hi Jay - In case you can't open the other version,  
here it is in pdf.

<<Special Master Proposal.pdf>>

██████████ Villafaña

Assistant U.S. Attorney

██████████████████

██████████████████████████████

**US\_Atty\_Cor\_00185**

EFTA00235511



[REDACTED]  
(USAFLSI)  
<[REDACTED]>  
j.gov

10/05/2007 05:42 PM

To "Jay Lefkowitz" <[REDACTED]>

cc

bcc

Subject RE: Proposed Letter to Special Master

Jay - I will call you at 5:30.

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

[REDACTED]

[REDACTED] to  
[REDACTED]

[REDACTED]

"Villafana, [REDACTED] (USAFLSI)"  
<[REDACTED]>

10/05/2007 07:48 AM

To "Jay Lefkowitz"

<[REDACTED]>

cc

Subject RE: Proposed Letter to Special Master

**US Atty Cor 00186**

EFTA00235512

Good morning, Jay. We need to resolve the attorney issue today. It has been weeks since execution of the contract, and there is no need for further delay.

As far as the five attorney names that we will be providing, I propose Bert Ocariz, Katherine Ezell at Podhurst Orseck, Stuart Grossman, Ed Rogers, and Walter Cobath.

If you would like to use the same Special Master to resolve fees disputes as well as to handle the selection of the attorney, I would recommend that we use retired 11th Circuit Judge Joseph Hatchett instead of Judge Davis because of Judge Davis's health problems. (No one has contacted Judge Hatchett yet, but one of the District Judges in Miami mentioned him as a good choice.)

I am available for a conference call between 9:00 and 10:00, and between 3:15 and 6:00. Please call me on my cell ([REDACTED]) and let me know which of those times works best for you.

Thank you.

[REDACTED]

[REDACTED]

"[REDACTED] (USAFELS)"  
<[REDACTED]>

10/03/2007 04:24 PM

To  
"Jay Lefkowitz" <[REDACTED]>  
cc  
Subject  
Proposed Letter to Special Master

Hi Jay - To move things along, I also have enclosed the proposed text of a letter to the Special Master.

<<PROPOSED Letter to Special Master.pdf>>

[REDACTED] Villafaña  
Assistant U.S. Attorney

[REDACTED]

[REDACTED]

[REDACTED] (USAFLS)"

10/03/2007 04:24 PM

To "Jay Lefkowitz"  
<[REDACTED]>  
cc  
Subject Proposed Letter to Special Master

Hi Jay - To move things along, I also have enclosed the proposed text of a letter to the Special Master.

<<PROPOSED Letter to Special Master.pdf>>

[REDACTED]

Assistant U.S. Attorney

[REDACTED]

[REDACTED]

[REDACTED] (USAFLS)"

10/03/2007 03:18 PM

To "Jay Lefkowitz"  
<JLefkowitz@kirkland.com>  
cc  
Subject Memo in PDF format

Hi Jay – In case you can't open the other version, here it is in pdf.

<<Special Master Proposal.pdf>>

[REDACTED]

Assistant U.S. Attorney

[REDACTED]

[REDACTED]

**US\_Atty\_Cor\_00189**

EFTA00235515



U.S. Department of Justice

United States Attorney  
Southern District of Florida99 N.E. 4<sup>th</sup> Street  
Miami, FL 33132-2111  
(305) 961-9299  
Facsimile: (305) 530-6444

December 6, 2007

DELIVERY BY FACSIMILEJay P. Lefkowitz, Esq.  
Kirkland & Ellis LLP  
Citigroup Center  
153 East 53rd Street  
New York, New York 10022-4675Re: Jeffrey Epstein

Dear Jay:

I write in response to your recent e-mails and letters regarding victim notification and other issues. Our Office is trying to perform our contractual obligations under the Agreement, which we feel are being frustrated by defense counsel's objections. The Office also is concerned about Mr. Epstein's nonperformance.

More than three weeks ago we spoke about the failure to set a timely plea and sentencing date. At that time, you assured me that the scheduling delay was caused by the unavailability of Judge McSorley. You promised that a date would be set promptly. On November 15th, [REDACTED] Garcia met with [REDACTED] Krisher on another matter, and was told by Mr. Krisher that he had just spoken with Jack Goldberger, and that Mr. Epstein's plea and sentencing were set to occur on December 14, 2007. Since that time, we have tried to confirm the date and time of the hearing in order to include that information in the victim notification letters. You continue to refer to the plea and sentencing as though it will be in January; Mr. Krisher's office has not confirmed any date; and Mr. Goldberger recently told [REDACTED] Villafafia that "there is no date."

I must reiterate that a delayed guilty plea and sentencing - now more than two months beyond the original deadline - is unacceptable to the Office. As you will recall, the plea and sentencing hearing originally was to occur in early October 2007, but was delayed until October 26th to allow Mr. Goldberger to attend. It was delayed again until November to allow you to attend. Rather than using your best efforts to insure that the plea and sentencing occur in November, we recently learned that a plea conference had been scheduled with Judge McSorley for November 20, 2007, but was canceled at the request of the parties, not the judge. Judge McSorley has not been away for any extended period, and there is no basis for your assertion that the judge is the cause of

US Atty Cor 00190

EFTA00235516

JAY P. LEFKOWITZ, ESQ.  
DECEMBER 6, 2007  
PAGE 2 OF 4

any past or future delay. Mr. Epstein currently has four Florida Bar members on his defense team, so attorney scheduling is not an adequate basis for delay.

Three weeks ago I also asked you to provide our Office with the terms of the Plea Agreement with the State Attorney's Office. It is now more than two months since the signing of the Non-Prosecution Agreement and we have yet to see any formal agreement, or even a list of essential terms of such an agreement.

Next, let me address your allegation that attorneys in our office and agents of the FBI have leaked information to the press in an effort to affect possible civil litigation with Mr. Epstein. This is untrue. There has been no contact between any member of the press and any employee of our office or the FBI since you incorrectly accused investigators of telling "Vanity Fair" about Mr. Starr's employment by Mr. Epstein several months ago. We intend to continue to refrain from commenting or providing information to the press. We would ask that your client and all of his representatives do the same.

I also want to address your interpretation of several statements that were included in correspondence - at your insistence - as proof that the designated victims have invalid claims. Let me make clear that each of the listed individuals are persons whom the Office identified as victims as defined in Section 2255, that is, as persons "who, while a minor, was a victim of a violation of section . . . 2422 or 2423 of this title." In other words, the Office is prepared to indict Mr. Epstein based upon Mr. Epstein's "interactions" with these individuals.<sup>1</sup> This conclusion is based upon a thorough and proper investigation - one in which none of the victims was informed of any right to receive damages of any amount prior to the investigation of her claim. The Office agrees that it is not a party to, and will not take a role in, any civil litigation, but the Office can say, without hesitation, that the evidence demonstrates that each person on the list was a victim of Mr. Epstein's criminal behavior. Mr. Starr's letter also suggests that the number of victims to whom Mr. Epstein is exposed by the Agreement is limitless. As you know, early drafts of the Agreement contained a numerical limit of 40 victims, which was removed at your request. The Office repeatedly confirmed that the number would not exceed 40; and the list is significantly shorter than that. Once the list is provided to you, if you have a good faith basis for asserting that a victim never met Mr. Epstein, we remain willing to listen and to modify the list if you convince us of your position.

Finally, let me address your objections to the draft Victim Notification Letter. You write that you don't understand the basis for the Office's belief that it is appropriate to notify the victims. Pursuant to the "Justice for All Act of 2004," crime victims are entitled to: "The right to reasonable, accurate, and timely notice of any public court proceeding . . . involving the crime" and the "right

<sup>1</sup>Unlike the State's investigation, the federal investigation shows criminal conduct by Mr. Epstein at least as early as 2001, so all of the victims were minors at the time of the offense.

JAY P. LEPKOWITZ, Esq.  
DECEMBER 6, 2007  
PAGE 3 OF 4

not to be excluded from any such public court proceeding . . ." 18 U.S.C. § 3771(a)(2) & (3). Section 3771 also commands that "employees of the Department of Justice . . . engaged in the detection, investigation, or prosecution of crime shall make their best efforts to see that crime victims are notified of, and accorded, the rights described in subsection (a)." 18 U.S.C. § 3771(c)(1).

Additionally, pursuant to the Victims' Rights and Restitution Act of 1990, our Office is obligated to "inform a victim of any restitution or other relief to which the victim may be entitled under this or any other law and [the] manner in which such relief may be obtained." 42 U.S.C. § 10607(c)(1)(B). With respect to notification of the other information that we propose to disclose, the statute requires that we provide a victim with the *earliest possible* notice of: the status of the investigation; the filing of charges against a suspected offender; and the acceptance of a plea. 42 U.S.C. § 10607(c)(3). Just as in 18 U.S.C. § 3771, these sections are not limited to proceedings in a federal district court. Our Non-Prosecution Agreement resolves the federal investigation by allowing Mr. Epstein to plead to a state offense. The victims identified through the federal investigation should be appropriately informed, and our Non-Prosecution Agreement does not require the U.S. Attorney's Office to forego its legal obligations.

With respect to your assertion that we are seeking to "federalize" the state plea, our office is simply informing the victims of their rights. It does not command them to appear at the hearing or to file a victim impact statement. In fact, the letter recommends the sending of any statement to the State Attorney's Office so that ASA Belohlavek can determine which, if any, statements are appropriate to file with the Court.

Next, you assert that our letter mischaracterizes Mr. Epstein's obligation to pay damages to the victims. To avoid that suggestion, I have asked AUSA Villafañia to simply quote the terms of the Agreement directly into the Notification Letter. We also have no objection to referring to Mr. Epstein as a "sexual offender" rather than a "predator."

We have no objection to using the conjunction "and/or" in referring to the particular offense(s) of which the recipient was a victim. We will not include the language that we take no position as to the validity of any claims. While the Office has no intention to take any position in any civil litigation arising between Mr. Epstein and any individual victim, as stated above, the Office believes that it has proof beyond a reasonable doubt that each listed individual was a victim of Mr. Epstein's criminal conduct while the victim was a minor. The law requires us to treat all victims "with fairness and with respect for the victim's dignity and privacy." 18 U.S.C. § 3771(a)(8). We will not include any language that demands the harm they may have suffered.

The letter's assertions regarding representation by the Podhurst firm and Mr. Josephsberg are accurate. Judge Davis conferred with Messrs. Podhurst and Josephsberg to insure their willingness to undertake this assignment prior to finalizing his selection.

JAY P. LEFKOWITZ, Esq.  
DECEMBER 6, 2007  
PAGE 4 OF 4

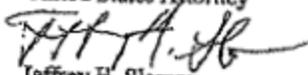
Lastly, you object to personal communication between the victims and federal attorneys or agents. We have no objection to sending the letters through the mail<sup>2</sup> but we will not remove the language about contacting AUSA Villafañe or Special Agent [REDACTED] with questions or concerns. Again, federal law requires that victims have the "reasonable right to confer with the attorney for the Government in this case." 18 U.S.C. § 3771(a)(5). The three victims who were notified prior to your objection had questions directed to Mr. Epstein's punishment, not the civil litigation. Those questions are appropriately directed to law enforcement. If questions arise related to the civil litigation, AUSA Villafañe and Special Agent Kuykendall will recommend that the victims direct those questions to Mr. Josefsberg.

I have attached a revised letter incorporating the changes on which we can agree. Please provide any further comments by the close of business on Friday. In addition, please provide us with a definitive statement, signed by your client, of his intention to abide by each and every term of the Agreement by close of business on Friday, December 7, 2007. By that time, you must also provide us with the agreement(s) with the State Attorney's Office and a date and time certain for the plea and sentencing, which must occur no later than December 14, 2007. There must be closure in this matter.

Sincerely,

R. Alexander Acosta  
United States Attorney

By:

  
Jeffrey H. Sloman  
First Assistant United States Attorney

Enclosure

cc: R. Alexander Acosta, U.S. Attorney  
AUSA [REDACTED] Villafañe

---

<sup>2</sup>This is contingent, however, on being able to provide adequate notice of the change of plea and sentencing. The sooner that you schedule that hearing with Judge McSorley, the sooner we can dispatch these letters. If you delay further, we will have to rely on telephone or personal notification.



"Villafana [REDACTED]  
[REDACTED] (USAELS)  
[REDACTED]  
@usdoj.gov>

10/07/2007 07:42 PM

To "Jay Lefkowitz" <JLefkowitz@kirkland.com>

cc

bcc

Subject Call Tomorrow

History: This message has been replied to.

Jay – The office is closed tomorrow for Columbus Day. Can we reschedule for Tuesday at 10:00? Thank you.

[REDACTED]

Assistant U.S. Attorney

[REDACTED]

[REDACTED]

**US Atty\_Cor\_00194**

EFTA00235520



"Acosta, Alex  
(USAFLS)"  
<Alex.Acosta@usd  
oj.gov>

To <JLefkowitz@kirkland.com>  
cc  
bcc

10/11/2007 12:20 PM Subject Re:

History This message has been replied to

I'm speaking to the PB bar at noon, but promised to attend their morning session from 9 to 10 30.

7, 7 30 or even 8 am if that is better should give us plenty of time. The convention center is 5 moin away. So I'm not leaving the hotel until 8 45.

Pick whatever is most convenient for you.

Alex

-----  
Sent from my BlackBerry Wireless Handheld

-----Original Message-----  
From: Jay Lefkowitz <[REDACTED]>  
To: Acosta, Alex (USAFLS) <AAcosta@usa.doj.gov>  
Sent: Thu Oct 11 11:34:56 2007

[REDACTED]

\*\*\*\*\*  
\*\*\*\*\*  
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\*\*\*\*\*  
\*\*\*\*\*



"Acosta, Alex  
(USAFLS)"  
<Alex.Acosta@usd  
oj.gov>

To <[REDACTED]>  
cc  
bcc

10/11/2007 02:31  
PM

Subject Fw: WPB Marriott 1001 Okeechobee Blvd. West Palm  
Beach, FL 33401

History: This message has been replied to.

Jay - see you at 7. Address is below. Alex.

-----  
Sent from my BlackBerry Wireless Handheld

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

From: Castillo, Annette (USAFLS)  
<ACastillo@usa.doj.gov>  
To: Acosta, Alex (USAFLS) <AAcosta@usa.doj.gov>  
Sent: Thu Oct 11 12:49:09 2007  
Subject: WPB Marriott 1001 Okeechobee Blvd. West Palm  
Beach, FL 33401

**US Atty Cor 00196**

EFTA00235522



"Sloman, [REDACTED]  
(USAFLS)"  
<[REDACTED]  
@usdoj.gov>

To "Jay Lefkowitz" <[REDACTED]>  
cc  
bcc

10/12/2007  
12:28 PM

Subject RE: Addendum

Try 954-805-2013

**From:** Jay Lefkowitz [mailto:JLefkowitz@kirkland.com]  
**Sent:** Friday, October 12, 2007 12:09 PM  
**To:** Sloman, [REDACTED] (USAFLS)  
**Subject:** Re: Addendum

[REDACTED]  
[REDACTED]

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

**From:** "Sloman, [REDACTED] (USAFLS)" [mailto:[REDACTED].Sloman@usdoj.gov]  
**Sent:** 10/12/2007 09:48 AM AST  
**To:** Jay Lefkowitz  
**Cc:** "Acosta, Alex (USAFLS)" <Alex.Acosta@usdoj.gov>;  
"Villafana, [REDACTED] (USAFLS)"  
<[REDACTED]>  
**Subject:** RE: Addendum

Jay,

I just got off the phone with Alex. Here is the revised paragraph 1.  
Thanks, [REDACTED]

1. The United States has the right to assign to an independent third-party the responsibility for consulting with and, subject to the good faith approval of Epstein's counsel, selecting the attorney representative for the victims. If the United States elects to assign this responsibility to an independent third-party, the United States retains the right to request that the independent third-party consult with the United States after the preliminary selection but prior to the final designation of the attorney representative.

**From:** Jay Lefkowitz [mailto:JLefkowitz@kirkland.com]  
**Sent:** Thursday, October 11, 2007 3:12 PM

**US Atty Cor 00197**

EFTA00235523

To: Sloman, [REDACTED] (USAFLS)  
Subject: Re: Addendum

[REDACTED]

----- Original Message -----  
From: "Sloman, [REDACTED] (USAFLS)" [Jeff.Sloman@usdoj.gov]  
Sent: 10/11/2007 12:17 PM AST  
To: Jay Lefkowitz  
Cc: "Acosta, Alex (USAFLS)" <Alex.Acosta@usdoj.gov>  
Subject: Addendum

Jay,

Pursuant to our conversation. Thanks,

[REDACTED]

**IN RE:**

**INVESTIGATION OF**

**JEFFREY EPSTEIN**

**US Atty Cor 00198**

---

**ADDENDUM TO THE NON-PROSECUTION  
AGREEMENT**

IT APPEARING that the parties seek to clarify certain provisions of page 4, paragraph 7 of the Non-Prosecution Agreement (hereinafter "paragraph 7"), that agreement is modified as follows:

1. The United States has the right to assign to an independent third-party, the responsibility for consulting with and, subject to the good faith approval of Epstein's counsel, selecting the attorney representative for the victims. If the United States elects to assign this responsibility to an independent third-party, the United States retains the right to request that the independent third-party also consult with the United States.

2. Pursuant to paragraph 7, Epstein has agreed to pay the fees of the attorney representative. This provision, however, shall not obligate Epstein to pay the fees and costs of contested litigation filed against him. Thus, if after consideration of potential settlements, the attorney representative elects to file a contested lawsuit pursuant to 18 U.S.C. s 2255 or elects to pursue any other contested remedy, the paragraph 7 obligation to pay the costs of the attorney representative, as opposed to any statutory or other obligations to pay reasonable attorneys fees and costs such as those contained in s 2255 to bear the costs of the attorney representative, shall cease.

By signing this Addendum, Epstein asserts and certifies that the above has been read and explained to him. Epstein hereby states that he understands the clarifications to the Non-Prosecution Agreement and agrees to comply with them.

ACOSTA

R. ALEXANDER

UNITED STATES

**US\_Atty\_Cor\_00199**

EFTA00235525

ATTORNEY

Dated: \_\_\_\_\_

By:

\_\_\_\_\_

██████████ ██████████

ASSISTANT U.S.

ATTORNEY

Dated: \_\_\_\_\_

\_\_\_\_\_

JEFFREY EPSTEIN

Dated: \_\_\_\_\_

\_\_\_\_\_

GERALD LEFCOURT,

ESQ.

COUNSEL TO JEFFREY

EPSTEIN

Dated: \_\_\_\_\_

\_\_\_\_\_

LILLY ██████████ SANCHEZ,

ESQ.

ATTORNEY FOR

JEFFREY EPSTEIN

\*\*\*\*\*  
\*\*\*\*\*

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\*\*\*\*\*  
\*\*\*\*\*

\*\*\*\*\*  
\*\*\*\*\*

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\*\*\*\*\*  
\*\*\*\*\*



"Sloman, [REDACTED] (USAFLS)"  
<[REDACTED]>  
10/16/2007 12:39 PM

To "Jay Lefkowitz" <[REDACTED]>  
cc  
bcc  
Subject RE:

4:30 is fine. We'll call you.

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

From: Jay Lefkowitz [mailto:[REDACTED]]  
Sent: Tuesday, October 16, 2007 9:26 AM  
To: Sloman, [REDACTED] (USAFLS)  
Subject:

[REDACTED]

\*\*\*\*\*  
\*\*\*\*\*  
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\*\*\*\*\*  
\*\*\*\*\*



"Sloman, [REDACTED] (USAFLS)"  
[REDACTED]@usdoj.gov  
10/16/2007 04:00 PM

To "Jay Lefkowitz" <JLefkowitz@kirkland.com>  
cc  
bcc

Subject RE: Confidential - for settlement purposes

History This message has been forwarded.

Jay,

The below is exactly the same as yours, except for deletion of "Other than the joint written submission, neither the United States nor Epstein's counsel shall communicate with the independent third party nor shall the United States communicate with the attorney representative selected by him" in your 1(a).

1. The United States has the right to assign to an independent third-party the responsibility for consulting with and, subject to the good faith approval of Epstein's counsel, selecting the attorney representative for the individuals identified under the Agreement. If the United States elects to assign this responsibility to an independent third-party, both the United States and Epstein retain the right to make good faith objections to the attorney representative suggested by the independent third-party prior to the final designation of the attorney representative.

2. The parties will jointly prepare a short written submission to the independent third-party regarding the role of the attorney representative and regarding Epstein's Agreement to pay such attorney representative his or her regular customary hourly rate for representing such victims subject to the provisions of paragraph 3, infra.

3. Pursuant to additional paragraph 1, Epstein has agreed to pay the fees of the attorney representative selected by the independent third party. This provision, however, shall not obligate Epstein to pay the fees and costs of contested litigation filed against him. Thus, if after consideration of potential settlements, an attorney representative elects to file a contested lawsuit pursuant to 18 U.S.C. s 2255 or elects to pursue any other contested remedy, the paragraph 7 obligation of the Agreement to pay the costs of the attorney representative, as opposed to any statutory or other obligations to pay reasonable attorneys fees and costs such as those contained in s 2255 to bear the costs of the attorney representative, shall cease.

[REDACTED]

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

**US Atty Cor 00203**

EFTA00235529



[REDACTED]



"Sloman, [REDACTED]  
 (USAFLS)"  
 [REDACTED]  
 ov>  
 10/17/2007 01:58 PM

To "Jay Lefkowitz" [REDACTED] >  
 cc  
 bcc  
 Subject RE:

History: This message has been replied to and forwarded.

<<071015 Special Master Letter2.wpd>> Jay,

Here's our proposed letter to the special master.

[REDACTED]

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

From: Jay Lefkowitz [mailto:[REDACTED]]  
 Sent: Tuesday, October 16, 2007 9:26 AM  
 To: Sloman, [REDACTED] (USAFLS)  
 Subject:

[REDACTED]

\*\*\*\*\*  
 \*\*\*\*\*  
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 \*\*\*\*\*  
 \*\*\*\*\*

071015 Special Master Letter2.wpd



U

S. Department of Justice

United States Attorney  
Southern District of Florida

---

500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: (561) 820-8777

October \_\_, 2007

**DELIVERY BY FACSIMILE**

The Hon. Edward B. Davis (Ret.)  
Akerman Senterfitt  
One Southeast Third Avenue, 25th Floor  
Miami, Florida 33131

Re: Service as a Special Master

Dear Judge Davis:

Thank you for agreeing to serve as a Special Master and for assisting the United States Attorney's Office in the selection of an attorney representative to represent a group of identified victims. This letter is meant to assist you in performing your duties by providing you with background information regarding the agreement between the United States and Jeffrey Epstein and the duties that the attorney representative will have to perform.

The Federal Bureau of Investigation and the U.S. Attorney's Office conducted an investigation of Mr. Epstein. As a result of that investigation, the U.S. Attorney's Office and Mr. Epstein entered into a Non-Prosecution Agreement and an Addendum that contains, *inter alia*, the following terms:

7(a) The United States has the right to assign to an independent third-party the responsibility for consulting with and, subject to the good faith approval of Epstein's counsel, selecting the attorney representative for the individuals identified under the Agreement. If the United States elects to assign this responsibility to an independent third-party, both the United States and Epstein retain the right to make good faith objections to the attorney representative

**US\_Atty\_Cor\_00207**

EFTA00235533

suggested by the independent third-party prior to the final designation of the attorney representative.

7(b) The parties will jointly prepare a short written submission to the independent third-party regarding the role of the attorney representative and regarding Epstein's Agreement to pay such attorney representative his or her regular customary hourly rate for representing such victims subject to the provisions of paragraph 7(c), *infra*.

7(c). Pursuant to additional paragraph 7(a), Epstein has agreed to pay the fees of the attorney representative selected by the independent third party. This provision, however, shall not obligate Epstein to pay the fees and costs of contested litigation filed against him. Thus, if after consideration of potential settlements, an attorney representative elects to file a contested lawsuit pursuant to 18 U.S.C. s 2255 or elects to pursue any other contested remedy, the paragraph 7 obligation of the Agreement to pay the costs of the attorney representative, as opposed to any statutory or other obligations to pay reasonable attorneys fees and costs such as those contained in s 2255 to bear the costs of the attorney representative, shall cease.

8. If any of the individuals referred to [in the paragraphs above] elects to file suit pursuant to 18 U.S.C. § 2255, Epstein will not contest the jurisdiction of the United States District Court for the Southern District of Florida over his person and/or the subject matter, and Epstein waives his right to contest liability and also waives his right to contest damages up to an amount agreed to between Epstein and the identified individual, so long as the identified individual elects to proceed exclusively under 18 U.S.C. § 2255, and agrees to waive any other claim for damages, whether pursuant to state, federal, or common law. Notwithstanding this waiver, with respect to those individuals whose names appear on the list provided by the United States, Epstein's signature on this agreement, his waivers and failures to contest liability and such damages in any suit are not to be construed as an admission of any criminal or civil liability.

9. Epstein's signature on this agreement also is not to be construed admission of civil or criminal liability or a waiver of any jurisdictional or other defense as to any person whose name does not appear on the list provided by the United States.

10. Except as to those individuals who elect to proceed exclusively under 18 U.S.C. § 2255, as set forth in [the above paragraphs], neither Epstein's signature on this agreement, nor its terms, nor any resulting waivers or settlements by Epstein are to be construed as admissions or evidence of civil or criminal liability or a waiver of any jurisdictional or other defense as to any person, whether or not her name appears on the list provided by the United States.

The most recent version of the statute referenced above, 18 U.S.C. § 2255, provides that:

Any person who, while a minor, was a victim of a violation of section . . . 2422 or 2423 of this title and who suffers personal injury as a result of such violation, regardless of whether the injury occurred while such person was a minor, may sue in any appropriate United States District Court and shall recover the actual damages such person sustains and the cost of the suit, including a reasonable attorney's fee. Any person as described in the preceding sentence shall be deemed to have sustained damages of no less than \$150,000 in value.

Section 2422 prohibits the use of a facility of interstate commerce to induce minors to engage in sexual activity and prostitution, and section 2423 prohibits interstate travel for the purpose of engaging in sexual activity or prostitution with minors. The United States has identified \_\_\_\_\_ victims as defined by this statute.

Due to the circumstances of the case and the number and caliber of the attorneys who represent Mr. Epstein, in selecting the victims' attorney representative, the United States suggests that you consider the following criteria:

1. Experience doing both plaintiffs' and defense litigation.
2. Experience with state and federal statutory and common law tort claims.
3. The ability to communicate effectively with young women (the victims' current ages are between 16 and 24).
4. Employment with a firm large enough to handle the possibility of at least a dozen trials at the same time.
5. Experience litigating against large law firms and high profile attorneys.
6. Sensitivity to the nature of the suit and the victims' interest in maintaining their privacy.
7. Experience litigating in federal court in the Southern District of Florida.

The Hon. Edward B. Davis (Ret.)

October 2007

Page 4 of 4

8. The resources to hire experts and others, while working on a contingency fee basis, in order to prepare for trial, if a settlement cannot be reached.
9. The ability to negotiate effectively.

Pursuant to this letter, the United States assigns to you the responsibility for consulting with and selecting the attorney representative for the individuals. The United States and Epstein retain the right to make good faith objections to the attorney representative you select prior to the final designation of the attorney representative. In that regard, after you have reached a decision regarding the attorney representative, please provide me with his or her name and contact information.

If I can provide you with any further information, please do not hesitate to contact me. Thank you again for your assistance with this matter.

Sincerely,

R. Alexander Acosta  
United States Attorney

By:

Jeffrey Sloman  
First Assistant United States Attorney

cc: AUSA [REDACTED]

**US Atty Cor 00210**

EFTA00235536



"Acosta, Alex (USAFLS)" <Alex.Acosta@u.sdoj.gov>

To "Jay Lefkowitz" <JLefkowitz@kirkland.com>

cc "Sloman, [REDACTED] (USAFLS)" <[REDACTED]>

bcc

10/18/2007 12:29 PM Subject RE: Follow up

History: This message has been replied to

[REDACTED] -- Can you see any issues with this? If not, please confirm with Jay.

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

From: Jay Lefkowitz [mailto:[REDACTED]]  
Sent: Thursday, October 18, 2007 10:12 AM  
To: Acosta, Alex (USAFLS)  
Subject: Follow up

[REDACTED]

\*\*\*\*\*  
\*\*\*\*\*

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\*\*\*\*\*



"Sloman, [REDACTED]  
(USAFLS)"  
<[REDACTED]  
usdoj.gov>

To "Jay Lefkowitz" <[REDACTED]>  
cc "Acosta, Alex (USAFLS)" <Alex.Acosta@usdoj.gov>  
bcc

10/18/2007  
05:43 PM

Subject RE: Follow up

History: This message has been replied to.

Jay,

Please confirm that this will not affect when Epstein begins serving his sentence. If it does, I have to reconsider postponement of the guilty plea date.  
Thanks,

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

From: Jay Lefkowitz [mailto:[REDACTED]]  
Sent: Thursday, October 18, 2007 4:44 PM  
To: Sloman, [REDACTED] (USAFLS)  
Cc: Acosta, Alex (USAFLS)  
Subject: Re: Follow up

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

From: "Sloman, [REDACTED] (USAFLS)" [REDACTED]  
Sent: 10/18/2007 04:39 PM AST  
To: Jay Lefkowitz  
Cc: "Acosta, Alex (USAFLS)" <Alex.Acosta@usdoj.gov>  
Subject: RE: Follow up

The change of plea will take place on November 20.  
Agreed.

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

From: Jay Lefkowitz [mailto:[REDACTED]]  
Sent: Thursday, October 18, 2007 4:35 PM  
To: Acosta, Alex (USAFLS)  
Cc: Sloman, [REDACTED] (USAFLS)  
Subject: Re: Follow up

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

From: "Acosta, Alex (USAFLS)" [Alex.Acosta@usdoj.gov]  
Sent: 10/18/2007 12:15 PM AST  
To: Jay Lefkowitz  
Cc: "Sloman, [REDACTED] (USAFLS)" <[REDACTED]>



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by  
return e-mail or by e-mail to postmaster@kirkland.com,  
and  
destroy this communication and all copies thereof,  
including all attachments.

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and  
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including all attachments.

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**US Atty Cor 00214**

EFTA00235540



[REDACTED]

----- Original Message -----  
From: "Sloman, [REDACTED] (USAFLS)" [REDACTED]  
Sent: 10/17/2007 01:58 PM AST  
To: Jay Lefkowitz  
Subject: RE:

<<071015 Special Master Letter2.wpd>> Jay,  
Here's our proposed letter to the special master.

[REDACTED]

-----Original Message-----  
From: Jay Lefkowitz [mailto:[REDACTED]]  
Sent: Tuesday, October 16, 2007 9:26 AM  
To: Sloman, [REDACTED] (USAFLS)  
Subject:

[REDACTED]

\*\*\*\*\*  
\*\*\*\*  
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\*\*\*\*\*  
\*\*\*\*\*



"Sloman, [REDACTED] (USAFLS)"  
 <Jeff.Sloman@usdoj.gov>  
 10/22/2007 05:23 PM

To <JLefkowitz@kirkland.com>  
 cc  
 bcc

Subject Re: Epstein

History: This message has been forwarded.

I have not spoken to him but it was our intention to assign the decision to select a lawyer to Judge Davis not for him to represent the girls. We do not want to select the lawyer who represents the girls. I don't know who said he'd do it but it wasn't us.

-----  
 Sent from my BlackBerry Wireless Handheld

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

From: Jay Lefkowitz <[REDACTED]>  
 To: Sloman, [REDACTED] (USAFLS)  
 Cc: Acosta, Alex (USAFLS); [REDACTED] [REDACTED]  
 (USAFLS)  
 Sent: Mon Oct 22 17:10:00 2007  
 Subject: Re: Epstein

[REDACTED]

[REDACTED]

[REDACTED]

"Sloman, [REDACTED] (USAFLS)" <[REDACTED]>  
 10/22/2007 04:40 PM  
 To "Jay Lefkowitz" <[REDACTED]>  
 cc "Acosta, Alex (USAFLS)"  
 <Alex.Acosta@usdoj.gov>, "[REDACTED]"  
 (USAFLS)" <[REDACTED]>  
 Subject Epstein



"Sloman, [REDACTED] (USAFLS)"  
10/23/2007 05:36 PM

To "Jay Lefkowitz" <JLefkowitz@kirkland.com>  
cc "Acosta, Alex (USAFLS)" <Alex.Acosta@>  
bcc

Subject RE: Epstein

History: This message has been replied to and forwarded.

Jay,

Can't speak tonight. Won't send it out tonight. I'll check with Alex in the morning and will call you then.

[REDACTED]

**From:** Jay Lefkowitz [mailto:JLefkowitz@kirkland.com]  
**Sent:** Tuesday, October 23, 2007 5:34 PM  
**To:** Sloman, [REDACTED] (USAFLS)  
**Cc:** Acosta, Alex (USAFLS)  
**Subject:** Epstein

[REDACTED]

[REDACTED]

[REDACTED]

\*\*\*\*\*  
\*\*\*\*\*  
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\*\*\*\*\*  
\*\*\*\*\*



"Stoman, [REDACTED] (USAFLS)"  
 [REDACTED]@usdoj.gov>  
 10/24/2007 03:45 PM

To "Jay Lefkowitz" <[REDACTED]>  
 cc "Villafana, [REDACTED] (USAFLS)"  
 <[REDACTED]>, "Acosta, [REDACTED] (USAFLS)" <Alex.Acosta@usdoj.gov>  
 bcc

Subject Epstein - Addendum and Letter to Judge

History This message has been forwarded.

<<Addendum.wpd>> <<071015 Special Master Letter4.wpd>>

Jay,

Pursuant to our conversation, here is the revised letter and a new addendum. The only change to the addendum is that I renumbered the new paragraphs from A, B, and C to 7A, 7B, and 7C. Once you approve, I will contact Judge Davis and send him the letter. Please execute the addendum, PDF the executed original to me as soon as possible and Fed Ex the original to me thereafter.



<<< Attachment 'Addendum.wpd' has been archived by user 'CommonStore/IT/Kirkland-Ellis' on '12/25/2007 00:26:41'. >>>  
<<< Attachment '071015 Special Master Letter4.wpd' has been archived by user 'CommonStore/IT/Kirkland-Ellis' on '12/25/2007 00:26:42'. >>>

**US Atty Cor 00220**

EFTA00235546

**IN RE:  
INVESTIGATION OF  
JEFFREY EPSTEIN**

**ADDENDUM TO THE NON-PROSECUTION AGREEMENT**

IT APPEARING that the parties seek to clarify certain provisions of page 4, paragraph 7 of the Non-Prosecution Agreement (hereinafter "paragraph 7"), that agreement is modified as follows:

- 7A. The United States has the right to assign to an independent third-party the responsibility for consulting with and, subject to the good faith approval of Epstein's counsel, selecting the attorney representative for the individuals identified under the Agreement. If the United States elects to assign this responsibility to an independent third-party, both the United States and Epstein retain the right to make good faith objections to the attorney representative suggested by the independent third-party prior to the final designation of the attorney representative.
- 7B. The parties will jointly prepare a short written submission to the independent third-party regarding the role of the attorney representative and regarding Epstein's Agreement to pay such attorney representative his or her regular customary hourly rate for representing such victims subject to the provisions of paragraph C, *infra*.
- 7C. Pursuant to additional paragraph 7A, Epstein has agreed to pay the fees of the attorney representative selected by the independent third party. This provision, however, shall not obligate Epstein to pay the fees and costs of contested litigation filed against him. Thus, if after consideration of potential settlements, an attorney representative elects to file a contested lawsuit pursuant to 18 U.S.C. s 2255 or elects to pursue any other contested remedy, the paragraph 7 obligation of the Agreement to pay the costs of the attorney representative, as opposed to any statutory or other obligations to pay reasonable attorneys fees and costs such as those contained in s 2255 to bear the costs of the attorney representative, shall cease.

By signing this Addendum, Epstein asserts and certifies that the above has been read and explained to him. Epstein hereby states that he understands the clarifications to the

**US\_Atty\_Cor\_00221**

Non-Prosecution Agreement and agrees to comply with them.

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
[REDACTED]  
ASSISTANT U.S. ATTORNEY

Dated: \_\_\_\_\_

\_\_\_\_\_  
JEFFREY EPSTEIN

Dated: \_\_\_\_\_

\_\_\_\_\_  
GERALD LEFCOURT, ESQ.  
COUNSEL TO JEFFREY EPSTEIN

Dated: \_\_\_\_\_

\_\_\_\_\_  
LILLY [REDACTED] SANCHEZ, ESQ.  
ATTORNEY FOR JEFFREY EPSTEIN



U

S. Department of Justice

United States Attorney  
Southern District of Florida

---

99 N.E. 4<sup>th</sup> Street  
Miami, FL 33132-2111  
(305) 961-9299  
Facsimile: (305) 530-6444

October \_\_, 2007

DELIVERY BY FACSIMILE

The Hon. Edward B. Davis (Ret.)  
Akerman Senterfitt  
One Southeast Third Avenue, 25th Floor  
Miami, Florida 33131

Re: Service as a Special Master

Dear Judge Davis:

Thank you for agreeing to serve as a Special Master and for assisting the United States Attorney's Office in the selection of an attorney representative to represent a group of identified victims. This letter is meant to assist you in performing your duties by providing you with background information regarding the agreement between the United States and Jeffrey Epstein and the duties that the attorney representative will have to perform.

The Federal Bureau of Investigation and the U.S. Attorney's Office conducted an investigation of Mr. Epstein. As a result of that investigation, the U.S. Attorney's Office and Mr. Epstein entered into a Non-Prosecution Agreement and an Addendum that contains, *inter alia*, the following terms:

7A. The United States has the right to assign to an independent third-party the responsibility for consulting with and, subject to the good faith approval of Epstein's counsel, selecting the attorney representative for the individuals identified under the Agreement. If the United States elects to assign this

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EFTA00235549

responsibility to an independent third-party, both the United States and Epstein retain the right to make good faith objections to the attorney representative suggested by the independent third-party prior to the final designation of the attorney representative.

7B. The parties will jointly prepare a short written submission to the independent third-party regarding the role of the attorney representative and regarding Epstein's Agreement to pay such attorney representative his or her regular customary hourly rate for representing such victims subject to the provisions of paragraph 7C, *infra*.

7C. Pursuant to additional paragraph 7A, Epstein has agreed to pay the fees of the attorney representative selected by the independent third party. This provision, however, shall not obligate Epstein to pay the fees and costs of contested litigation filed against him. Thus, if after consideration of potential settlements, an attorney representative elects to file a contested lawsuit pursuant to 18 U.S.C. § 2255 or elects to pursue any other contested remedy, the paragraph 7 obligation of the Agreement to pay the costs of the attorney representative, as opposed to any statutory or other obligations to pay reasonable attorneys fees and costs such as those contained in § 2255 to bear the costs of the attorney representative, shall cease.

8. If any of the individuals referred to [in the paragraphs above] elects to file suit pursuant to 18 U.S.C. § 2255, Epstein will not contest the jurisdiction of the United States District Court for the Southern District of Florida over his person and/or the subject matter, and Epstein waives his right to contest liability and also waives his right to contest damages up to an amount agreed to between Epstein and the identified individual, so long as the identified individual elects to proceed exclusively under 18 U.S.C. § 2255, and agrees to waive any other claim for damages, whether pursuant to state, federal, or common law. Notwithstanding this waiver, with respect to those individuals whose names appear on the list provided by the United States, Epstein's signature on this agreement, his waivers and failures to contest liability and such damages in any suit are not to be construed as an admission of any criminal or civil liability.

9. Epstein's signature on this agreement also is not to be construed admission of civil or criminal liability or a waiver of any jurisdictional or other defense as to any person whose name does not appear on the list provided by the United States.

10. Except as to those individuals who elect to proceed exclusively under 18 U.S.C. § 2255, as set forth in [the above paragraphs], neither Epstein's signature on this agreement, nor its terms, nor any resulting waivers or settlements by Epstein are to be construed as admissions or evidence of civil or criminal liability or a waiver of any jurisdictional or other defense as to any person, whether or not her name appears on the list provided by the United States.

The most recent version of the statute referenced above, 18 U.S.C. § 2255, provides that:

Any person who, while a minor, was a victim of a violation of section . . . 2422 or 2423 of this title and who suffers personal injury as a result of such violation, regardless of whether the injury occurred while such person was a minor, may sue in any appropriate United States District Court and shall recover the actual damages such person sustains and the cost of the suit, including a reasonable attorney's fee. Any person as described in the preceding sentence shall be deemed to have sustained damages of no less than \$150,000 in value.<sup>1</sup>

Section 2422 prohibits the use of a facility of interstate commerce to induce minors to engage in sexual activity and prostitution, and section 2423 prohibits interstate travel for the purpose of engaging in sexual activity or prostitution with minors. The United States has identified 34 victims as defined by this statute.

Pursuant to this letter, the United States assigns to you the responsibility for consulting with and selecting the attorney representative for the individuals. The United States and Epstein retain the right to make good faith objections to the attorney representative you select prior to the final designation of the attorney representative. In that regard, after you have reached a decision regarding the attorney representative, please provide me with his or her name and contact information.

---

<sup>1</sup> An earlier version of this statute deems that any person described in the preceding sentence shall have sustained damages of no less than \$50,000 in value.

The Hon. Edward B. Davis (Ret.)  
October \_\_ 2007  
Page 4 of 4

If I can provide you with any further information, please do not hesitate to contact me. Thank you again for your assistance with this matter.

Sincerely,

R. Alexander Acosta  
United States Attorney

By:

Jeffrey Sloman  
First Assistant United States Attorney

cc: AUSA [REDACTED]

**US\_Atty\_Cor\_00226**

EFTA00235552



"Sloman, [REDACTED] (USAFLS)"  
[REDACTED]@usdoj.gov  
10/24/2007 04:25 PM

To [REDACTED] >  
cc  
bcc  
Subject Re:

3059619299

-----  
Sent from my BlackBerry Wireless Handheld

----- Original Message -----  
From: Jay Lefkowitz <JLefkowitz@kirkland.com>  
To: Sloman, [REDACTED] (USAFLS)  
Sent: Wed Oct 24 16:23:05 2007



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\*\*\*\*\*  
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\*\*\*\*\*  
\*\*\*\*\*



"Sioman, [REDACTED]  
(USAFLS)"  
<[REDACTED]  
oj.gov>  
10/24/2007 05:30  
PM

To "Jay Lefkowitz" <[REDACTED]>  
cc "Villafana [REDACTED] (USAFLS)"  
<[REDACTED]@usdoj.gov>, "Acosta, Alex  
(USAFLS)" <Alex.Acosta@usdoj.gov>  
bcc  
Subject Epstein - Letter to Judge Davis

History This message has been replied to  
and forwarded.

Jay,

Here is the latest and hopefully final version of the letter to Judge  
Davis.



<<071015 Special Master Letter5.wpd>>

<<< Attachment '071015 Special Master Letter5.wpd' has been  
archived by user 'CommonStore/IT/Kirkland-Ellis' on '12/25/2007  
00:27:04'. >>>

**US Atty Cor 00228**

EFTA00235554



U

S. Department of Justice

*United States Attorney  
Southern District of Florida*

---

*500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: (561) 820-8777*

October \_\_, 2007

**DELIVERY BY FACSIMILE**

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Akerman Senterfitt  
One Southeast Third Avenue, 25th Floor  
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**US\_Atty\_Cor\_00229**

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responsibility to an independent third-party, both the United States and Epstein retain the right to make good faith objections to the attorney representative suggested by the independent third-party prior to the final designation of the attorney representative.

7B. The parties will jointly prepare a short written submission to the independent third-party regarding the role of the attorney representative and regarding Epstein's Agreement to pay such attorney representative his or her regular customary hourly rate for representing such victims subject to the provisions of paragraph 7C, *infra*.

7C. Pursuant to additional paragraph 7A, Epstein has agreed to pay the fees of the attorney representative selected by the independent third party. This provision, however, shall not obligate Epstein to pay the fees and costs of contested litigation filed against him. Thus, if after consideration of potential settlements, an attorney representative elects to file a contested lawsuit pursuant to 18 U.S.C. § 2255 or elects to pursue any other contested remedy, the paragraph 7 obligation of the Agreement to pay the costs of the attorney representative, as opposed to any statutory or other obligations to pay reasonable attorneys fees and costs such as those contained in § 2255 to bear the costs of the attorney representative, shall cease.

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Due to the circumstances of the case and the number and caliber of the attorneys who represent Mr. Epstein, in selecting the victims' attorney representative, the United States suggests that you consider the following criteria:

1. Experience doing both plaintiffs' and defense litigation.
2. Experience with state and federal statutory and common law tort claims.
3. The ability to communicate effectively with young women.

---

<sup>1</sup> An earlier version of this statute deems that any person described in the preceding sentence shall have sustained damages of no less than \$50,000 in value.

4. Experience litigating against large law firms and high profile attorneys who may test the veracity of the victims' claims.
5. Sensitivity to the nature of the suit and the victims' interest in maintaining their privacy.
6. Experience litigating in federal court in the Southern District of Florida.
7. The resources to hire experts and others, while working on a contingency fee basis, in order to prepare for trial, if a settlement cannot be reached (defense counsel has reserved the right to challenge such litigation).
8. The ability to negotiate effectively.

Pursuant to this letter, the United States assigns to you the responsibility for consulting with and selecting the attorney representative for the individuals. The United States and Epstein retain the right to make good faith objections to the attorney representative you select prior to the final designation of the attorney representative. In that regard, after you have reached a decision regarding the attorney representative, please provide me with his or her name and contact information.

If I can provide you with any further information, please do not hesitate to contact me and/or the U.S. Attorney and/or Jay Lefkowitz, Esq. on behalf of Epstein. Mr. Lefkowitz can be reached at [REDACTED] - Kirkland & Ellis LLP, Citigroup Center, 153 East 53<sup>rd</sup> Street, New York, New York 10022-4611. Thank you again for your assistance with this matter.

Sincerely,

R. Alexander Acosta  
United States Attorney

By:

Jeffrey Sloman  
First Assistant United States Attorney

cc: AUSA [REDACTED]

**US\_Atty\_Cor\_00232**

EFTA00235558



"Sloman, [REDACTED]  
(USAFLS)"  
[REDACTED]  
ov>

10/30/2007 02:42 PM

To "Jay Lefkowitz" <[REDACTED]>

cc "Acosta, Alex (USAFLS)" <Alex.Acosta@usdoj.g

bcc

Subject Epstein

History: This message has been replied to  
and forwarded.

Jay,

Here is an executed version of the addendum. Please Fed Ex the  
original signature pages to me. Thanks,

[REDACTED]

<<epstein addendum 10 30.pdf>>

<<< Attachment 'epstein addendum 10 30.pdf' has been archived by  
user 'CommonStore/IT/Kirkland-Ellis' on '12/31/2007 23:47:35'. >>>

**US Atty\_Cor\_00233**

EFTA00235559

IN RE:

INVESTIGATION OF

JEFFREY EPSTEIN

---

ADDENDUM TO THE NON-PROSECUTION AGREEMENT

IT APPEARING that the parties seek to clarify certain provisions of page 4, paragraph 7 of the Non-Prosecution Agreement (hereinafter "paragraph 7"), that agreement is modified as follows:

- 7A. The United States has the right to assign to an independent third-party the responsibility for consulting with and, subject to the good faith approval of Epstein's counsel, selecting the attorney representative for the individuals identified under the Agreement. If the United States elects to assign this responsibility to an independent third-party, both the United States and Epstein retain the right to make good faith objections to the attorney representative suggested by the independent third-party prior to the final designation of the attorney representative.
- 7B. The parties will jointly prepare a short written submission to the independent third-party regarding the role of the attorney representative and regarding Epstein's Agreement to pay such attorney representative his or her regular customary hourly rate for representing such victims subject to the provisions of paragraph C, *infra*.
- 7C. Pursuant to additional paragraph 7A, Epstein has agreed to pay the fees of the attorney representative selected by the independent third party. This provision, however, shall not obligate Epstein to pay the fees and costs of contested litigation filed against him. Thus, if after consideration of potential settlements, an attorney representative elects to file a contested lawsuit pursuant to 18 U.S.C. s 2255 or elects to pursue any other contested remedy, the paragraph 7 obligation of the Agreement to pay the costs of the attorney representative, as opposed to any statutory or other obligations to pay reasonable attorneys fees and costs such as those contained in s 2255 to bear the costs of the attorney representative, shall cease.

By signing this Addendum, Epstein asserts and certifies that the above has been read and explained to him. Epstein hereby states that he understands the clarifications to the Non-Prosecution Agreement and agrees to comply with them.

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

Dated: 10/30/07

By: Jeffrey H. Roman FAUSA  
[REDACTED] VILLAPANA  
ASSISTANT U.S. ATTORNEY

Dated: 11/29/07

[Signature]  
JEFFREY EPSTEIN

Dated: \_\_\_\_\_

GERALD LEFCOURT, ESQ.  
COUNSEL TO JEFFREY EPSTEIN

Dated: \_\_\_\_\_

LILLY [REDACTED] SANCHEZ, ESQ.  
ATTORNEY FOR JEFFREY EPSTEIN

By signing this Addendum, Epstein asserts and certifies that the above has been read and explained to him. Epstein hereby states that he understands the clarifications to the Non-Prosecution Agreement and agrees to comply with them.

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

Dated: 10/30/07

By: Jeffrey M. Homan FAUSA  
A. MARIE VILLAFANA  
ASSISTANT U.S. ATTORNEY

Dated: \_\_\_\_\_

JEFFREY EPSTEIN

Dated: 10/29/07

Gerald Lefcourt  
GERALD LEFCOURT, ESQ.  
COUNSEL TO [REDACTED] REY EPSTEIN

Dated: \_\_\_\_\_

LILLY [REDACTED] SANCHEZ, ESQ.  
ATTORNEY FOR JEFFREY EPSTEIN

US Atty Cor 00236

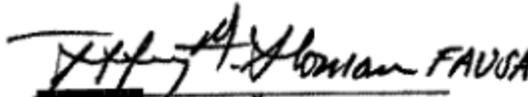
EFTA00235562

By signing this Addendum, Epstein asserts and certifies that the above has been read and explained to him. Epstein hereby states that he understands the clarifications to the Non-Prosecution Agreement and agrees to comply with them.

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

Dated: 11/30/07

By:

  
[REDACTED] VILLAFANA  
ASSISTANT U.S. ATTORNEY

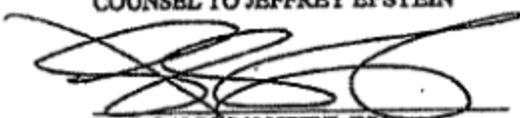
Dated: \_\_\_\_\_

JEFFREY EPSTEIN

Dated: \_\_\_\_\_

GERALD LEFCOURT, ESQ.  
COUNSEL TO JEFFREY EPSTEIN

Dated: 10-29-07

  
LILLY ANN SANCHEZ, ESQ.  
ATTORNEY FOR JEFFREY EPSTEIN

US Atty Cor 00237

EFTA00235563



"Sloman, [REDACTED]  
 (USAFLS)" [REDACTED]  
 sdoj.gov> To "Jay Lefkowitz" <JLefkowitz@kirkland.com>  
 cc  
 bcc  
 10/30/2007 05:38 PM Subject RE: Epstein

History: This message has been forwarded

Jay,

I called Judge Davis before I sent him the agreed upon letter. He indicated his willingness to serve as the "decider." I will call him tomorrow to see whether anything has changed and when we can anticipate a decision. Regarding the subpoena question, let me think about that overnight. Thanks,

[REDACTED]

**From:** Jay Lefkowitz [mailto:JLefkowitz@kirkland.com]  
**Sent:** Tuesday, October 30, 2007 4:54 PM  
**To:** Sloman, [REDACTED] (USAFLS)  
**Cc:** Acosta, Alex (USAFLS)  
**Subject:** Re: Epstein

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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

**From:** "Sloman, [REDACTED] (USAFLS)" [mailto:[REDACTED]@usdoj.gov]  
**Sent:** 10/30/2007 02:42 PM AST  
**To:** Jay Lefkowitz  
**Cc:** "Acosta, Alex (USAFLS)" <Alex.Acosta@usdoj.gov>  
**Subject:** Epstein

Jay,

Here is an executed version of the addendum. Please Fed

**US Atty Cor 00238**

Ex the original signature pages to me. Thanks,



<<epstein addendum 10 30.pdf>>

\*\*\*\*\*  
\*\*\*\*\*

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\*\*\*\*\*  
\*\*\*\*\*



"Stoman, [REDACTED]  
(USAFLS)  
<[REDACTED]  
oj.gov>

To "Jay Lefkowitz" <JLefkowitz@kirkland.com>

cc

bcc

10/31/2007 04:33  
PM

Subject Epstein

History

This message has been  
forwarded.

Jay,

Your understanding from Jack Goldberger conforms to my understanding that Mr. Epstein's plea and sentence will take place on the same day. I understand that the plea and sentence will occur on or before the January 4th date.



**US Atty Cor 00240**

EFTA00235566



U.S. Department of Justice

*United States Attorney  
Southern District of Florida*

---

*99 N.E. 4<sup>th</sup> Street  
Miami, FL 33132-2111  
(305) 961-9299  
Facsimile: (305) 530-6444*

November 5, 2007

DELIVERY BY FACSIMILEJay P. Lefkowitz, Esq.  
Kirkland & Ellis LLP  
Citigroup Center  
153 East 53rd Street  
New York, New York 10022-4675Re: Jeffrey Epstein

Dear Jay:

Several things have come to my attention that seem contrary to your client intending to abide by his obligations under the Non-Prosecution Agreement. As you know, that agreement requires our Office to inform you of potential breaches to give you and your client the opportunity to respond before an indictment is filed. At this time, I do not believe that the agreement has been breached; however, I have sufficient concerns that need to be addressed.

First, I understand that private investigators working for Mr. Epstein have contacted victims to ask them whether any detectives or FBI agents have discussed a financial settlement with them. On one occasion, the private investigators told the parent of a victim that she should get an attorney for her daughter and she should do so right away. These actions are troublesome because the FBI agents legally are required to advise the victims of the resolution of the matter, which includes informing them that, as part of the resolution, that Mr. Epstein has agreed to pay damages in some circumstances. Furthermore, Mr. Epstein well knows that we are in the process of selecting an attorney to represent the victims and, but for the inordinate amount of time spent negotiating the Addendum, that attorney would already have been selected. Paragraph 7 of the Non-Prosecution Agreement explicitly provides that contact with the victims shall be through that counsel. Accordingly, please confirm that there will be no further efforts to contact any victims until Judge Davis selects the attorney representative and that, thereafter, contact will be made only through that counsel.

Second, the Non-Prosecution Agreement requires Mr. Epstein to use his best efforts to enter his guilty plea and to be sentenced not later than October 26, 2007. Despite this obligation, the Office agreed that Mr. Epstein could postpone this deadline to November, but reiterated that Mr.

**US Atty Cor 00241**

JAY P. LEFKOWITZ, ESQ.  
NOVEMBER 5, 2007  
PAGE 2 OF 2

Epstein had to begin his term of incarceration not later than January 4, 2008. I have learned that the November hearing has been removed from the calendar and the next case disposition conference has not been set until January 7, 2008. This delay is unacceptable, and, pursuant to your obligations, the Office requests that you confer with the State Attorney's Office to try to find a date in November when the judge is available to conduct a simultaneous plea and sentencing. If you cannot find such a date, please provide documentation of your efforts to abide by the terms of the Non-Prosecution Agreement.

Third, there have been several press reports that Mr. Epstein no longer intends to enter a guilty plea. Normally I would not pay any attention to such reports, but your recent correspondence attempting to restrict our Office from communicating with the State Attorney's Office and the allusion to the imposition of sentences that clearly fall outside the terms of the Non-Prosecution Agreement raises concern. Please confirm that Mr. Epstein intends to abide by his agreement to plead guilty to the specified charges and to make a binding recommendation that the Court impose a sentence of 18 months of continuous confinement in the county jail.

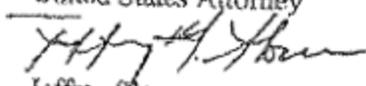
Finally, the Non-Prosecution Agreement requires that you provide the Office with copies of all proposed agreements with the State Attorney's Office before Mr. Epstein signs any such agreements. To date, no such agreements have been received. Please provide me with copies of any and all agreements with the State Attorney's Office for our review. The Office also would like to have someone present at the change of plea and sentencing to monitor Mr. Epstein's compliance with the terms of the Non-Prosecution Agreement, so please keep me informed of the date, time, and location of the hearing.

Please provide me with a written response, adopted by Mr. Epstein, addressing these concerns and reiterating Mr. Epstein's intention to comply with the terms of the Non-Prosecution Agreement by November 8, 2007.

Sincerely,

R. Alexander Acosta  
United States Attorney

By:

  
Jeffrey Sloman  
First Assistant United States Attorney

cc: R. Alexander Acosta, U.S. Attorney  
AUSA [REDACTED] Villafañe

**US Atty Cor 00242**

EFTA00235568

UNITED STATES DEPARTMENT OF JUSTICE

Criminal Division  
Child Exploitation and Obscenity

1400 New York Avenue, NW  
Suite 600  
Washington, DC 20530-0001  
20005

Letter from  
DOJ



TO: R. Alexander Acosta, Esq.  
Jay Lefkowitz, Esq.

OFFICE NUMBER:

FAX NUMBER: 305/530-7087  
[REDACTED]/446-4900

FROM: Alexandra Gelber

DATE/TIME: May 16, 2008

OFFICE NUMBER: (202) 514-5780

NUMBER OF PAGES, EXCLUDING THIS SHEET: 5

SPECIAL INSTRUCTIONS:

US Atty Cor 00243



U.S. Department of Justice

*United States Attorney  
Southern District of Florida*

---

*99 N.E. 4<sup>th</sup> Street  
Miami, FL 33132-2111  
(305) 961-9299  
Facsimile: (305) 530-6444*

November 5, 2007

DELIVERY BY FACSIMILEJay P. Lefkowitz, Esq.  
Kirkland & Ellis LLP  
Citigroup Center  
153 East 53rd Street  
New York, New York 10022-4675Re: Jeffrey Epstein

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**US Atty Cor 00244**

JAY P. LEFKOWITZ, ESQ.  
NOVEMBER 5, 2007  
PAGE 2 OF 2

Epstein had to begin his term of incarceration not later than January 4, 2008. I have learned that the November hearing has been removed from the calendar and the next case disposition conference has not been set until January 7, 2008. This delay is unacceptable, and, pursuant to your obligations, the Office requests that you confer with the State Attorney's Office to try to find a date in November when the judge is available to conduct a simultaneous plea and sentencing. If you cannot find such a date, please provide documentation of your efforts to abide by the terms of the Non-Prosecution Agreement.

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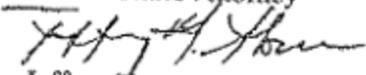
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Please provide me with a written response, adopted by Mr. Epstein, addressing these concerns and reiterating Mr. Epstein's intention to comply with the terms of the Non-Prosecution Agreement by November 8, 2007.

Sincerely,

R. Alexander Acosta  
United States Attorney

By:

  
Jeffrey Stoman  
First Assistant United States Attorney

cc: R. Alexander Acosta, U.S. Attorney  
AUSA A. Marie Villafañá

**US Atty Cor 00245**

EFTA00235571



"Sloman, [REDACTED] (USAFLS)"  
11/15/2007 01:51 PM

To "Jay Lefkowitz" <[REDACTED]>  
cc  
bcc  
Subject RE:

Fine  
(305) 961-9299

-----Original Message-----  
From: Jay Lefkowitz [mailto:[REDACTED]]  
Sent: Thursday, November 15, 2007 1:47 PM  
To: Sloman, [REDACTED] (USAFLS)  
Subject:

[REDACTED]

\*\*\*\*\*  
\*\*\*\*\*  
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\*\*\*\*\*  
\*\*\*\*\*



"Acosta, Alex (USAFLS)" <Alex.Acosta@usdoj.gov>

To <JLefkowitz@kirkland.com>  
cc  
bcc

11/19/2007 02:25 PM

Subject Re: important

History: This message has been replied to.

Jay -- the 2pm is outside the office. Won't be back until about 3. How about then?

-----  
Sent from my BlackBerry Wireless Handheld

----- Original Message -----  
From: Jay Lefkowitz <[REDACTED]>  
To: Acosta, Alex (USAFLS)  
Sent: Mon Nov 19 11:59:25 2007  
Subject: Re: important

[REDACTED]

[REDACTED]

[REDACTED]

"Acosta, Alex (USAFLS)" <Alex.Acosta@usdoj.gov>

11/19/2007 10:46 AM

To <[REDACTED]>

cc

Subject Re: important

Jay -

I'm around mid afternoon tuesday (have a very early dinner) and early wed (have an appt outside the office from 11 30 to 2).

**US Atty Cor 00247**

Should I bring [REDACTED] (if there's business to talk, he is handling epstein)?

Alex.

-----  
Sent from my BlackBerry Wireless Handheld

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

From: Jay Lefkowitz <[REDACTED]>  
To: Acosta, Alex (USAFLS)  
Sent: Mon Nov 19 09:31:12 2007  
Subject: important

[REDACTED]

[REDACTED]

\*\*\*\*\*  
\*\*\*\*  
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\*\*\*\*\*  
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\*\*\*\*\*  
\*\*\*\*  
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and may be unlawful. If you have received this  
communication in error, please notify us immediately  
by  
return e-mail or by e-mail to postmaster@kirkland.com,  
and  
destroy this communication and all copies thereof,  
including all attachments.  
\*\*\*\*\*  
\*\*\*\*\*

**US Atty Cor 00249**

EFTA00235575



"Acosta, Alex  
(USAFLS)"  
<Alex.Acosta@usdoj.gov>

To <[REDACTED]>  
cc  
bcc

11/20/2007 03:58 PM Subject Re:

Yes. See you then.

-----  
Sent from my BlackBerry Wireless Handheld

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

From: Jay Lefkowitz <[REDACTED]>  
To: Acosta, Alex (USAFLS)  
Sent: Tue Nov 20 15:39:34 2007

[REDACTED]  
[REDACTED]

\*\*\*\*\*  
\*\*\*\*\*  
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\*\*\*\*\*  
\*\*\*\*\*



"Acosta, Alex  
 (USAFLS)"  
 <Alex.Acosta@usdoj.gov>  
 11/21/2007 11:44 AM

To "Jay Lefkowitz" <JLefkowitz@kirkland.com>  
 cc  
 bcc  
 Subject RE:

History: This message has been replied to.

I'm on my way to a mtg outside the office. Unlikely to be before 3pm.

That said, [REDACTED] is around if you want to talk with him re the 2255.

-----Original Message-----  
 From: Jay Lefkowitz [mailto:[REDACTED]]  
 Sent: Wednesday, November 21, 2007 11:38 AM  
 To: Acosta, Alex (USAFLS)  
 Subject:

[REDACTED]

\*\*\*\*\*  
 \*\*\*\*\*  
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 \*\*\*\*\*  
 \*\*\*\*\*



"Sloman, [REDACTED] (USAFLS)"  
<[REDACTED]>  
11/21/2007 02:48 PM

To <JLefkowitz@kirkland.com>

cc

bcc

Subject Re:

History: This message has been replied to

Sure

-----  
Sent from my BlackBerry Wireless Handheld

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

From: Jay Lefkowitz <[REDACTED]>  
To: Sloman, [REDACTED] (USAFLS)  
Sent: Wed Nov 21 14:47:24 2007

[REDACTED]

\*\*\*\*\*  
\*\*\*\*\*  
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\*\*\*\*\*  
\*\*\*\*\*

Jay Lefkowitz/New  
York/Kirkland-Ellis  
11/26/2007 12:14 PM

To "Sloman, [REDACTED] (USAFLS)" <[REDACTED]>  
cc  
bcc  
Subject Re: [REDACTED]

[REDACTED]

"Sloman, [REDACTED] (USAFLS)" <[REDACTED]>



"Sloman, [REDACTED]  
(USAFLS)" <[REDACTED]  
[REDACTED]@  
usdoj.gov>  
11/21/2007  
02:48 PM

To <JLefkowitz@kirkland.com>  
cc  
Subject Re:

Sure  
-----  
Sent from my BlackBerry Wireless Handheld

----- Original Message -----  
From: Jay Lefkowitz <[REDACTED]>  
To: Sloman, [REDACTED] (USAFLS)  
Sent: Wed Nov 21 14:47:24 2007

[REDACTED]

\*\*\*\*\*  
\*\*\*\*\*  
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. It is the property of  
Kirkland & Ellis LLP or Kirkland & Ellis International  
LLP.  
Unauthorized use, disclosure or copying of this  
communication or any part thereof is strictly  
prohibited

and may be unlawful. If you have received this communication in error, please notify us immediately by return e-mail or by e-mail to [postmaster@kirkland.com](mailto:postmaster@kirkland.com), and destroy this communication and all copies thereof, including all attachments.  
\*\*\*\*\*  
\*\*\*\*\*

**US\_Atty\_Cor\_00254**

EFTA00235580



"Sloman [REDACTED] (USAFLS)"

11/27/2007 01:55 PM

To "Jay Lefkowitz" <JLefkowitz@kirkland.co

cc "Acosta, Alex (USAFLS)" <Alex.Acosta@

bcc

Subject Epstein

History This message has been replied to and forwarded.

Jay,

Please accept my apologies for not getting back to you sooner but I was a little under the weather yesterday. I hope that you enjoyed your Thanksgiving.

Regarding the issue of due diligence concerning Judge Davis' selection, I'd like to make a few observations. First, Guy Lewis has known for some time that Judge Davis was making reasonable efforts to secure Aaron Podhurst and Bob Josephsberg for this assignment. In fact, when I told you of Judge Davis's selection during our meeting last Wednesday, November 21<sup>st</sup>, you and Professor Dershowitz seemed very comfortable, and certainly not surprised, with the selection. Podhurst and Josephsberg are no strangers to nearly the entire Epstein defense team including Guy Lewis, Lili [REDACTED] Sanchez, Roy Black, and, apparently, Professor Dershowitz who said he knew Mr. Josephsberg from law school. Second, Podhurst and Josephsberg have long-standing stellar reputations for their legal acumen and ethics. It's hard for me to imagine how much more vetting needs to be done.

The United States has a statutory obligation (Justice for All Act of 2004) to notify the victims of the anticipated upcoming events and their rights associated with the agreement entered into by the United States and Mr. Epstein in a timely fashion. Tomorrow will make one full week since you were *formally* notified of the selection. I must insist that the vetting process come to an end. Therefore, unless you provide me with a *good faith* objection to Judge Davis's selection by COB tomorrow, November 28, 2007, I will authorize the notification of the victims. Should you give me the go-ahead on Podhurst and Josephsberg selection by COB tomorrow, I will simultaneously send you a draft of the letter. I intend to notify the victims by letter after COB Thursday, November 29<sup>th</sup>. Thanks,

[REDACTED]

**US Atty Cor 00255**

EFTA00235581



[REDACTED]  
 (ISAELS)  
 [REDACTED]  
 @usdoj.gov  
 11/28/2007 04:46 PM

To "Jay Lefkowitz" <[REDACTED]>  
 cc "Stoman, [REDACTED] (USAFLS)" <[REDACTED]>  
 "Acosta, Alex (USAFLS)" <Alex.Acosta@usdoj.g  
 bcc  
 Subject Epstein: Victim Notification Letter

History This message has been replied to and forwarded

Dear Jay:

[REDACTED] asked that I forward the victim notification letter to you. It is attached.

Thank you.

<<Victim Notification Ltr.pdf>>

[REDACTED] *Villafaña*

Assistant U.S. Attorney

[REDACTED]

West Palm Beach, FL 33401

[REDACTED]

[REDACTED]

<<< Attachment 'Victim Notification Ltr.pdf' has been archived by user 'CommonStore/IT/Kirkland-Elis' on '01/30/2008 00:30:02'. >>>



U.S. Department of Justice

United States Attorney  
Southern District of Florida

500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: (561) 820-8777

November 29, 2007

DELIVERY BY HAND

Miss

Re: Crime Victims' Rights - Notification of Resolution of Epstein Investigation

Dear Miss \_\_\_\_\_:

Several months ago, I provided you with a letter notifying you of your rights as a victim pursuant to the Justice for All Act of 2004 and other federal legislation, including:

- (1) The right to be reasonably protected from the accused.
- (2) The right to reasonable, accurate, and timely notice of any public court proceeding involving the crime or of any release or escape of the accused.
- (3) The right not to be excluded from any public court proceeding, unless the court determines that your testimony may be materially altered if you are present for other portions of a proceeding.
- (4) The right to be reasonably heard at any public proceeding in the district court involving release, plea, or sentencing.
- (5) The reasonable right to confer with the attorney for the United States in the case.
- (6) The right to full and timely restitution as provided in law.
- (7) The right to proceedings free from unreasonable delay.
- (8) The right to be treated with fairness and with respect for the victim's dignity and privacy.

I am writing to inform you that the federal investigation of Jeffrey Epstein has been completed, and Mr. Epstein and the U.S. Attorney's Office have reached an agreement containing the following terms.

First, Mr. Epstein agrees that he will plead guilty to two state offenses, including the offense of soliciting minors to engage in prostitution, which will require him to register as a sexual predator for the remainder of his life.

**US Atty Cor 00257**

EFTA00235583

MISS \_\_\_\_\_  
NOVEMBER 29, 2007  
PAGE 2

Second, Mr. Epstein has agreed to make a binding recommendation of 18 months' imprisonment to the state court judge who sentences him. Mr. Epstein will serve that sentence of imprisonment at the Palm Beach County Jail.

Third, Mr. Epstein has agreed that he will not contest jurisdiction or liability if you elect to seek damages from him because the United States has identified you as a minor victim of certain federal offenses, including travel in interstate commerce to engage in prostitution with minors and the use of facilities of interstate commerce to induce minors to engage in prostitution. To assist you in making such a claim, the U.S. Attorney's Office has asked an independent Special Master to select attorneys to represent you. Those attorneys are Aaron Podhurst and Robert ("Bob") Josefsberg with the law firm of Podhurst Orseck, P.A. They can be reached at (305) 358-2800. I anticipate that someone from their law firm will be contacting you shortly. I must also advise you that you are not obligated to use these attorneys. In fact, you have the absolute right to select your own attorney, so you can decide not to speak with Messrs. Podhurst/ Josefsberg at all, or you can speak with them and decide at any time to use a different attorney. If you do decide to seek damages from Mr. Epstein and you decide to use Messrs. Podhurst/ Josefsberg as your attorneys, Mr. Epstein will be responsible for paying attorney's fees incurred during the time spent trying to negotiate a settlement. If you are unable to reach a settlement with Mr. Epstein, you and Mr. Josefsberg can discuss how best to proceed.

As I mentioned above, as part of the resolution of the federal investigation, Mr. Epstein has agreed to plead guilty to state charges. Mr. Epstein's change of plea and sentencing will occur on December 14, 2007, at \_\_\_\_\_ a.m., before Judge Sandra K. McSorley, in Courtroom 11F at the Palm Beach County Courthouse, 205 North Dixie Highway, West Palm Beach, Florida. Pursuant to Florida Statutes Sections 960.001(1)(k) and 921.143(1), you are entitled to be present and to make a statement under oath. If you choose, you can submit a written statement under oath, which will be filed by the State Attorney's Office on your behalf. If you elect to prepare a written statement, it should address the following:

the facts of the case and the extent of any harm, including social, psychological, or physical harm, financial losses, loss of earnings directly or indirectly resulting from the crime for which the defendant is being sentenced, and any matter relevant to an appropriate disposition and sentence. Fl. Stat. 921.143(2).

You also are entitled to notification when Mr. Epstein is released from imprisonment at the end of his prison term and/or if he is allowed to participate in a work release program. To receive such notification, please provide the State Attorney's Office with the following information:

1. Your name
2. Your address
3. Your home, work, and/or cell phone numbers

**US Atty Cor 00258**

EFTA00235584

MISS  
NOVEMBER 29, 2007  
PAGE 3

4. Your e-mail address
5. A notation of whether you would like to participate in the "VINE system," which provides automated notification calls any time an inmate is moved. (To use this system, your calls must go to you directly, not through a switchboard.)

Thank you for all of your help during the course of the investigation. If you have any questions or concerns, please do not hesitate to contact me or Special Agent [REDACTED] at (561) 822-5946.

Sincerely,

R. Alexander Acosta  
United States Attorney

By:

[REDACTED]  
Assistant United States Attorney

cc: Special Agent [REDACTED] Kuyrkendall, F.B.I.  
Ms. Clearetha Wright, Victim-Witness Coordinator, U.S. Attorney's Office

**US Atty Cor 00259**

EFTA00235585



U.S. Department of Justice

United States Attorney  
Southern District of Florida

---

500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: (561) 820-8777

November 29, 2007

**DELIVERY BY HAND**

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**US\_Atty\_Cor\_00260**

EFTA00235586

Second, Mr. Epstein has agreed to make a binding recommendation of 18 months' imprisonment to the state court judge who sentences him. Mr. Epstein will serve that sentence of imprisonment at the Palm Beach County Jail.

Third, Mr. Epstein has agreed that he will not contest jurisdiction or liability if you elect to seek damages from him because the United States has identified you as a minor victim of certain federal offenses, including travel in interstate commerce to engage in prostitution with minors and the use of facilities of interstate commerce to induce minors to engage in prostitution. To assist you in making such a claim, the U.S. Attorney's Office has asked an independent Special Master to select attorneys to represent you. Those attorneys are Aaron Podhurst and Robert ("Bob") Josefsberg with the law firm of Podhurst Orseck, P.A. They can be reached at (305) 358-2800. I anticipate that someone from their law firm will be contacting you shortly. I must also advise you that you are not obligated to use these attorneys. In fact, you have the absolute right to select your own attorney, so you can decide not to speak with Messrs. Podhurst/ Josefsberg at all, or you can speak with them and decide at any time to use a different attorney. If you do decide to seek damages from Mr. Epstein and you decide to use Messrs. Podhurst/ Josefsberg as your attorneys, Mr. Epstein will be responsible for paying attorney's fees incurred during the time spent trying to negotiate a settlement. If you are unable to reach a settlement with Mr. Epstein, you and Mr. Josefsberg can discuss how best to proceed.

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1. Your name
2. Your address
3. Your home, work, and/or cell phone numbers

MISS \_\_\_\_\_  
NOVEMBER 29, 2007  
PAGE 3

4. Your e-mail address
5. A notation of whether you would like to participate in the "VINE system," which provides automated notification calls any time an inmate is moved. (To use this system, your calls must go to you directly, not through a switchboard.)

Thank you for all of your help during the course of the investigation. If you have any questions or concerns, please do not hesitate to contact me or Special Agent [REDACTED] [REDACTED] at (561) 822-5946.

Sincerely,

R. Alexander Acosta  
United States Attorney

By:

[REDACTED]  
Assistant United States Attorney

cc: Special Agent [REDACTED] [REDACTED], F.B.I.  
Ms. Clearetha Wright, Victim-Witness Coordinator, U.S. Attorney's Office

**US\_Atty\_Cor\_00262**

EFTA00235588



"Villafana [REDACTED]  
 [REDACTED] (USAFLS)"  
 [REDACTED]  
 @usdoj.gov>  
 11/29/2007 06:30 PM

To "Jay Lefkowitz" <JLefkowitz@kirkland.com>  
 cc  
 bcc  
 Subject RE: Epstein: Victim Notification Letter

History This message has been replied to

Hi Jay – The only attachment is my letter, did I miss something?

Thanks.

[REDACTED]  
 Sent: [REDACTED]  
 To: [REDACTED]  
 From: [REDACTED]

At [REDACTED]  
 [REDACTED]

By Jay

[REDACTED] (USAFLS)"  
 11/28/2007 04:46 PM

To: "Jay Lefkowitz" <JLefkowitz@kirkland.com>  
 cc: "Stroman [REDACTED] (USAFLS)"  
 [REDACTED]@usdoj.gov", "Acosta, Alex (USAFLS)"  
 <Alex.Acosta@usdoj.gov>  
 SuEpstein: Victim Notification Letter  
 bje  
 ct

Dear Jay:

[REDACTED] asked that I forward the victim notification letter to you. It is attached.

Thank you.

<<Victim Notification Ltr.pdf>>

[REDACTED]

Assistant U.S. Attorney

[REDACTED]

West Palm Beach, FL 33401

[REDACTED]

[REDACTED]

= \*\*\*\*\*  
 \*\*\*\*\*  
 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. It is the property of Kirkland & Ellis LLP or Kirkland & Ellis International LLP. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify us immediately by return e-mail or by e-mail to postmaster@kirkland.com, and destroy this communication and all copies thereof, including all attachments.  
 \*\*\*\*\*  
 \*\*\*\*\*

=



[REDACTED]  
(USAFIS)  
[REDACTED]  
j.gov  
12/10/2007 04:43 PM

To "Jay Lefkowitz" <JLefkowitz@kirkland.co  
cc  
bcc  
Subject Meeting on Friday with Ken Starr

Hi Jay – Will you be attending the meeting on Friday?

Thank you.

[REDACTED]

Assistant U.S. Attorney

[REDACTED]

West Palm Beach, FL 33401

[REDACTED]

[REDACTED]

**US\_Atty\_Cor\_00265**



Marie C.  
(USAFLS)  
<[REDACTED]  
[REDACTED].gov>  
12/13/2007 10:03 AM

To <[REDACTED]>  
cc " [REDACTED] (USAFLS)" <Karen.Atkin@[REDACTED]>  
"Sioman, [REDACTED] (USAFLS)" <[REDACTED]>  
"Acosta, Alex (USAFLS)" <Alex.Acosta@[REDACTED]>  
bcc  
Subject Correspondence

Dear Jay: Please review the enclosed. I look forward to seeing you tomorrow.

<<071213 [REDACTED] Ltr to Lefkowitz final.pdf>>

[REDACTED]

Assistant U.S. Attorney

[REDACTED]

West Palm Beach, FL 33401

[REDACTED]



[REDACTED] 071213 Vilaiana Ltr to Lefkowitz final.pdf



U.S. Department of Justice

*United States Attorney  
Southern District of Florida*

---

*500 S. Australian Ave, Ste 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: (561) 820-8777*

December 13, 2007

DELIVERY BY ELECTRONIC MAIL

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

Re: Jeffrey Epstein

Dear Jay:

I am writing not to respond to your asserted "policy concerns" regarding Mr. Epstein's Non-Prosecution Agreement, which will be addressed by the United States Attorney, but the time has come for me to respond to the ever-increasing attacks on my role in the investigation and negotiations.

It is an understatement to say that I am surprised by your allegations regarding my role because I thought that we had worked very well together in resolving this dispute. I also am surprised because I feel that I bent over backwards to keep in mind the effect that the agreement would have on Mr. Epstein and to make sure that you (and he) understood the repercussions of the agreement. For example, I brought to your attention that one potential plea could result in no gain time for your client; I corrected one of your calculations of the Sentencing Guidelines that would have resulted in Mr. Epstein spending far more time in prison than you projected; I contacted the Bureau of Prisons to see whether Mr. Epstein would be eligible for the prison camp that you desired; and I told you my suspicions about the source of the press "leak" and suggested ways to avoid the press. Importantly, I continued to work with you in a professional manner even after I learned that you had been proceeding in bad faith for several weeks - thinking that I had incorrectly concluded that solicitation of minors to engage in prostitution was a registrable offense and that you would "fool" our Office into letting Mr. Epstein plead to a non-registrable offense. Even now, when it is clear that neither you nor your client ever intended to abide by the terms of the agreement that he signed, I have never alleged misconduct on your part.

The first allegation that you raise is that I "assiduously" hid from you the fact that Bert Ocariz is a friend of my boyfriend and that I have a "longstanding relationship" with Mr. Ocariz.

**US\_Atty\_Cor\_00267**

EFTA00235593

JAY P. LEFKOWITZ, ESQ.  
DECEMBER 13, 2007  
PAGE 2 OF 5

I informed you that I selected Mr. Ocariz because he was a friend and classmate of two people whom I respected, and that I had never met or spoken with Mr. Ocariz prior to contacting him about this case. All of those facts are true. I still have never met Mr. Ocariz, and, at the time that he and I spoke about this case, he did not know about my relationship with his friend. You suggest that I should have explicitly informed you that one of the referrals came from my "boyfriend" rather than simply a "friend," which is the term I used, but it is not my nature to discuss my personal relationships with opposing counsel. Your attacks on me and on the victims establish why I wanted to find someone whom I could trust with safeguarding the victims' best interests in the face of intense pressure from an unlimited number of highly skilled and well paid attorneys. Mr. Ocariz was that person.

One of your letters suggests a business relationship between Mr. Ocariz and my boyfriend. This is patently untrue and neither my boyfriend nor I would have received any financial benefit from Mr. Ocariz's appointment. Furthermore, after Mr. Ocariz learned more about Mr. Epstein's actions (as described below), he expressed a willingness to handle the case *pro bono*, with no financial benefit even to himself. Furthermore, you were given several other options to choose from, including the Podhurst firm, which was later selected by Judge Davis. You rejected those other options.

You also allege that I improperly disclosed information about the case to Mr. Ocariz. I provided Mr. Ocariz with a bare bones summary of the agreement's terms related to his appointment to help him decide whether the case was something he and his firm would be willing to undertake. I did not provide Mr. Ocariz with facts related to the investigation because they were confidential and instead recommended that he "Google" Mr. Epstein's name for background information. When Mr. Ocariz asked for additional information to assist his firm in addressing conflicts issues, I forwarded those questions to you, and you raised objections for the first time. I did not share any further information about Mr. Epstein or the case. Since Mr. Ocariz had been told that you concurred in his selection, out of professional courtesy, I informed Mr. Ocariz of the Office's decision to use a Special Master to make the selection and told him that the Office had made contact with Judge Davis. We have had no further contact since then and I have never had contact with Judge Davis. I understand from you that Mr. Ocariz contacted Judge Davis. You criticize his decision to do so, yet you feel that you and your co-counsel were entitled to contact Judge Davis to try to "lobby" him to select someone to your liking, despite the fact that the Non-Prosecution Agreement vested the Office with the exclusive right to select the attorney representative.

Another reason for my surprise about your allegations regarding misconduct related to the Section 2255 litigation is your earlier desire to have me perform the role of "facilitator" to convince the victims that the lawyer representative was selected by the Office to represent their interests alone and that the out-of-court settlement of their claims was in their best interests. You now state that doing the same things that you had asked me to do earlier is improper meddling in civil litigation.

Much of your letter reiterates the challenges to Detective Recarey's investigation that have

**US Atty Cor 00268**

EFTA00235594

already been submitted to the Office on several occasions and you suggest that I have kept that information from those who reviewed the proposed indictment package. Contrary to your suggestion, those submissions were attached to and incorporated in the proposed indictment package, so your suggestion that I tried to hide something from the reviewers is false. I also take issue with the duplicity of stating that we must accept as true those parts of the Recarey reports and witness statements that you like and we must accept as false those parts that you do not like. You and your co-counsel also impressed upon me from the beginning the need to undertake an independent investigation. It seems inappropriate now to complain because our independent investigation uncovered facts that are unfavorable to your client.

You complain that I "forced" your client and the State Attorney's Office to proceed on charges that they do not believe in, yet you do not want our Office to inform the State Attorney's Office of facts that support the additional charge nor do you want any of the victims of that charge to contact Ms. Belohlavek or the Court. Ms. Belohlavek's opinion may change if she knows the full scope of your client's actions. You and I spent several weeks trying to identify and put together a plea to federal charges that your client was willing to accept. Yet your letter now accuses me of "manufacturing" charges of obstruction of justice, making obscene phone calls, and violating child privacy laws. When Mr. Lourie told you that those charges would "embarrass the Office," he meant that the Office was unwilling to bend the facts to satisfy Mr. Epstein's desired prison sentence - a statement with which I agree.

I hope that you understand how your accusations that I imposed "ultimatums" and "forced" you and your client to agree to unconscionable contract terms cannot square with the true facts of this case. As explained in letters from Messrs. Acosta and Sloman, the indictment was postponed for more than five months to allow you and Mr. Epstein's other attorneys to make presentations to the Office to convince the Office not to prosecute. Those presentations were unsuccessful. As you mention in your letter, I - a simple line AUSA - handled the primary negotiations for the Office, and conducted those negotiations with you, Ms. Sanchez, Mr. Lewis, and a host of other highly skilled and experienced practitioners. As you put it, your group has a "combined 250 years experience" to my fourteen. The agreement itself was signed by Mr. Epstein, Ms. Sanchez, and Mr. Lefcourt, whose experience speaks for itself. You and I spent hours negotiating the terms, including when to use "a" versus "the" and other minutiae. When you and I could not reach agreement, you repeatedly went over my head, involving Messrs. Lourie, Menchel, Sloman, and Acosta in the negotiations at various times. In any and all plea negotiations the defendant understands that his options are to plead or to continue with the investigation and proceed to trial. Those were the same options that were proposed to Mr. Epstein, and they are not "persecution or intimidation tactics." Mr. Epstein chose to sign the agreement with the advice of a multitude of extremely noteworthy counsel.

You also make much of the fact that the names of the victims were not released to Mr. Epstein prior to signing the Agreement. You never asked for such a term. During an earlier meeting, where Mr. Black was present, he raised the concern that you now voice. Mr. Black and I did not have a chance to discuss the issue, but I had already conceived of a way to resolve that

JAY P. LEFKOWITZ, ESQ.  
DECEMBER 13, 2007  
PAGE 4 OF 5

issue if it were raised during negotiations. As I stated, it was not, leading me to believe that it was not a matter of concern to the defense. Since the signing of the Non-Prosecution Agreement, the agents and I have vetted the list of victims more than once. In one instance, we decided to remove a name because, although the minor victim was touched inappropriately by Mr. Epstein, we decided that the link to a payment was insufficient to call it "prostitution." I have always remained open to a challenge to the list, so your suggestion that Mr. Epstein was forced to write a blank check is simply unfounded.

Your last set of allegations relates to the investigation of the matter. For instance, you claim that some of the victims were informed of their right to collect damages prior to a thorough investigation of their allegations against Mr. Epstein. This also is false. None of the victims was informed of the right to sue under Section 2255 prior to the investigation of the claims. Three victims were notified shortly after the signing of the Non-Prosecution Agreement of the general terms of that Agreement. You raised objections to any victim notification, and no further notifications were done. Throughout this process you have seen that I have prepared this case as though it would proceed to trial. Notifying the witnesses of the possibility of damages claims prior to concluding the matter by plea or trial would only undermine my case. If my reassurances are insufficient, the fact that not a single victim has threatened to sue Mr. Epstein should assure you of the integrity of the investigation.<sup>1</sup>

---

<sup>1</sup>There are numerous other unfounded allegations in your letter about document demands, the money laundering investigation, contacting potential witnesses, speaking with the press, and the like. For the most part, these allegations have been raised and disproven earlier and need not be readdressed. However, with respect to the subpoena served upon the private investigator, contrary to your assertion, and as your co-counsel has already been told, I did consult with the Justice Department prior to issuing the subpoena and I was told that because I was not subpoenaing an attorney's office or an office physically located within an attorney's office, and because the business did private investigation work for individuals (rather than working exclusively for Mr. Black), I could issue a grand jury subpoena in the normal course, which is what I did. I also did not "threaten" the State Attorney's Office with a grand jury subpoena, as the correspondence with their grand jury coordinator makes perfectly clear.

With regard to your allegation of my filing the Palm Beach Police Department's probable cause affidavit "with the court knowing that the public could access it," I do not know to what you are referring. All documents related to the grand jury investigation have been filed under seal, and the Palm Beach Police Department's probable cause affidavit has never been filed with the Court. If, in fact, you are referring to the *Ex Parte* Declaration of Joseph Recarey that was filed in response to the motion to quash the grand jury subpoena, it was filed both under seal and *ex parte*, so no one should have access to it except the Court and myself. Those documents are still in the Court file only because you have violated one of the terms of the Agreement by failing to "withdraw [Epstein's] pending motion to intervene and to quash certain grand jury subpoenas."

**US\_Atty\_Cor\_00270**

EFTA00235596

JAY P. LEFKOWITZ, ESQ.  
DECEMBER 13, 2007  
PAGE 5 OF 5

With respect to [REDACTED] I contacted her attorney – who was paid for by Mr. Epstein and was directed by counsel for Mr. Epstein to demand immunity – and asked only whether he still represented [REDACTED] and if he wanted me to send the victim notification letter to him. He asked what the letter would say and I told him that the letter would be forthcoming in about a week and that I could not provide him with the terms. With respect to [REDACTED] status as a victim, you again want us to accept as true only facts that are beneficial to your client and to reject as false anything detrimental to him. [REDACTED] made a number of statements that are contradicted by documentary evidence and a review of her recorded statement shows her lack of credibility with respect to a number of statements. Based upon all of the evidence collected [REDACTED] is classified as a victim as defined by statute. Of course, that does not mean that [REDACTED] considers herself a victim or that she would seek damages from Mr. Epstein. I believe that a number of the identified victims will not seek damages, but that does not negate their legal status as victims.

I hope that you now understand that your accusations against myself and the agents are unfounded. In the future, I recommend that you address your accusations to me so that I can correct any misunderstandings before you make false allegations to others in the Department. I hope that we can move forward with a professional resolution of this matter, whether that be by your client's adherence to the contract that he signed, or by virtue of a trial.

Sincerely,

R. Alexander Acosta  
United States Attorney

By: s. [REDACTED] Villafañe  
Assistant United States Attorney

cc: R. Alexander Acosta, U.S. Attorney  
Jeffrey Sloman, First Assistant U.S. Attorney

---

You also accuse me of "broaden[ing] the scope of the investigation without any foundation for doing so by adding charges of money laundering and violations of a money transmitting business to the investigation." Again, I consulted with the Justice Department's Money Laundering Section about my analysis before expanding that scope. The duty attorney agreed with my analysis.

**US Atty Cor 00271**

EFTA00235597



## U.S. Department of Justice

United States Attorney  
Southern District of Florida

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

99 N.E. 4 Street  
Miami, FL 33132  
(305) 961-9100 - Telephone  
(305) 330-6414 - Facsimile

December 19, 2007

DELIVERY BY FACSIMILE

Lilly Sanchez  
Fowler White Burnett, PA  
1395 Brickell Ave, 14<sup>th</sup> Floor  
Miami, FL 33131

Re: Jeffrey Epstein

Dear Ms. Sanchez:

I write to follow up on the December 14<sup>th</sup> meeting between defense counsel and the Epstein prosecutors, as well as our First Assistant, the Miami FBI Special Agent in Charge and myself.<sup>1</sup> I write to you because I am not certain who among the defense team is the appropriate recipient of this letter. I address issues raised by several members of the defense team, and would thus ask that you please provide a copy of this letter to all appropriate defense team members.

First, I would like to address the Section 2255 issue.<sup>2</sup> As I stated in my December 4<sup>th</sup> letter, my understanding is that the Non-Prosecution Agreement entered into between this Office and Mr. Epstein responds to Mr. Epstein's desire to reach a global resolution of his state and federal criminal liability. Under this Agreement, this District has agreed to defer prosecution for enumerated sections

<sup>1</sup> Over the past two weeks, we have received several hundred pages of arguments and exhibits from defense counsel. This is not the forum to respond to the several items raised, and our silence should not be interpreted as agreement; I would, however, like to address one issue. Your December 11<sup>th</sup> letter states that as a result of defense counsel objections to the appointment process, the USAO proposed an addendum to the Agreement to provide for the use of an independent third party selector. As I recall this matter, before I had any knowledge of defense counsel objections, I *sua sponte* proposed the Addendum to Mr. Lefkowitz at an October meeting in Palm Beach. I did this in an attempt to avoid what I foresaw would likely be a litigious selection process. It was only after I proposed this change that Mr. Lefkowitz raised with me his enumerated concerns.

<sup>2</sup> Section 2255 provides that: "[a]ny person who, while a minor, was a victim of a violation of [enumerated sections of Title 18] and who suffers personal injury as a result of such violation . . . may sue in any appropriate United States District Court and shall recover the actual damages such person sustains and the cost of the suit, including a reasonable attorney's fee."

US Atty Cor 00272

EFTA00235598

of Title 18 in favor of prosecution by the State of Florida, provided that the Mr. Epstein satisfies three general federal interests: (1) that Mr. Epstein plead guilty to a "registerable" state offense; (2) that this state plea include a binding recommendation for a sufficient term of imprisonment; and (3) that the Agreement not harm the interests of his victims.

With this in mind, I have considered defense counsel arguments regarding the Section 2255 portions of the Agreement. As I previously observed, our intent has been to place the victims in the same position as they would have been had Mr. Epstein been convicted at trial. No more; no less. From our meeting, it appears that the defense agrees that this was the intent. During the course of negotiations that intent was reduced to writing in Paragraphs 7 and 8, which as I wrote previously, appear far from simple to understand. I would thus propose that we solve our disagreements over interpretations by saying precisely what we mean, in a simple fashion. I would replace Paragraphs 7 and 8 with the following language:

"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."

Second, I would like to address the issue of victim's rights pursuant to Section 3771. I understand that the defense objects to the victims being given notice of time and place of Mr. Epstein's state court sentencing hearing. I have reviewed the proposed victim notification letter and the statute. I would note that the United States provided the draft letter to defense as a courtesy. In addition, First Assistant United States Attorney Sioman already incorporated in the letter several edits that had been requested by defense counsel. I agree that Section 3771 applies to notice of proceedings and results of investigations of federal crimes as opposed to the state crime. We intend to provide victims with notice of the federal resolution, as required by law. We 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.

Third, I would like to address the issue raised regarding Florida Statute Section 796.03. At our meeting, Professor Dershowitz took the position that Mr. Epstein believes that his conduct does not satisfy the elements of this offense. His assertion raises for me substantial concerns. This Office will not, and cannot, be a party to an agreement in which Mr. Epstein pleads guilty to an offense that he believes he did not commit. We are considering how best to proceed.

Finally, I would like to address a more general point. Our Agreement was first signed on September 24<sup>th</sup>, 2007. Pursuant to paragraph 11, Mr. Epstein was to use his best efforts to enter his guilty plea and be sentenced no later than October 26, 2007. As outlined in correspondence between our prosecutors and defense counsel, this deadline came and went. Our prosecutors reiterated to defense counsel several times their concerns regarding delays, and in fact, asked me several weeks ago to declare the Agreement in breach because of those delays. I resisted that invitation. I share this fact because it is background to my frustration with what appears to be an 11<sup>th</sup> hour appeal, weeks before the now scheduled January 4<sup>th</sup> plea date.

This said, the issues raised are important and must be fully vetted irrespective of timeliness concerns. We hope to preserve the January 4<sup>th</sup> date. I understand that defense counsel shares our desire not to move that appearance and will work with our office to expedite this process over the next several days. With this in mind, and in the event that defense counsel may wish to seek review of our determinations in Washington D.C., I spoke this past Monday with the Assistant Attorney General Fisher, to inform her of a possible appeal, to ask her to grant the potential request for review, and to in fact review this case in an expedited manner to attempt to preserve the January 4<sup>th</sup> plea date.

I want to again reiterate that it is not the intention of this Office ever to force the hand of a defendant to enter into an agreement against his wishes. Your client has the right to proceed to trial, and he should do so if he believes that he did not commit the elements of the charged offense.

I will respond to the pending issues shortly. In the interim, I would ask that you communicate your position with respect to the sections 2255 and 3371 issues as quickly as possible.

Sincerely,



R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

cc: Alicc Fisher, Assistant Attorney General  
Jeffrey Sloman, First Assistant U.S. Attorney  
AUSA [REDACTED] illafafia



"Acosta, Alex (USAFLS)" To <JLefkowitz@kirkland.com>  
 <Alex.Acosta@u cc  
 sdoj.gov> bcc  
 12/20/2007 02:19 Subject Re: Important  
 PM

If you do prefer to talk, 10 to noon, or 2 to 3 would work.

-----  
 Sent from my BlackBerry Wireless Handheld

----- Original Message -----  
 From: Acosta, Alex (USAFLS)  
 To: 'JLefkowitz@kirkland.com'  
 <[REDACTED]>; Sloman, [REDACTED] (USAFLS)  
 Sent: Thu Dec 20 13:46:25 2007  
 Subject: Re: Important

Sure. Not a problem. We can also talk by phone if that's easier.

-----  
 Sent from my BlackBerry Wireless Handheld

----- Original Message -----  
 From: Jay Lefkowitz <[REDACTED]>  
 To: Acosta, Alex (USAFLS)  
 Sent: Thu Dec 20 13:37:33 2007  
 Subject: Important

[REDACTED]

[REDACTED]

[REDACTED]

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including all attachments.  
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**US Atty Cor 00276**

EFTA00235602



"Acosta, Alex (USAFLS)" To <JLefkowitz@kirkland.com>  
 <Alex.Acosta@u cc  
 sdoj.gov> bcc  
 12/27/2007 01:32 Subject Re:  
 PM

Not a problem. We can talk later in the week or weekend if its easier.

-----  
 Sent from my BlackBerry Wireless Handheld

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

From: Jay Lefkowitz <[REDACTED]>  
 To: Acosta, Alex (USAFLS)  
 Cc: Sloman, [REDACTED] (USAFLS); [REDACTED], [REDACTED] (USAFLS)  
 Sent: Thu Dec 27 12:21:50 2007  
 Subject: Re:

[REDACTED]

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

From: "Acosta, Alex (USAFLS)" [Alex.Acosta@usdoj.gov]  
 Sent: 12/27/2007 11:37 AM EST  
 To: Jay Lefkowitz  
 Cc: "Sloman, [REDACTED] (USAFLS)" <[REDACTED]>;  
 "[REDACTED] (USAFLS)" <[REDACTED]>  
 Subject: RE:

Jay -- I just reviewed the letter. I agree that we should talk. Can you give me some times that work on your end, and we'll try to set something up?

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

From: Jay Lefkowitz [mailto:[REDACTED]]  
 Sent: Wednesday, December 26, 2007 2:02 PM  
 To: Acosta, Alex (USAFLS)  
 Subject:

[REDACTED]

[REDACTED]

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"Acosta, Alex  
 (USAFLS)"  
 <Alex.Acosta@u  
 sdoj.gov>  
 12/28/2007 02:16  
 PM

To <JLefkowitz@kirkland.com>, "Sloman, [REDACTED] (USAFLS)"  
 <[REDACTED], "Villafana, [REDACTED] (USAFLS)" <[REDACTED]>  
 cc  
 bcc  
 Subject Re:

Jay - I don't know what will happen at this point.  
 May be best to wait until after we speak monday  
 morning. Alex

-----  
 Sent from my BlackBerry Wireless Handheld

----- Original Message -----  
 From: Jay Lefkowitz <[REDACTED]>  
 To: Acosta, Alex (USAFLS)  
 Sent: Fri Dec 28 13:52:31 2007  
 Subject: Re:

[REDACTED]

[REDACTED]

----- Original Message -----  
 From: "Acosta, Alex (USAFLS)" [Alex.Acosta@usdoj.gov]  
 Sent: 12/28/2007 01:35 PM EST  
 To: Jay Lefkowitz  
 Subject: Re:

Jay \_  
 I want to respect your sabbath. Let's just talk  
 monday morning. Would 11 am work?

-----  
 Sent from my BlackBerry Wireless Handheld

----- Original Message -----  
 From: Jay Lefkowitz <[REDACTED]>  
 To: Acosta, Alex (USAFLS)  
 Sent: Fri Dec 28 12:51:13 2007

[REDACTED]

[REDACTED]

[REDACTED]

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"Acosta, Alex (USAFLS)"  
<Alex.Acosta@usdoj.gov>

To "Jay Lefkowitz" [REDACTED]  
cc  
bcc

12/31/2007 11:05 AM Subject RE:

Will do. 3 min.

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

From: Jay Lefkowitz [mailto:[REDACTED]]  
Sent: Monday, December 31, 2007 11:02 AM  
To: Acosta, Alex (USAFLS)  
Subject:

[REDACTED]

[REDACTED]

\*\*\*\*\*  
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Jay Lefkowitz/New  
York/Kirkland-Ellis  
01/02/2008 03:44 PM

To "Acosta, Alex (USAFLS)" <Alex.Acosta@usdoj.g  
cc "Acosta, Alex (USAFLS)" <Alex.Acosta@usdoj.g  
"Castillo, Annette (USAFLS)" <Annette.Castillo@  
"Sloman, [REDACTED] (USAFLS)" <[REDACTED]

bcc

Subject RE: [REDACTED]

[REDACTED]

[REDACTED]

"Acosta, Alex (USAFLS)" <Alex.Acosta@usdoj.gov>



"Acosta, Alex  
(USAFLS)"  
<Alex.Acosta@  
usdoj.gov>  
01/02/2008  
03:36 PM

To "Acosta, Alex (USAFLS)" <Alex.Acosta@usdoj.gov>, "Ja  
Lefkowitz" <JLefkowitz@kirkland.com>  
cc "Castillo, Annette (USAFLS)" <Annette.Castillo@usdoj.g  
"Sloman, [REDACTED] (USAFLS)" <[REDACTED].gov>

Subject RE:

Actually, the morning is bad. How about 3pm or 4pm?

**From:** Acosta, Alex (USAFLS)  
**Sent:** Wednesday, January 02, 2008 3:33 PM  
**To:** Jay Lefkowitz  
**Cc:** Castillo, Annette (USAFLS); Sloman, [REDACTED] (USAFLS)  
**Subject:** RE:

11 am?

**From:** Jay Lefkowitz [mailto:[REDACTED]]  
**Sent:** Wednesday, January 02, 2008 2:46 PM  
**To:** Acosta, Alex (USAFLS)  
**Subject:**

[REDACTED]

[REDACTED]

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**US Atty Cor 00282**

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**US\_Atty\_Cor\_00283**

EFTA00235609



"Acosta, Alex (USAFLS)"  
<Alex.Acosta@usdoj.gov>  
01/07/2008 11:28 AM

To "Jay Lefkowitz" <JLefkowitz@kirkland.coi  
cc "Castillo, Annette (USAFLS)" <Annette.Ci  
bcc

Subject RE:

Not a problem.

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

From: Jay Lefkowitz [mailto: [REDACTED]]  
Sent: Monday, January 07, 2008 11:21 AM  
To: Acosta, Alex (USAFLS)  
Subject:

[REDACTED]

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"Acosta, Alex (USAFLS)"  
<Alex.Acosta@usdoj.gov>  
01/07/2008 11:28 AM

To "Jay Lefkowitz" <[REDACTED]>  
cc "Castillo, Annette (USAFLS)" <Annette.Ci  
bcc

Subject RE:

Not a problem.

-----Original Message-----  
From: Jay Lefkowitz [mailto:JLefkowitz@kirkland.com]  
Sent: Monday, January 07, 2008 11:21 AM  
To: Acosta, Alex (USAFLS)  
Subject:

[REDACTED]

\*\*\*\*\*  
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"Acosta, Alex (USAFLS)"  
 <Alex.Acosta@usdoj.gov>  
 01/07/2008 03:41 PM

To "Jay Lefkowitz" <JLefkowitz@kirkland.com>  
 cc "Castillo, Annette (USAFLS)" <Annette.Ci  
 "Kristin Andersen" <kandersen@kirkland.  
 bcc

Subject RE:

Annette - Can you pls provide to Jay the conf. table speaker phone #., for [redacted] and I.

**From:** Jay Lefkowitz [mailto:JLefkowitz@kirkland.com]  
**Sent:** Wednesday, January 02, 2008 3:44 PM  
**To:** Acosta, Alex (USAFLS)  
**Cc:** Acosta, Alex (USAFLS); Castillo, Annette (USAFLS); Sloman, [redacted] (USAFLS); Kristin Andersen  
**Subject:** RE:

[redacted]

[redacted]

"Acosta, Alex (USAFLS)"  
 <Alex.Acosta@usdoj.gov>  
 >

To"Acosta, Alex (USAFLS)" <Alex.Acosta@usdoj.gov>, "Jay Lefkowitz" <[redacted]>  
 cc"Castillo, Annette (USAFLS)" <Annette.Castillo@usdoj.gov>, "Sloman, [redacted] (USAFLS)" <[redacted]>

01/02/2008 03:36 PM

Subject: RE:  
 t

Actually, the morning is bad. How about 3pm or 4pm?

**From:** Acosta, Alex (USAFLS)  
**Sent:** Wednesday, January 02, 2008 3:33 PM  
**To:** Jay Lefkowitz  
**Cc:** Castillo, Annette (USAFLS); Sloman, [redacted] (USAFLS)  
**Subject:** RE:

11 am?

**From:** Jay Lefkowitz [mailto:[redacted]]  
**Sent:** Wednesday, January 02, 2008 2:46 PM  
**To:** Acosta, Alex (USAFLS)  
**Subject:**

**US Atty Cor 00286**

[REDACTED]

[REDACTED]

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"Acosta, Alex (USAFLS)"  
<Alex.Acosta@usdoj.gov>  
01/30/2008 06:33 PM

To <JLefkowitz@kirkland.com>  
cc  
bcc

Subject Re:

Jay -

Thanks for the email. I sent it along to the trial team.

I'm also looking forward to when this is over, so we can talk about non-work matters.

Hope all is well with you and the family.

Alex.

-----  
Sent from my BlackBerry Wireless Handheld

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

From: Jay Lefkowitz <[REDACTED]>  
To: Acosta, Alex (USAFLS)  
Sent: Wed Jan 30 13:07:11 2008

[REDACTED]

\*\*\*\*\*  
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**US Atty Cor 00288**

EFTA00235614

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**US\_Atty\_Cor\_00289**

EFTA00235615



"Stoman [REDACTED] (USAFLS)"  
[REDACTED]@usdoj.gov>  
02/25/2008 07:43 PM

To [REDACTED]  
cc "Oosterbaan, Andrew" <Andrew.Oosterbe  
bcc  
Subject Epstein

Jay,

The Section Chief of DOJ's Child Exploitation  
Obscenity Section (CEOS) notified me today that he will  
review the matter involving your client Jeffrey Epstein.  
The Section Chief has indicated that he is ready to  
proceed immediately, and I understand you are in the  
process of providing him this week with a summary of  
issues to be reviewed, and expect to meet with him next  
week.

The Section Chief also indicated that you would be  
calling this Office regarding the upcoming March 3,  
2008 court date in the Fifteenth Judicial Circuit, in and  
for Palm Beach County. As you know, the Agreement  
entered into by your client originally provided that the  
United States Attorney's Office for the Southern District  
of Florida (this Office) would defer prosecution if your  
client pled guilty to enumerated state charges by October  
26, 2007. Since then, that date has been postponed for a  
number of reasons. At this juncture, it would not be  
reasonable to keep the current March 3<sup>rd</sup> date as a  
deadline for compliance with the Agreement. That said,  
this Office is very concerned about additional delays.  
Despite this concern, I want to assure you that if counsel  
for Mr. Epstein meets with CEOS next week (the week  
of March 3<sup>rd</sup>), this Office will extend the time for  
compliance with the Agreement to provide CEOS time to  
engage in a thorough review.

It goes without saying that in the event that CEOS  
decides that a federal prosecution should not be  
undertaken against Mr. Epstein, this Office will close its

**US Atty Cor 00290**

EFTA00235616

investigation. However, should CEOS disagree with Mr. Epstein's position, Mr. Epstein shall have one week to abide by the terms and conditions of the September 24, 2007 Agreement as amended by letter from United States Attorney Acosta to Jay Lefkowitz.

Jeffrey H. Sloman

First Assistant U.S. Attorney

Southern District of Florida

**US\_Atty\_Cor\_00291**

EFTA00235617



"Sloman, J. (USAFLS)"  
<[REDACTED]@usdoj.gov>  
02/27/2008 09:45 PM

To <JLefkowitz@kirkland.com>  
cc "Oosterbaan, Andrew" <Andrew.Oosterbaan@kirkland.com>  
bcc

Subject Fw: Epstein

History This message has been forwarded.

-----  
Sent from my BlackBerry Wireless Handheld

----- Original Message -----  
From: Jeffrey Sloman <jsloman@bellsouth.net>  
To: Sloman, J. (USAFLS)  
Sent: Wed Feb 27 21:37:02 2008  
Subject: Epstein

Jay,

You have renewed your request for certain information which this Office does not generally make available in similar pre-indictment situations. After carefully considering your request, I have decided, in my capacity as the First Assistant U.S. Attorney, not to make an exception here.

Regarding the Landon Thomas matter, Mr. Thomas was given, pursuant to his request, non-case specific information concerning specific federal statutes.

Regarding the offer to extend the current deadline of March 3, 2008 contained in my February 25th email. That offer was based on counsel for Mr. Epstein meeting with CEOS the week of March 3rd. You indicate that you are unavailable. It is hard to imagine that some or all of the other attorneys representing Mr. Epstein cannot serve this function. After all, Mr. Epstein is also represented by Dean Kenneth Starr, Martin Weinberg, Roy Black, Gerald Lefcourt, Harvard Professor Alan Dershowitz, Lily [REDACTED] Sanchez, and Guy Lewis.

That being said, the Southern District of Florida will only renew the offer to extend the current deadline if you and the CEOS Section Chief mutually agree on a timetable by close of business on Friday, February 29, 2008 to meet and complete presentations no later than March 19, 2008. Given that CEOS is ready to proceed

**US Atty Cor 00292**

EFTA00235618

immediately, this seems like more than ample time. As I indicated in my previous email, if CEOS subsequently decides that a federal prosecution should not be undertaken against Mr. Epstein, this Office will close its investigation. However, should CEOS disagree with Mr. Epstein's position, Mr. Epstein shall have one week to abide by the terms and conditions of the September 24, 2007 Agreement as amended by letter from United States Attorney Acosta.

Jeffrey H. Sloman  
First Asst. US Attorney  
Southern District of Florida

**US Atty Cor 00293**

EFTA00235619



"Sloman, [REDACTED] (USAFLS)"  
<[REDACTED]@usdoj.gov>  
02/29/2008 07:17 PM

To <JLefkowitz@kirkland.com>  
cc  
bcc  
Subject Epstein

History This message has been replied to and forwarded.

Jay,

I know you emailed the U.S. Attorney but I feel compelled to respond.

In my Monday, February 25<sup>th</sup> email, I tried to express my concern, on behalf of the SDFL, about additional delays concerning this matter and the desire to expedite review without interfering or restricting the process. When you replied on Wednesday, February 27<sup>th</sup>, it seemed to me that nothing had much changed. Your email stated "because I am currently scheduled to be on trial all next week in Delaware, I don't think we will actually be able to begin meeting with Drew until the following week, at the earliest." I felt that no effort was being made towards scheduling, and that, at the very least, one of Mr. Epstein's other lawyers could have attempted to schedule a meeting with CEOS. To put it another way, it appeared to me that this matter was going to drag unnecessarily. Obviously you sensed my frustration in my responding email which, in turn, generated your email to the USA.

Late this afternoon, I was informed that you have scheduled a meeting with CEOS for March 12<sup>th</sup>. Obviously, I am heartened to hear of this development. Please be assured that it is not, and never has been, this Office's intent to interfere with or restrict the review process for either Mr. Epstein or CEOS. I leave it to you and CEOS to figure out how best to proceed and will await the results of that process.

**US Atty Cor 00294**

EFTA00235620

■ Sloman, FAUSA

**US\_Atty\_Cor\_00295**

EFTA00235621

Subject: Epstein

Jay,

I know you emailed the U.S. Attorney but I feel compelled to respond.

In my Monday, February 25<sup>th</sup> email, I tried to express my concern, on behalf of the SDFL, about additional delays concerning this matter and the desire to expedite review without interfering or restricting the process. When you replied on Wednesday, February 27<sup>th</sup>, it seemed to me that nothing had much changed. Your email stated "because I am currently scheduled to be on trial all next week in Delaware, I don't think we will actually be able to begin meeting with Drew until the following week; at the earliest." I felt that no effort was being made towards scheduling, and that, at the very least, one of Mr. Epstein's other lawyers could have attempted to schedule a meeting with CEOS. To put it another way, it appeared to me that this matter was going to drag unnecessarily. Obviously you sensed my frustration in my responding email which, in turn, generated your email to the USA.

Late this afternoon, I was informed that you have scheduled a meeting with CEOS for March 12<sup>th</sup>. Obviously, I am heartened to hear of this development. Please be assured that it is not, and never has been, this Office's intent to interfere with or restrict the review process for either Mr. Epstein or CEOS. I leave it to you and CEOS to figure out how best to proceed and will await the results of that process.

■ Sloman, FAUSA

**US Atty Cor 00296**

EFTA00235622

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"Sloman, [REDACTED] (USAFLS)"  
03/05/2008 09:09 AM

To "Jay Lefkowitz" <JLefkowitz@kirkland.com>  
cc  
bcc  
Subject RE: Epstein

Jay,

I have again carefully considered your request and have decided not to make an exception here.

[REDACTED] Sloman, FAUSA

**From:** Jay Lefkowitz [mailto:JLefkowitz@kirkland.com]  
**Sent:** Tuesday, March 04, 2008 4:35 PM  
**To:** Sloman, [REDACTED] (USAFLS)  
**Subject:** Re: Epstein

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

----- Original Message -----  
**From:** "Sloman, [REDACTED] (USAFLS)" [REDACTED]  
**Sent:** 02/29/2008 07:17 PM EST  
**To:** Jay Lefkowitz

**US Atty Cor 00298**

UNITED STATES DEPARTMENT

Criminal Division  
Child Exploitation and Obsc

1400 New York Avenue, NW  
Suite 600  
Washington, DC 20530-0001  
20005

Letter from  
DOJ



TO: R. Alexander Acosta, Esq.  
Jay Lefkowitz, Esq.

OFFICE NUMBER:

FAX NUMBER: 305/530-7087

FROM: [REDACTED]  
Alexandra Gelber

DATE/TIME: May 16, 2008

OFFICE NUMBER: (202) 514-5780

NUMBER OF PAGES, EXCLUDING THIS SHEET: 5

SPECIAL INSTRUCTIONS:



U.S. Department of Justice

Criminal Division

Andrew G. Oosterbaan, Chief

*Child Exploitation and Obscenity Section*

1400 New York Avenue, NW  
Suite 600  
Washington, DC 20530  
(202) 514-5780 FAX: (202) 514-1793

May 15, 2008

Jay Lefkowitz, Esq.  
Kirkland & Ellis LLP  
Citigroup Center  
153 E. 53<sup>rd</sup> St.  
New York, NY 10022-4611

Re: *Investigation of Jeffery Epstein*

Dear Mr. Lefkowitz:

Pursuant to your request and the request of U.S. Attorney R. Alexander Acosta, we have independently evaluated certain issues raised in the investigation of Jeffrey Epstein to determine whether a decision to prosecute Mr. Epstein for federal criminal violations would contradict criminal enforcement policy interests. As part of our evaluation, we have reviewed letters written on behalf of Mr. Epstein on February 1, 2007, June 25, 2007, July 6, 2007, March 28, 2008, April 8, 2008, April 28, 2008, and May 14, 2008, with their attachments. We have also reviewed memos prepared by the U.S. Attorney's Office. As you will recall, we met with you and other representatives of Mr. Epstein to further discuss your views on the propriety of a federal prosecution. We have discussed the factual and legal issues you raise with the Criminal Division's Appellate Section, and we consulted with the Office of Enforcement Operations concerning the petite policy.

We are examining the narrow question as to whether there is a legitimate basis for the U.S. Attorney's Office to proceed with a federal prosecution of Mr. Epstein. Ultimately, the prosecutorial decision making authority within a U.S. Attorney's Office lies with the U.S. Attorney. Therefore, to borrow a phrase from the case law, the question we sought to answer was whether U.S. Attorney Acosta would abuse his discretion if he authorized prosecution in this case.

As you know, our review of this case is limited, both factually and legally. We have not looked at the entire universe of facts in this case. It is not the role of the Criminal Division to conduct a complete factual inquiry from scratch. Furthermore, we did not analyze any issues concerning prosecution under federal statutes that do not pertain to child exploitation, such as the money laundering statutes.

**US Atty Cor 00300**

EFTA00235626

As was made clear at the outset, we did not review the facts, circumstances, or terms included in the plea offer, nor any allegations that individuals involved in the investigation engaged in misconduct. Despite that agreement, we note that your letters of April 8, April 28, and May 14 focus in large part on accusations of investigative or prosecutorial misconduct. Not only do allegations of prosecutorial misconduct fall outside the boundary of our agreed review, they also fall outside the authority of the Criminal Division in the first instance. Simply, the Criminal Division does not investigate or resolve allegations of professional misconduct by federal prosecutors. For these reasons, we do not respond to the portion of those letters that discuss alleged misconduct.

Based on our review of all of these materials, and after careful consideration of the issues, we conclude that U.S. Attorney Acosta could properly use his discretion to authorize prosecution in this case. We will briefly address each of the issues that you have raised.

*Knowledge of age.* Federal child exploitation statutes differ as to whether there must be proof that the defendant was aware that the children were under the age of 18. However, even for those statutes where knowledge of age is an element of the offense, it is possible to satisfy that element with proof that the defendant was deliberately ignorant of facts which would suggest that the person was a minor. For that reason, the fact that some of the individuals allegedly lied to Mr. Epstein about their age is not dispositive of the issue. While there may be an open factual issue as to Mr. Epstein's knowledge, we cannot say that it would be impossible to prove knowledge of age for any such charges which require it. Therefore, Mr. Acosta could rightfully conclude that this factual issue is best resolved by a jury.

*Travel for the purpose.* In the materials you prepared, you suggest that Mr. Epstein should not be charged with violating 18 U.S.C. § 2423(b) because his dominant purpose in going to Florida was not to engage in illegal sexual activity, but rather to return to one of his residences. While we fully understand your argument, we also find that the U.S. Attorney's office has a good faith basis fully to develop the facts on this issue and brief the law to permit a court to decide whether the law properly reaches such conduct. Mr. Acosta would not be abusing his discretion if he decided to pursue such a course of action.

*Intent to engage in the conduct at the time of travel.* Based on our review of the facts of this case, we respectfully disagree that there is no evidence concerning Mr. Epstein's intent when he traveled, and when that intent was formed. Should Mr. Acosta elect to let the case proceed so that a jury can resolve this factual issue, he would be within his discretion to do so.

*Use of a facility or means of interstate or foreign commerce.* Much of the materials you have prepared and much of the meeting we had focused on 18 U.S.C. § 2422(b), specifically your contention that Mr. Epstein did not use the phone to coerce anyone to engage in illegal sexual activity. We understand the issue you raise concerning the statutory interpretation. As before, however, we cannot agree that there is no evidence that would support a charge under Section 2422(b), nor can we agree that there is no argument in support of the application of that statute to this case. Finally, our assessment is that the application of that statute to these facts would not be

so novel as to implicate the so-called "clear statement rule," the *Ex Post Facto* clause, or the Due Process clause. As with the other legal issues, Mr. Acosta may elect to proceed with the case.

*Absence of coercion.* With respect to 18 U.S.C. § 1591, the alleged absence of the use of force, fraud, or coercion is of no moment. The statute does not require the use of force, fraud, and coercion against minors. Because of their age, a degree of coercion is presumed. In your materials, you note that the statute requires that the minors must be "caused" to engage in a commercial sex act, further arguing that the word "cause" suggests that a certain amount of undue influence was used. We reject that interpretation, as it would read back into the offense an element—coercion—that Congress has expressly excluded. We have successfully prosecuted defendants for the commercial sexual exploitation of minors, even when the minors testified that not only did they voluntarily engage in the commercial sex acts, it was their idea to do so. As such, Mr. Acosta could properly decide to pursue charges under Section 1591 even if there is no evidence of coercion.

More broadly, a defendant's criminal liability does not hinge on his victim identifying as having suffered at his hands. Therefore, a prosecution could proceed, should Mr. Acosta decide to do so, even though some of the young women allegedly have said that they do not view themselves as victims.

*Witness credibility.* As all prosecutors know, there are no perfect witnesses. Particularly in cases involving exploited children, as one member of your defense team, Ms. Thacker, surely knows from her work at CBOS, it is not uncommon for victim-witnesses to give conflicting statements. The prosecutors are in the best position to assess the witness's credibility. Often, the prosecutor may decide that the best approach is to present the witness, let defense counsel explore the credibility problems on cross-examination, and let the jury resolve the issue. Mr. Acosta would be within his authority to select that approach, especially when here there are multiple, mutually-corroborating witnesses.

*Contradictions and omissions in the search warrant application.* We have carefully reviewed the factual issues you raise concerning the search warrant application. For a search warrant to be suppressed, however, the factual errors must be material, and the officers must not have proceeded in good faith. Despite the numerous factual errors you describe, the U.S. Attorney's Office could still plausibly argue that the mistakes—whether inadvertent or intentional—were not material to the determination that probable cause existed for a search, and that the search was in good faith in any event. As such, Mr. Acosta could properly elect to defend the search warrant in court rather than forego prosecution.

*Petite Policy:* After reviewing the petite policy and consulting with the Office of Enforcement Operations ("OEO"), we conclude that the petite policy does not prohibit federal prosecution in this case. According to the U.S. Attorney's Manual, the petite policy "applies whenever there has been a prior state or federal prosecution resulting in an acquittal, a conviction, including one resulting from a plea agreement, or a dismissal or other termination of

the case on the merits after jeopardy has attached." USAM 9-2.031(C). Our understanding is that the state case is still pending. As such, the procedural posture of the state case does not implicate the petite policy.

We recognize that the petite policy could be triggered if the state case concluded after a federal indictment was issued but prior to the commencement of any federal trial. *Id.* However, the policy "does not apply ... where the [state] prosecution involved only a minor part of the contemplated federal charges." USAM 9-2.031(B). Based on our understanding of the possible federal charges and existing state charges, we do not think the petite policy would be an issue should federal proceedings take place.

*Federalism and Prosecutorial Discretion.* All of the above issues essentially ask whether a federal prosecution *can* proceed. We understand, however, that you also ask whether a federal prosecution *should* proceed, even in the event that all of the elements of a federal offense could be proven. On this issue, you raised two arguments: that the conduct at issue here is traditionally a state concern because the activity is entirely local, and that the typical prosecution under federal child exploitation statutes have different facts than the ones implicated here. You have essentially asked us to look into whether a prosecution would so violate federal prosecutorial policy that a United States Attorney's Office should not pursue a prosecution. We do not think that is the case here for the following reasons.

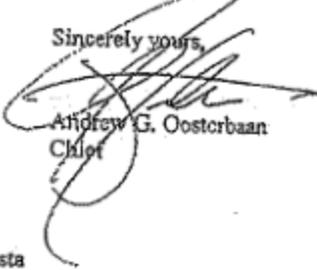
Simply, the commercial sexual exploitation of children is a federal concern, even when the conduct is local, and regardless of whether the defendant provided the child (the "pimp") or paid for the child (the "john"). In your materials, you refer to a letter sent by the Department of Justice to Congress in which the Department expresses concern over the expansion of federal laws to reach almost all instances of prostitution. In that portion of the letter, the Department was expressly referring to a proposed federal law that reach adult prostitution where no force, fraud, or coercion was used. Indeed, the point being made in that letter is that the Department's efforts are properly focused on the commercial sexual exploitation of children and the exploitation of adults through the use of force, fraud, or coercion. As such, there is no inconsistency between the position taken in that letter and the federal prosecution of wholly local instances of the commercial sexual exploitation of children.

If Congress wanted to limit the reach of federal statutes only to those who profit from the commercial sexual exploitation of children, or only to those who actually traffic children across state lines, it could have done so. It did not. Finally, that a prosecution of Mr. Epstein might not look precisely like the cases that came before it is not dispositive. We can say with confidence that this case is consistent in principle with other federal prosecutions nationwide. As such, Mr. Acosta can soundly exercise his authority to decide to pursue a prosecution even though it might involve a novel application of a federal statute.

*Conclusion.* After carefully considering all the factual and legal issues raised, as well as the arguments concerning the general propriety of a federal case against Mr. Epstein on these

facts, we conclude that federal prosecution in this case would not be improper or inappropriate. While you raise many compelling arguments, we do not see anything that says to us categorically that a federal case should not be brought. Mr. Acosta would not be abusing his prosecutorial discretion should he authorize federal prosecution of Mr. Epstein.

Sincerely yours,



Andrew G. Oosterbaan  
Chief

cc: AAG Alice S. Fisher  
DAAG Sigal P. Mandelker  
U.S. Attorney R. Alexander Acosta



U.S. Department of Justice

Criminal Division

Andrew G. Oosterbaan, Chief

*Child Exploitation and Obscenity Section*

1400 New York Avenue, NW  
Suite 600  
Washington, DC 20530  
(202) 514-5780 FAX: (202) 514-1793

May 15, 2008

Jay Lefkowitz, Esq.  
Kirkland & Ellis LLP  
Citigroup Center  
153 E. 53<sup>rd</sup> St.  
New York, NY 10022-4611

Re: *Investigation of Jeffery Epstein*

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As you know, our review of this case is limited, both factually and legally. We have not looked at the entire universe of facts in this case. It is not the role of the Criminal Division to re-conduct a complete factual inquiry from scratch. Furthermore, we did not analyze any issues concerning prosecution under federal statutes that do not pertain to child exploitation, such as the money laundering statutes.

**US Atty Cor 00305**

EFTA00235631

As was made clear at the outset, we did not review the facts, circumstances, or terms included in the plea offer, nor any allegations that individuals involved in the investigation engaged in misconduct. Despite that agreement, we note that your letters of April 8, April 28, and May 14 focus in large part on accusations of investigative or prosecutorial misconduct. Not only do allegations of prosecutorial misconduct fall outside the boundary of our agreed review, they also fall outside the authority of the Criminal Division in the first instance. Simply, the Criminal Division does not investigate or resolve allegations of professional misconduct by federal prosecutors. For these reasons, we do not respond to the portion of those letters that discuss alleged misconduct.

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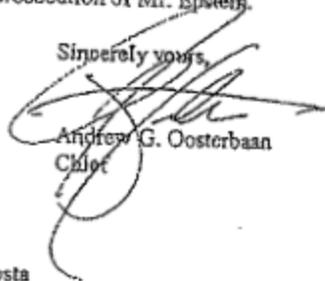
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Sincerely yours,



Andrew G. Oosterbaan  
Chief

cc: AAG Alice S. Fisher  
DAAG Sigal P. Mandelker  
U.S. Attorney R. Alexander Acosta

**Jack Goldberger**

---

**From:** [REDACTED]  
**Sent:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** [REDACTED]

Read carefully the GJ suspension portion of the non pros agreement. It says upon signing the non pros agreement and A PLEA AGREEMENT with SAO all pending GJ subpoenas will be held in abeyance. Doesn't that imply that when we sign plea agreement with state this week the new GJ subpoenas that are out now go into abeyance status also

**From:** [REDACTED] (USAFLS) [mailto:[REDACTED]]  
**Sent:** Tuesday, June 24, 2008 4:16 PM  
**To:** Roy BLACK; Jack Goldberger  
**Cc:** [REDACTED] (USAFLS)  
**Subject:** Jeffrey Epstein Agreement

Dear Roy and Jack:

I am just writing to re-state that it is the Government's position that we have a signed, binding agreement and that there is no need for further modification.

Please keep us informed of the date and time of the change of plea and sentencing.

Thank you.

[REDACTED]

Assistant U.S. Attorney

[REDACTED]

West Palm Beach, FL 33401

[REDACTED]

[REDACTED]



**U.S. Department of Justice**

*United States Attorney  
Southern District of Florida*

---

*500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: (561) 820-8777*

June 27, 2008

**VIA FACSIMILE**

Jack A. Goldberger, Esq.  
Atterbury, Goldberger & Weiss, P.A.  
One Clearlake Centre, Suite 1400  
250 Australian Ave S.  
West Palm Beach, FL 33401-5015

Roy Black, Esq.  
Black Srebnick Kornspan & Stumpf P.A.  
201 S. Biscayne Blvd, Suite 1300  
Miami, FL 33131

Re: Jeffrey Epstein

Dear Messrs. Goldberger and Black:

I write to follow up on my e-mail correspondence of June 24 and June 26, and my message this morning. As of 3:15 p.m., Friday, June 27, 2008, the Office still has not received a copy of a proposed plea agreement between Mr. Epstein and the State Attorney's Office, nor has the Office received notice of a date and time for a change of plea.

As you know, the Non-Prosecution Agreement between Mr. Epstein and the Office called for Mr. Epstein to plead, be sentenced, and begin serving his sentence not later than January 4, 2008—almost six months ago. The Office has continued that deadline to allow Mr. Epstein to raise various issues with the Department of Justice, but repeatedly advised that, once those appeals were completed, Mr. Epstein would need to perform the terms of the agreement within a short window thereafter. Now that those appeals have been exhausted, we promptly informed counsel for Mr. Epstein that he must enter his plea, be sentenced, and begin serving his sentence by 5:00 on Monday, June 30, 2008.

This week I have sent two e-mails and left a message with Mr. Black's receptionist asking for the date and time of the change of plea and for a copy of the proposed plea agreement between Mr. Epstein and the State Attorney's Office in accordance with the terms of the Non-Prosecution Agreement. I have received no response to any of those requests.

**US Atty Cor 00311**

JACK GOLDBERGER, ESQ.  
ROY BLACK, ESQ.  
JUNE 27, 2008  
PAGE 2 OF 2

I have received correspondence from counsel for a witness asking to cancel or continue the witness's appearance because he "understand[s] that there has been a recent development with respect to Mr. Epstein in that he intends to plead guilty in Florida state court on Monday pursuant to a deferred prosecution agreement with your office that has already been executed" and that he has "learned from Mr. Epstein's attorney that the plea is scheduled to take place on Monday morning." I also understand that there is an entry on Judge McSorley's docket that a hearing is scheduled for 8:30 a.m. on Monday.

Both parties have agreed that it is a material term of the Non-Prosecution Agreement that the United States shall have the right to review the terms of any agreements between Epstein and the State Attorney's Office prior to entering into those agreements. If, indeed, the change of plea is set for 8:30 Monday morning, the agreement with the State Attorney's Office must be provided to the Office by 4:30 today to allow adequate time to review and comment. Failure to provide this opportunity shall be deemed a breach of the Agreement.

Accordingly, I again ask that you provide me with a copy of the Plea Agreement with the State Attorney's Office and notification of the date and time of the change of plea.

Thank you.

Sincerely,

R. Alexander Acosta  
United States Attorney

By:

  
A. Marie Villafafia  
Assistant United States Attorney

cc: Karen Atkinson, AUSA

**US Atty Cor 00312**

EFTA00235638



U.S. Department of Justice

United States Attorney  
Southern District of Florida

500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: (561) 820-8777

June 27, 2008

VIA FACSIMILE AND ELECTRONIC MAIL

Jack A. Goldberger, Esq.  
Atterbury, Goldberger & Weiss, P.A.  
One Clearlake Centre, Suite 1400  
250 Australian Ave S.  
West Palm Beach, FL 33401-5015

Roy Black, Esq.  
Black Srebnick Kornspan & Stumpf P.A.  
201 S. Biscayne Blvd, Suite 1300  
Miami, FL 33131

Re: Jeffrey Epstein

Dear Messrs. Goldberger and Black:

Thank you for providing me with the proposed plea agreement between Mr. Epstein and the State Attorney's Office. The U.S. Attorney's Office hereby provides Notice that the proposed sentencing provision does not comply with the terms of the Non-Prosecution Agreement.

The second sentencing paragraph of the proposed plea agreement reads:

On 08CF009381AMB, the Defendant is sentenced to 18 months Community Control 1 (one). As a special condition of this Community Control, the Defendant must serve the first 6 months in the Palm Beach County Detention Facility . . .

The Non-Prosecution Agreement specifically provides:

Epstein shall be sentenced to consecutive terms of twelve (12) months and six (6) months in county jail for all charges, . . . without probation or community control in lieu of imprisonment.

Thus, the proposed plea agreement with the State Attorney's Office does not comply with the terms of the Non-Prosecution Agreement. To comply with the Agreement, Mr. Epstein must make a binding recommendation of eighteen months imprisonment, which means confinement twenty-four

**US Atty Cor 00313**

JACK GOLDBERGER, ESQ.  
ROY BLACK, ESQ.  
JUNE 27, 2008  
PAGE 2 OF 2

hours a day at the County Jail, and the judge must accept that recommendation. Community control must follow that term of incarceration.

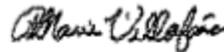
Secondly, we have not been provided with a copy of the Information filed in case number 08CF009381AMB. I want to confirm that Mr. Epstein is being charged with the substantive offense of procuring minors to engage in prostitution, not attempted procurement. Accordingly, please provide me with a copy of the Information at your earliest opportunity. I will be available via e-mail throughout the weekend or you may reach me on my cell phone at 561 601-2301.

Thank you.

Sincerely,

R. Alexander Acosta  
United States Attorney

By:



 Villafañe  
Assistant United States Attorney

cc: Karon Atkinson, AUSA

**US Atty Cor 00314**

EFTA00235640

Jack Goldberger

---

From: [REDACTED]  
Sent: [REDACTED]  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: [REDACTED]

[REDACTED]

---

From: [REDACTED] (USAFLS) [REDACTED]  
Sent: Fri 6/27/2008 5:45 PM  
To: Jack Goldberger; Roy BLACK  
Cc: [REDACTED] (USAFLS)  
Subject: Notice of Non-Compliance

Dear Messrs. Goldberger and Black:

Please see the attached Notification Letter.

<<080627 Goldberger Black notification ltr.pdf>>

[REDACTED] *Villafaña*

Assistant U.S. Attorney

[REDACTED]

West Palm Beach, FL 33401

[REDACTED]

[REDACTED]

Jack Goldberger

---

From: [REDACTED]  
Sent: [REDACTED]  
To: [REDACTED]  
Subject: [REDACTED]

[REDACTED]  
not a problem.

---

From: [REDACTED], [REDACTED] (USAFLS) [mailto:[REDACTED]]  
Sent: Sat 6/28/2008 11:31 AM  
To: Jack Goldberger  
Cc: [REDACTED] (USAFLS); [REDACTED]  
Subject: Re: Notice of Non-Compliance

Dear Jack:

I have conferred with a state court practitioner who stated that there is nothing that prohibits you from agreeing to a consecutive six-month sentence of incarceration followed by one year of community control as specified in the non-prosecution agreement.

If you elect to proceed with the plea agreement as currently drafted, we ask that you insert the word "imprisoned" following the words "six months" in the second sentencing paragraph.

Please confirm that this change is acceptable. Thank you.

[REDACTED]

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

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

---

From: [REDACTED], [REDACTED] (USAFLS) [mailto:[REDACTED]@usdoj.gov]  
Sent: Fri 6/27/2008 5:45 PM  
To: Jack Goldberger; Roy BLACK  
Cc: [REDACTED] (USAFLS)  
Subject: Notice of Non-Compliance

Dear Messrs. Goldberger and Black:

Please see the attached Notification Letter.

<<080627 Goldberger Black notification ltr.pdf>>

[REDACTED]

Assistant U.S. Attorney

[REDACTED]

West Palm Beach, FL 33401

[REDACTED]

[REDACTED]

Jack Goldberger

---

From: [REDACTED] (USAFLS) [REDACTED]  
Sent: Saturday, June 28, 2008 11:31 AM  
To: Jack Goldberger  
Cc: [REDACTED] (USAFLS); RBlack@RoyBlack.com  
Subject: Re: Notice of Non-Compliance

Dear Jack:

I have conferred with a state court practitioner who stated that there is nothing that prohibits you from agreeing to a consecutive six-month sentence of incarceration followed by one year of community control as specified in the non-prosecution agreement.

If you elect to proceed with the plea agreement as currently drafted, we ask that you insert the word "imprisoned" following the words "six months" in the second sentencing paragraph.

Please confirm that this change is acceptable. Thank you.

[REDACTED]

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

[REDACTED]

[REDACTED]

[REDACTED]

---

From: [REDACTED] (USAFLS) [REDACTED]  
Sent: Fri 6/27/2008 5:45 PM  
To: Jack Goldberger; Roy BLACK  
Cc: [REDACTED] (USAFLS)  
Subject: Notice of Non-Compliance

Dear Messrs. Goldberger and Black:

Please see the attached Notification Letter.

<<080627 Goldberger Black notification ltr.pdf>>

[REDACTED]

Assistant U.S. Attorney

**PLEA IN THE CIRCUIT COURT**  
**THE FOLLOWING IS TO REFLECT ALL TERMS OF THE NEGOTIATED SETTLEMENT**

Name: Jeffrey E. Epstein

Plea: Guilty X

| Case No.      | Charge                                     | Count | Lesser | Degree |
|---------------|--|-------|--------|--------|
| 06CF009454AMB | Felony Solicitation of Prostitution        | 1     | No     | 3 FEL  |
| 08CF009381AMB | Procuring Person Under 18 for Prostitution | 1     | No     | 2 FEL  |

PSI: Waived/Not Required X      Required/Requested \_\_\_\_\_

**ADJUDICATION:**      Adjudicate [x ]

**SENTENCE:**

On 06CF009454AMB, the Defendant is sentenced to 12 months in the Palm Beach County Detention Facility, with credit for 1 (one) day time served.

On 08CF009381AMB, the Defendant is sentenced to 18 months Community Control 1 (one). As a special condition of this Community Control, the Defendant must serve the first 6 months in the Palm Beach County Detention Facility, with credit for 1 (one) day time served. This sentence is to be served consecutive to the 12 month sentence in 06CF009454AMB. The conditions of community control are attached hereto and incorporated herein.

**OTHER COMMENTS OR CONDITIONS:**

Court Costs: \$474.00      Cost of Prosecution: \$50.00      Drug Trust Fund: \$50.00

As a special condition of his community control, the Defendant is to have no unsupervised contact with minors, and the supervising adult must be approved by the Department of Corrections.

The Defendant is designated as a Sexual Offender pursuant to Florida Statute 943.0435 and must abide by all the corresponding requirements of the statute, a copy of which is attached hereto and incorporated herein.

The Defendant must provide a DNA sample in court at the time of this plea.

\_\_\_\_\_  
Assistant State Attorney

\_\_\_\_\_  
Attorney for the Defendant

\_\_\_\_\_  
Date of Plea

\_\_\_\_\_  
Defendant

**US Atty Cor 00319**

**PLEA IN THE CIRCUIT COURT**  
**THE FOLLOWING IS TO REFLECT ALL TERMS OF THE NEGOTIATED SETTLEMENT**

Name: Jeffrey E. Epstein

Plea: Guilty X

| Case No.      | Charge                                     | Count | Lesser | Degree |
|---------------|--|-------|--------|--------|
| 08CF009454AMB | Felony Solicitation of Prostitution        | 1     | No     | 3 FEL  |
| 08CF009381AMB | Procuring Person Under 18 for Prostitution | 1     | No     | 2 FEL  |

PST: Waived/Not Required X Required/Requested \_\_\_\_\_

**ADJUDICATION:** Adjudicate  ]

**SENTENCE:**

On 08CF009454AMB, the Defendant is sentenced to 12 months in the Palm Beach County Detention Facility, with credit for 1 (one) day time served.

On 08CF009381AMB, the Defendant is sentenced to 6 months in the Palm Beach County Detention Facility, with credit for 1 (one) day time served. This 6 month sentence is to be served consecutive to the 12 month sentence in 08CF009454AMB. Following this 6 month sentence, the Defendant will be placed on 12 months Community Control 1 (one). The conditions of community control are attached hereto and incorporated herein.

**OTHER COMMENTS OR CONDITIONS:**

As a special condition of his community control, the Defendant is to have no unsupervised contact with minors, and the supervising adult must be approved by the Department of Corrections. *pre*

The Defendant is designated as a Sexual Offender pursuant to Florida Statute 943.0435 and must abide by all the corresponding requirements of the statute, a copy of which is attached hereto and incorporated herein.

The Defendant must provide a DNA sample in court at the time of this plea.

*[Signature]*  
 Assistant State Attorney

6/3/08  
 Date of Plea

*[Signature]*  
 Attorney for the Defendant

*[Signature]*  
 Defendant

Jack Goldberger

---

From: [REDACTED]  
Sent: [REDACTED]  
To: [REDACTED]  
Subject: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

On Jun 30, 2008, at 5:16 PM, "[REDACTED] (USAFLS)" <[REDACTED]> wrote:

Jack:

The FBI has received several calls regarding the Non-Prosecution Agreement. I do not know whether the title of the document was disclosed when the Agreement was filed under seal, but the FBI and our office are declining comment if asked.

[REDACTED]

Assistant U.S. Attorney

[REDACTED]

West Palm Beach, FL 33401

[REDACTED]

[REDACTED]



U.S. Department of Justice

*United States Attorney  
Southern District of Florida*

---

*500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: (561) 820-8777*

June 30, 2008

**NOTIFICATION OF IDENTIFIED VICTIMS**

**NOTICE: IN ACCORDANCE WITH TITLE 18, UNITED STATES CODE, SECTION 3509(d) AND FLORIDA LAW, THE ATTACHED DOCUMENT IS TO BE TREATED AS CONFIDENTIAL AND SHALL NOT BE DISCLOSED EXCEPT IN CONNECTION WITH A LEGAL PROCEEDING.**

**US\_Atty\_Cor\_00322**

EFTA00235648



U.S. Department of Justice

United States Attorney  
Southern District of Florida

500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: (561) 820-8777

June 30, 2008

**NOTIFICATION OF IDENTIFIED VICTIMS**

On June 30, 2008, Jeffrey Epstein (hereinafter referred to as "Epstein) entered a plea of guilty to violations of Florida Statutes Sections 796.07 (felony solicitation of prostitution) and 796.03 (procurement of minors to engage in prostitution), in the 15th Judicial Circuit in and for Palm Beach County (Case Nos. 2006-cf-009454AXXXMB and 2008-cf-009381AXXXMB) and was sentenced to a term of twelve months' imprisonment to be followed by eighteen months' of Community Control 1, the first six months of which must be served imprisoned at the Palm Beach County Detention Facility.

In light of the entry of the guilty plea and sentence, the United States has agreed to defer federal prosecution in favor of this state plea and sentence, subject to certain conditions.

One such condition to which Epstein has agreed is the following:

*altp*

"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 had 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."

Initials of Jeffrey Epstein \_\_\_\_\_ Initials of Jack Goldberger \_\_\_\_\_

**US Atty Cor 00323**

Through this letter, this Office hereby provides Notice that the individuals identified below are individuals whom the United States was prepared to name as a victim of an enumerated offense.

Identified Individuals

[REDACTED]

[REDACTED]

[REDACTED]

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

Dated: \_\_\_\_\_

By: [REDACTED] VILLAFANA  
ASSISTANT U.S. ATTORNEY

ACKNOWLEDGMENT

I have received this Notification from my attorney, Jack Goldberger, Esquire, have read it and discussed it with my attorney, and I hereby acknowledge that it accurately sets forth my understanding and agreement with the Office of the United States Attorney for the Southern District of Florida regarding the notification and rights of identified victims. I

Initials of Jeffrey Epstein \_\_\_\_\_ Initials of Jack Goldberger \_\_\_\_\_

**US Atty Cor 00324**

understand that an exact copy of this Notification will be provided to each identified individual, except that the names of all other identified individuals will be redacted, and I hereby waive any evidentiary challenges to the introduction of a copy of this document—even in redacted form—in any judicial proceeding between any identified individual and myself.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Jeffrey Epstein

Witnessed by:

\_\_\_\_\_  
Jack Goldberger Esquire

Case No. 2006CF009381AXX JEFFREY EPSTEIN  
Charge: PROCURE PERSON UNDER AGE OF 18 FOR PROSTITUTION

ARREST FROM 2006CF009454AXX

Arrest: [ ] Bond: [ ]  
Date: 4/29/08 Judge: [ ] Cr. Rep: P. D. H. A. P. S.  
Officer: [ ] W./M/O/Def. Pos. [ ]  
Before the Court for: Status Check  
 Granted  Denied  With/Without Prejudice  Withdrawn  Court Reserves Ruling  Written Order to Follow  
 Waiver  Ordered  Recalled  Bond Set at \$ [ ] See Below  Also Covers  Sp. Cond.  
 Bond Forth  OR Disch./Revoked/Reinstated  Bond Disch./Revoked  SOR Disch./Revoked/Reinstated  
 Bond Forth Vacated  Previous Bond/Reinstated, if Bondsman agrees  State failed to file charges  Released OR/SOR  
 Def. in Present  In Absent  In Only  Parties  Court Appt.  
Evaluation for:  Drug Court  DCC Non-Secure/led by [ ]  
 Pre-Plea  PSI ordered by/within [ ] days  Input from DM/Staffing  
 Referred to PFI/SAAB/PADA  Case placed on the absentee docket  
DEFERRED A PLEA OF:  NOT GUILTY  GUILTY  NO CONTEST  BEST INTEREST  TO THE COURT  
Charged Cts: [ ] Lesser Cts: [ ]  
 Sw. & Test  Adv. of Ris.  Waived PSI  Lesser Cts: [ ]  
 ADJ. GUILTY as Charged as to Cts [ ] Lesser Cts: [ ]  
 FOUND GUILTY as Charged as to Cts [ ] Lesser Cts: [ ]  
 ADJ. WHELD as to Cts [ ]  
 FOUND AND ADJUDICATED DELINQUENT as to Cts [ ] Dispo. Order to follow/ filed  
 FOUND & ADJ. NOT GUILTY as to Cts [ ] Dismiss  Nolle Prose. Cts [ ]  
Prob. Comm. Control:  Revoked  Reinstated  Modified  Term. Successfully / Unsuccessfully  
 Deft. to pay fine or complete [ ] hrs. Community Service or Serve [ ] Days/FBI  
 Sup. Found Habitual OR 775 OR 6  Sup. Found Sexual Offender/ Sexual Predator  Sup. Found PER R  
SENTENCE: FBCJ [ ] Cts: [ ] DOC [ ] Cts: [ ]  
W/Credit for: [ ] Days/Mos. Cts: [ ] Denote remain on same rel. status pending sent.  
Conc. Consec/Concurr w/cases no. 2006CF009381AXX

DNA SWAB

Set/Remains Set/Reset [ ] Div. [ ] Rm. [ ] AMPM [ ]  
Set/Remains Set/Reset [ ] Div. [ ] Rm. [ ] AMPM [ ]  
 Deft. sign  ASA  Bondsman  
 Bail  Jail  ADU  C.A. Notified by mail by [ ] on [ ]  
 County Courthouse  Courtroom, Criminal Justice Bldg.  Courtroom, Criminal Justice Complex  
205 N. Dixie, West Palm Beach 33314 State Road 86, Belle Glade 3228 Gun Club Rd, West Palm Beach

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF SUCH ASSISTANCE. PLEASE CONTACT JOHN SREFFEL, ADR COORDINATOR IN THE ADMINISTRATIVE OFFICE OF THE COURT, PALM BEACH COUNTY COURTHOUSE, 205 N. DIXIE HWY, RM 6.2500, WEST PALM BEACH, FL 33401, TELEPHONE (561) 855-4100, WITHIN 7 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE IF YOU ARE HEARING OR VISUALLY IMPAIRED, CALL 1-800-955-8771.

DATE: 6/30/08

CASE NO. 2008CF9831AFY

NAME: Te Aye E. P. Stein

TERM OF Prob./ Sex Off / Drug Off Prob/ C.C. I C.C. II: 12 mos yrs as to Cts.

cont. w/  consec. w/

Probation transferred to:

SPECIAL CONDITIONS:

Complete Originally Ordered Conditions

Curfew: \_\_\_\_\_ p.m., with the following exception: \_\_\_\_\_

Deft. to report to Prob. Dept. immediately upon release

Deft. not to have in care, custody, or control any unlawful or illegal material, subst., device, or object.

Deft. to immediately notify Prob. Officer if place of residence or job changes.

Restitution CRO filed

Subject to all ordinary and special conditions of Probation

Substance Abuse Eval. / Psychological Eval. / Psychosexual Eval. within / by: \_\_\_\_\_ and deft. to successfully complete recommended treatment

Random Drug/Alcohol Testing  At Deft's Expense  Costs Waived

No Consumption/Possession of Alcohol or Drugs or Intoxicants without a Prescription.

Attend \_\_\_\_\_ AA and/or NA Meetings per Week.

Deft. not to frequent any place of business whose primary purpose is the sale of alcohol.

Complete \_\_\_\_\_ Hrs. of Community Service to be done at the rate of \_\_\_\_\_ Hrs. per WK / Mo. (Min.)

License Revoked / Suspended for \_\_\_\_\_ mos / yrs

Attend and successfully complete DUI school and 1 session of Victim Impact Panel.

No Contact / No Violent Contact / No Direct or Indirect contact w/Victim(s) or others listed:

No Contact w/Minor Children w/o Adult Supervision aware of this case and the disposition.

Cost of Supervision: \$ \_\_\_\_\_ per month  Waived by Court.

Enter and Successfully Complete DOC Non-Secure Bed Program and Any Recommended Aftercare.

Hold in Custody, release only to DOC Non-Secure Bed Program Officer.

Enter and Successfully Complete PBSO Long / Short Track Drug Farm and Any Rec. Aftercare.

Forfeit Weapon / Money seized at the time of arrest to:

Enter and Complete:  Anger Management Program  Batterers Intervention Program

Theft Abatement Program: \_\_\_\_\_  Other: \_\_\_\_\_

Defendant may apply for Early Termination after \_\_\_\_\_, provided all conds. are satisfied.

Serve \_\_\_\_\_ days / months in PBCJ with credit for \_\_\_\_\_ days / months.

See All Attached Documents

Deft. must register as a Sexual Offender

WITHIN 48 hours of Release.

SE NO 2006034744 BOND# 00073142 TYPE CE 3-000-00 JEFFREY E. EPSTEIN 241

FELONY OFFER TO COMMIT PROSTITUTION

ARREST # 2006034744 BOND# 00073142 TYPE CE 3-000-00

Date: 3/20/06 Judge: [Signature] Ct. Rep. [Signature]

Def: Pres / Not Pres. W / W/O Def. Co. [Signature] Int. [Signature]

Before the Court for: [Signature]

Granted  Denied  With/Without Prejudice  Withdrawn  Court Reserves Ruling  Written Order to Follow

Warrant  Ordered  Recalled  Bond Set at \$ [ ]  See Below  Also Covers  Sp Cond

Bond Forf  QR: Disch/Revoked/Reinstated  Bond: Disch/Revoked  SOR: Disch/Revoked/Reinstated

Bond Forf Vacated  Previous Bond Reinstated, if Bondsman agrees  State failed to file charges  Released O.R. / S.O.R.

Deft Indigent  PD Appt  Hrg only  PD Pres  Court Appts

Evaluation for:  Drug Parr  DOC Non-Secure Bed by [ ]  w/input from DJJ/ Staffing

Pre-Plea  PSI ordered by/within [ ] days

Referred to: PTI / SAAP/ PAID  Case placed on the absentee docket

DEFT ENTERED A PLEA OF  NOT GUILTY  GUILTY  NO CONTEST  BEST INTEREST  TO THE COURT

As Charged Cts: [Signature] Lesser Cts: [ ] Lesser Charge: [ ]

Sw & Test  Adv of Rts  Waived PSI Lesser Cts: [ ] Lesser Charge: [ ]

ADJ GUILTY as Charged as to Cts [Signature] Lesser Cts: [ ]

FOUND GUILTY as Charged as to Cts Lesser Cts: [ ]

ADJ W/HELD as to Cts  SENT W/HELD as to Cts

FOUND AND ADJUDICATED DELINQUENT as to Cts  Dismiss  Nolle Prose Cts

Prob / Coinfn Control:  Revoked  Reinstated  Modified  Term Successfully / Unsuccessful

Stip/Found: (violent) Habitual Off. 775.084  Stip/Found: Sexual Offender / Sexual Predator  Stip/Found: [ ]

SENTENCE: PBCJ: [Signature] Cts: [ ] / DOC Cts: [ ]

PBCJ: [Signature] Cts: [ ] / DOC Cts: [ ]

W/Credit for [ ] Days / Mos. / Yrs.  Deft Remanded  Deft to remain on same [ ] status pending [ ]

Conc / Consec / Co-Term w/cases / Cts: [ ]

Execution of Sentence Stayed  Sentence Suspended  Time served as to Cts [ ]

Youthful Off  Habitual Off.  Min / Mand: [ ] as to Cts [ ]

ABOVE SENTENCE TO BE FOLLOWED BY:  Probation  Drug / Sex Off Prob  Comm. Control  [ ] - See Pg. 2

DRIVERS LICENSE TO BE SUSPENDED / REVOKED FOR [ ] YEARS AS A RESULT OF THIS PLEA

DNA SWAB

Set / Remains Set / Reset Div. [ ] Rm. [ ] at [ ] AM/PM

Set / Remains Set / Reset Div. [ ] Rm. [ ] at [ ] AM/PM

Deft sign  Def Co  ASA  Bondsman

Prob  Jail  DJJ  GAL Notified by mail by: [ ] on [ ] / [ ] / [ ]

County Courthouse  Courtroom Criminal Justice Bldg.  Courtroom, Criminal Justice Complex

205 N. Dixie, West Palm Beach 38844 State Road 80, Belle Glade 3228 Gun Club Rd, West Palm Beach

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, SQUARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT MARY JAFFE, ADA COORDINATOR IN THE ADMINISTRATIVE OFFICE OF THE COURT, PALM BEACH COUNTY COURTHOUSE, 205N. DIXIE HWY, RM 52500, WEST PALM BEACH, FL 33411; TELEPHONE (561) 835-4300, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE IF YOU ARE HEARING OR VOICE IMPAIRED, CALL 1-800-635-8777.



U.S. Department of Justice

*United States Attorney  
Southern District of Florida*

500 South Australian Avenue, Suite 400  
West Palm Beach, Florida 33401-6235  
Tel: (561) 820-8711  
[REDACTED]

May 14, 2007

VIA HAND DELIVERY

Jack A. Goldberger, Esq.  
Atterbury, Goldberger & Weiss, P.A.  
One Clearlake Centre, Suite 1400  
250 Australian Avenue South  
West Palm Beach, FL 33401-5015

Dear Mr. Goldberger:

Thank you for your letter of May 10, 2007, and the documents attached thereto. I have enclosed another copy of the grand jury subpoenas that were provided to Bruce Lyons, former counsel for Hyperion and JBGE, on April 25, 2007. The time for responding has passed, so please provide the requested documents as soon as possible. Please also have the Custodians of Records of the Corporations complete the Business Records Certifications and Inventory Forms and return everything to Special Agent [REDACTED] at the Federal Bureau of Investigation, 505 South Flagler Drive, Suite 500, West Palm Beach, FL 33401-5933.

Thank you for your assistance with this matter.

Sincerely,

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

By: A. MARIE VILLAFANA  
Assistant United States Attorney

Enclosures

cc: Special Agent [REDACTED], FBI

06605

**US Atty Cor 00329**

EFTA00235655

United States District Court  
SOUTHERN DISTRICT OF FLORIDA

TO: Custodian of Records  
Hyperion Air, Inc.

**SUBPOENA TO TESTIFY  
BEFORE GRAND JURY**  
FGJ 07-103(WPB)-Tues./No. OLY-46

SUBPOENA FOR:

PERSON

DOCUMENTS OR OBJECT[S]

YOU ARE HEREBY COMMANDED to appear and testify before the Grand Jury of the United States District Court at the place, date and time specified below.

|  |   |
|--|---|
| PLACE:<br>United States District Courthouse<br>701 Clematis Street<br>West Palm Beach, Florida 33401 | ROOM:<br>Grand Jury Room                  |
|  | DATE AND TIME:<br>May 8, 2007<br>1:00 pm* |

YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):

All income tax returns, balance sheets, regulatory filings, minutes of board of directors meetings, and documents required by or filed with the Internal Revenue Service and/or the State of Delaware referring or relating to the period of 1/1/2003 to 12/31/2005.

For the period 1/1/2003 to the present, the names of all employees, copies of all W-2s for all employees, and the names of all corporate directors, board members, and shareholders.

\*Please coordinate your compliance with this subpoena and confirm the date and time, and location of your appearance with Special Agent [REDACTED] Kuyrkendall, Federal Bureau of Investigation, Telephone: (561) 822-5946.

This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

|                   |  |                |
|-------------------|--|----------------|
| CLERK             |  | DATE:          |
| (BY) DEPUTY CLERK |  | April 24, 2007 |

This subpoena is issued upon application of the United States of America



Name, Address and Phone Number of Assistant U.S. Attorney  
[REDACTED], Assistant U.S. Attorney  
300 So. Australian Avenue, Suite 400  
West Palm Beach, FL 33401-6235  
Tel: (561) 820-8711 x3047  
Fax: (561) 802-1787

\*If not applicable, enter "none."

To be used in lieu of A0110

FORM ORD-227  
JAN.86

06606

**US Atty Cor 00330**

EFTA00235656



U.S. Department of Justice

United States Attorney  
Southern District of Florida

500 S. Australian Ave., Suite 400  
West Palm Beach, FL 33401-6235  
(561) 820-8711

**APPEARANCE NOTICE**

The attached subpoena requires the production of the records specified to a Federal Grand Jury/Trial in the Southern District of Florida.

A new provision of the Federal Rules of Evidence provides that routine business records may be admitted at trial through the declaration of a custodian, if they are provided sufficiently in advance of trial to allow an opportunity for any challenges to their authenticity. Therefore, you may be able to avoid appearing personally at the grand jury/trial at the time and place specified by completely filling out the attached Certification and Inventory and immediately returning it with the records to **Special Agent [REDACTED] Kuyrkendall, FBI** at the following address:

Federal Bureau of Investigation  
505 South Flagler Drive, Ste. 500  
West Palm Beach, Florida 33401-5923

**EARLY VOLUNTARY TURNOVER**

Please note that we are requesting an early voluntary turnover of the materials subpoenaed. The early voluntary turnover date is prior to May 8, 2007.

Sincerely,

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

BY:



[REDACTED]  
ASSISTANT UNITED STATES ATTORNEY

**US Atty Cor 00331**

06607

EFTA00235657

CERTIFICATION OF BUSINESS RECORDS

I, the undersigned, \_\_\_\_\_, declare that I am:  
employed by/associated with \_\_\_\_\_ in the  
position of \_\_\_\_\_ and by reason of my  
position am authorized and qualified to make this declaration.

In my employment with the above-named bank/company I am familiar with the  
business records it maintains. The above-named bank/company maintains records of its  
business which are:

1. made at or near the time of the occurrence of the matters set forth therein, by,  
or from information transmitted by, a person with knowledge of those matters;
2. kept in the course of regularly conducted business activity; and
3. made by the regularly conducted activity as a regular practice.

Among the records so maintained are the attached records itemized in Appendix A,  
Inventory of Documents.

I declare under penalty of perjury that the foregoing is true and correct.

Date of execution: \_\_\_\_\_

Place of execution: \_\_\_\_\_

Signature: \_\_\_\_\_

06608

**US Atty Cor 00332**

EFTA00235658



**United States District Court**  
**SOUTHERN DISTRICT OF FLORIDA**

TO: Custodian of Records  
JEGB, Inc.

**SUBPOENA TO TESTIFY  
BEFORE GRAND JURY**  
FGJ 07-103(WPB)-Tues./No. OLY-47

SUBPOENA FOR:

PERSON

DOCUMENTS OR OBJECT[S]

**YOU ARE HEREBY COMMANDED** to appear and testify before the Grand Jury of the United States District Court at the place, date and time specified below.

|   |  |
|---|--|
| <b>PLACE:</b><br>United States District Courthouse<br>701 Clematis Street<br>West Palm Beach, Florida 33401 | <b>ROOM:</b><br>Grand Jury Room                  |
|   | <b>DATE AND TIME:</b><br>May 8, 2007<br>1:00 pm* |

**YOU ARE ALSO COMMANDED** to bring with you the following document(s) or object(s):

All income tax returns, balance sheets, regulatory filings, minutes of board of directors meetings, and documents required by or filed with the Internal Revenue Service and/or the State of Delaware referring or relating to the period of 1/1/2003 to 12/31/2005.

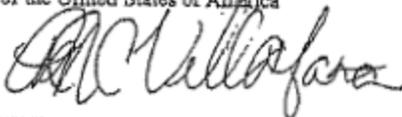
For the period 1/1/2003 to the present, the names of all employees, copies of all W-2s for all employees, and the names of all corporate directors, board members, and shareholders.

\*Please coordinate your compliance with this subpoena and confirm the date and time, and location of your appearance with Special Agent [REDACTED], Federal Bureau of Investigation, Telephone: (561) 822-5946.

This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

|                   |  |                |
|-------------------|--|----------------|
| CLERK             |  | DATE:          |
| (BY) DEPUTY CLERK |  | April 24, 2007 |

This subpoena is issued upon application of the United States of America



Name, Address and Phone Number of Assistant U.S. Attorney  
[REDACTED] Villafana, Assistant U.S. Attorney  
500 So. Australian Avenue, Suite 400  
West Palm Beach, FL 33401-6235  
Tel: (561) 820-8711 x3047  
Fax: (561) 802-1787

\*If not applicable, enter "none."

To be used in lieu of AO110

FORM ORD-227  
JAN.86

06610

**US Atty Cor 00334**

EFTA00235660



U.S. Department of Justice

United States Attorney  
Southern District of Florida

500 S. Australian Ave., Suite 400  
West Palm Beach, FL 33401-6233  
(561) 820-8711

**APPEARANCE NOTICE**

The attached subpoena requires the production of the records specified to a Federal Grand Jury/Trial in the Southern District of Florida.

A new provision of the Federal Rules of Evidence provides that routine business records may be admitted at trial through the declaration of a custodian, if they are provided sufficiently in advance of trial to allow an opportunity for any challenges to their authenticity. Therefore, you may be able to avoid appearing personally at the grand jury/trial at the time and place specified by completely filling out the attached Certification and Inventory and immediately returning it with the records to **Special Agent [REDACTED]**, FBI at the following address:

Federal Bureau of Investigation  
505 South Flagler Drive, Ste. 500  
West Palm Beach, Florida 33401-5923

**EARLY VOLUNTARY TURNOVER**

Please note that we are requesting an early voluntary turnover of the materials subpoenaed. The early voluntary turnover date is prior to May 8, 2007.

Sincerely,

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

BY:

[REDACTED]  
ASSISTANT UNITED STATES ATTORNEY

06611

**US Atty Cor 00335**

EFTA00235661

**CERTIFICATION OF BUSINESS RECORDS**

I, the undersigned, \_\_\_\_\_, declare that I am:  
employed by/associated with \_\_\_\_\_ in the  
position of \_\_\_\_\_ and by reason of my  
position am authorized and qualified to make this declaration.

In my employment with the above-named bank/company I am familiar with the  
business records it maintains. The above-named bank/company maintains records of its  
business which are:

1. made at or near the time of the occurrence of the matters set forth therein, by,  
or from information transmitted by, a person with knowledge of those matters;
2. kept in the course of regularly conducted business activity; and
3. made by the regularly conducted activity as a regular practice.

Among the records so maintained are the attached records itemized in Appendix A,  
Inventory of Documents.

I declare under penalty of perjury that the foregoing is true and correct.

Date of execution: \_\_\_\_\_

Place of execution: \_\_\_\_\_

Signature: \_\_\_\_\_





U.S. Department of Justice

United States Attorney  
Southern District of Florida

500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: (561) 820-8777

May 15, 2007

VIA FACSIMILE

Jack A. Goldberger, Esq.  
Atterbury, Goldberger & Weiss, P.A.  
One Clearlake Centre, Suite 1400  
250 Australian Ave S.  
West Palm Beach, FL 33401-5015

Re: Subpoenas to JEGE, Inc. and Hyperion Air, Inc.

Dear Mr. Goldberger:

It was a pleasure speaking with you today. As we discussed, the deadlines for complying with the subpoenas to JEGE, Inc. and Hyperion Air, Inc. have been extended to May 29, 2007. If there are any categories for which no documents exist, please ask the Custodian of Records to provide a certificate of nonexistence of records.

Also, following our conversation I received a voicemail from Lilly [redacted] Sanchez addressing the subpoenas. Since you have provided a written statement that you represent JEGE and Hyperion, I will assume that you alone serve as their counsel unless you tell me otherwise. With that in mind, pursuant to Rule 6(e), I do not intend to discuss matters related to these subpoenas with other attorneys.

Thank you again for your assistance.

Sincerely,

R. Alexander Acosta  
United States Attorney

By:   
Assistant United States Attorney

cc: [redacted], FBI

**US Atty Cor 00338**



U.S. Department of Justice

United States Attorney  
Southern District of Florida

500 South Australian Avenue, Suite 400  
West Palm Beach, Florida 33401-6235  
Tel: (561) 820-8711  
Fax: (561) 820-8777

19  
June 14, 2007

Jack Alan Goldberger, Esq.  
Atterbury Goldberger et al  
250 South Australian Ave.  
Suite 1400  
West Palm Beach, FL 334015-5015

Re: Subpoenas to JEGE, Inc. and Hyperion Air, Inc.

Dear Mr. Goldberger:

Thank you for your response to the subpoenas issued to JEGE, Inc. and Hyperion Air, Inc.

In the responses from each company, there are no lists of the corporate directors, board members, and shareholders (with the exception of the JEGE IRS Form 2553 and Hyperion Share Certificate). Please ask the Custodian of Records to provide a list of all corporate directors, board members, and shareholders from January 1, 2003 to the present. Please also ask the Custodian of Records to confirm that there are no records of any board of directors meetings that occurred between January 1, 2003 and December 31, 2005.

Thank you again for your assistance.

Sincerely,

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

By: [REDACTED] VILLAFANA  
Assistant United States Attorney

US Atty Cor 00339

EFTA00235665

Jack Goldberger

---

**From:** [REDACTED]  
**Sent:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** [REDACTED]

Read carefully the GJ suspension portion of the non pros agreement. It says upon signing the non pros agreement and A PLEA AGREEMENT with SAO all pending GJ subpoenas will be held in abeyance. Doesn't that imply that when we sign plea agreement with state this week the new GJ subpoenas that are out now go into abeyance status also

**From:** Villafana, [REDACTED] (USAFLS) [REDACTED]  
**Sent:** Tuesday, June 24, 2008 4:16 PM  
**To:** Roy BLACK; Jack Goldberger  
**Cc:** [REDACTED] (USAFLS)  
**Subject:** Jeffrey Epstein Agreement

Dear Roy and Jack:

I am just writing to re-state that it is the Government's position that we have a signed, binding agreement and that there is no need for further modification.

Please keep us informed of the date and time of the change of plea and sentencing.

Thank you.

[REDACTED]

Assistant U.S. Attorney

[REDACTED]

West Palm Beach, FL 33401

[REDACTED]

[REDACTED]



U.S. Department of Justice

United States Attorney  
Southern District of Florida

500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: (561) 820-8777

June 27, 2008

VIA FACSIMILE

Jack A. Goldberger, Esq.  
Atterbury, Goldberger & Weiss, P.A.  
One Clearlake Centre, Suite 1400  
250 Australian Ave S.  
West Palm Beach, FL 33401-5015

Roy Black, Esq.  
Black Srebnick Kornspan & Stumpf P.A.  
201 S. Biscayne Blvd, Suite 1300  
Miami, FL 33131

Re: Jeffrey Epstein

Dear Messrs. Goldberger and Black:

I write to follow up on my e-mail correspondence of June 24 and June 26, and my message this morning. As of 3:15 p.m., Friday, June 27, 2008, the Office still has not received a copy of a proposed plea agreement between Mr. Epstein and the State Attorney's Office, nor has the Office received notice of a date and time for a change of plea.

As you know, the Non-Prosecution Agreement between Mr. Epstein and the Office called for Mr. Epstein to plead, be sentenced, and begin serving his sentence not later than January 4, 2008—almost six months ago. The Office has continued that deadline to allow Mr. Epstein to raise various issues with the Department of Justice, but repeatedly advised that, once those appeals were completed, Mr. Epstein would need to perform the terms of the agreement within a short window thereafter. Now that those appeals have been exhausted, we promptly informed counsel for Mr. Epstein that he must enter his plea, be sentenced, and begin serving his sentence by 5:00 on Monday, June 30, 2008.

This week I have sent two e-mails and left a message with Mr. Black's receptionist asking for the date and time of the change of plea and for a copy of the proposed plea agreement between Mr. Epstein and the State Attorney's Office in accordance with the terms of the Non-Prosecution Agreement. I have received no response to any of those requests.

**US Atty Cor 00341**

JACK GOLDBERGER, ESQ.  
ROY BLACK, ESQ.  
JUNE 27, 2008  
PAGE 2 OF 2

I have received correspondence from counsel for a witness asking to cancel or continue the witness's appearance because he "understand[s] that there has been a recent development with respect to Mr. Epstein in that he intends to plead guilty in Florida state court on Monday pursuant to a deferred prosecution agreement with your office that has already been executed" and that he has "learned from Mr. Epstein's attorney that the plea is scheduled to take place on Monday morning." I also understand that there is an entry on Judge McSorley's docket that a hearing is scheduled for 8:30 a.m. on Monday.

Both parties have agreed that it is a material term of the Non-Prosecution Agreement that the United States shall have the right to review the terms of any agreements between Epstein and the State Attorney's Office prior to entering into those agreements. If, indeed, the change of plea is set for 8:30 Monday morning, the agreement with the State Attorney's Office must be provided to the Office by 4:30 today to allow adequate time to review and comment. Failure to provide this opportunity shall be deemed a breach of the Agreement.

Accordingly, I again ask that you provide me with a copy of the Plea Agreement with the State Attorney's Office and notification of the date and time of the change of plea.

Thank you.

Sincerely,

R. Alexander Acosta  
United States Attorney

By:

  
A. Marie Villafafia  
Assistant United States Attorney

cc: Karen Atkinson, AUSA

**US Atty Cor 00342**

EFTA00235668



U.S. Department of Justice

United States Attorney  
Southern District of Florida

---

500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: (561) 820-8777

June 27, 2008

VIA FACSIMILE AND ELECTRONIC MAIL

Jack A. Goldberger, Esq.  
Atterbury, Goldberger & Weiss, P.A.  
One Clearlake Centre, Suite 1400  
250 Australian Ave S.  
West Palm Beach, FL 33401-5015

Roy Black, Esq.  
Black Srebriack Kornspan & Stumpf P.A.  
201 S. Biscayne Blvd, Suite 1300  
Miami, FL 33131

Re: Jeffrey Epstein

Dear Messrs. Goldberger and Black:

Thank you for providing me with the proposed plea agreement between Mr. Epstein and the State Attorney's Office. The U.S. Attorney's Office hereby provides Notice that the proposed sentencing provision does not comply with the terms of the Non-Prosecution Agreement.

The second sentencing paragraph of the proposed plea agreement reads:

On 08CF009381AMB, the Defendant is sentenced to 18 months Community Control 1 (one). As a special condition of this Community Control, the Defendant must serve the first 6 months in the Palm Beach County Detention Facility . . .

The Non-Prosecution Agreement specifically provides:

Epstein shall be sentenced to consecutive terms of twelve (12) months and six (6) months in county jail for all charges, . . . without probation or community control in lieu of imprisonment.

Thus, the proposed plea agreement with the State Attorney's Office does not comply with the terms of the Non-Prosecution Agreement. To comply with the Agreement, Mr. Epstein must make a binding recommendation of eighteen months imprisonment, which means confinement twenty-four

**US Atty Cor 00343**

EFTA00235669

JACK GOLDBERGER, ESQ.  
ROY BLACK, ESQ.  
JUNE 27, 2008  
PAGE 2 OF 2

hours a day at the County Jail, and the judge must accept that recommendation. Community control must follow that term of incarceration.

Secondly, we have not been provided with a copy of the Information filed in case number 08CF009381AMB. I want to confirm that Mr. Epstein is being charged with the substantive offense of procuring minors to engage in prostitution, not attempted procurement. Accordingly, please provide me with a copy of the Information at your earliest opportunity. I will be available via e-mail throughout the weekend or you may reach me on my cell phone at [REDACTED].

Thank you.

Sincerely,

R. Alexander Acosta  
United States Attorney

By: *Maria Villafañe*

[REDACTED] Villafañe  
Assistant United States Attorney

cc: Karon Atkinson, AUSA

X  
Jack Goldberger

---

From: [REDACTED]  
Sent: [REDACTED]  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: [REDACTED]

[REDACTED]

[REDACTED]

---

From: [REDACTED] (USAFLS) [REDACTED]  
Sent: Fri 6/27/2008 5:45 PM  
To: Jack Goldberger; Roy BLACK  
Cc: [REDACTED] (USAFLS)  
Subject: Notice of Non-Compliance

Dear Messrs. Goldberger and Black:

Please see the attached Notification Letter.

<<080627 Goldberger Black notification ltr.pdf>>

[REDACTED]  
Assistant U.S. Attorney

[REDACTED]

West Palm Beach, FL 33401

[REDACTED]

[REDACTED]

Jack Goldberger

---

From: [REDACTED]  
Sent: [REDACTED]  
To: [REDACTED]  
Subject: [REDACTED]

[REDACTED]  
not a problem.

---

From: [REDACTED], [REDACTED] (USAFLS) [REDACTED]@usdoj.gov]  
Sent: Sat 6/28/2008 11:31 AM  
To: Jack Goldberger  
Cc: [REDACTED] (USAFLS); RBlack@RoyBlack.com  
Subject: Re: Notice of Non-Compliance

Dear Jack:

I have conferred with a state court practitioner who stated that there is nothing that prohibits you from agreeing to a consecutive six-month sentence of incarceration followed by one year of community control as specified in the non-prosecution agreement.

If you elect to proceed with the plea agreement as currently drafted, we ask that you insert the word "imprisoned" following the words "six months" in the second sentencing paragraph.

Please confirm that this change is acceptable. Thank you.

[REDACTED]

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

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

---

From: [REDACTED], [REDACTED] (USAFLS) [REDACTED]@usdoj.gov]  
Sent: Fri 6/27/2008 5:45 PM  
To: Jack Goldberger; Roy BLACK  
Cc: [REDACTED] (USAFLS)  
Subject: Notice of Non-Compliance

Dear Messrs. Goldberger and Black:

Please see the attached Notification Letter.

<<080627 Goldberger Black notification ltr.pdf>>

[REDACTED] e Villafaña

Assistant U.S. Attorney

[REDACTED]

West Palm Beach, FL 33401

[REDACTED]

[REDACTED]

Jack Goldberger

---

From: [REDACTED]  
Sent: [REDACTED]  
To: [REDACTED]  
Subject: [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

On Jun 30, 2008, at 5:16 PM, "[REDACTED] (USAFLS)" <[REDACTED]> wrote:

Jack:

The FBI has received several calls regarding the Non-Prosecution Agreement. I do not know whether the title of the document was disclosed when the Agreement was filed under seal, but the FBI and our office are declining comment if asked.

[REDACTED]  
[REDACTED]

Assistant U.S. Attorney

[REDACTED]

West Palm Beach, FL 33401

[REDACTED]  
[REDACTED]



U.S. Department of Justice

*United States Attorney  
Southern District of Florida*

---

*500 South Australian Ave., Suite 400  
West Palm Beach, FL 33401  
(561) 820-8711  
Facsimile: (561) 820-8777*

June 30, 2008

**NOTIFICATION OF IDENTIFIED VICTIMS**

**NOTICE: IN ACCORDANCE WITH TITLE 18, UNITED STATES CODE, SECTION 3509(d) AND FLORIDA LAW, THE ATTACHED DOCUMENT IS TO BE TREATED AS CONFIDENTIAL AND SHALL NOT BE DISCLOSED EXCEPT IN CONNECTION WITH A LEGAL PROCEEDING.**

**US\_Atty\_Cor\_00349**

EFTA00235675



U.S. Department of Justice

United States Attorney  
Southern District of Florida

500 South Australian Avenue, Suite 400  
West Palm Beach, Florida 33401-6235  
Tel: (561) 820-8711  
[REDACTED]

May 14, 2007

VIA HAND DELIVERY

Jack A. Goldberger, Esq.  
Atterbury, Goldberger & Weiss, P.A.  
One Clearlake Centre, Suite 1400  
250 Australian Avenue South  
West Palm Beach, FL 33401-5015

Dear Mr. Goldberger:

Thank you for your letter of May 10, 2007, and the documents attached thereto. I have enclosed another copy of the grand jury subpoenas that were provided to Bruce Lyons, former counsel for Hyperion and JEGE, on April 25, 2007. The time for responding has passed, so please provide the requested documents as soon as possible. Please also have the Custodians of Records of the Corporations complete the Business Records Certifications and Inventory Forms and return everything to Special Agent [REDACTED] at the Federal Bureau of Investigation, 505 South Flagler Drive, Suite 500, West Palm Beach, FL 33401-5933.

Thank you for your assistance with this matter.

Sincerely,

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

By: [REDACTED]  
Assistant United States Attorney

Enclosures

cc: Special Agent [REDACTED], FBI

06605

US Atty Cor 00350

EFTA00235676

United States District Court  
SOUTHERN DISTRICT OF FLORIDA

TO: Custodian of Records  
Hyperion Air, Inc.

**SUBPOENA TO TESTIFY  
BEFORE GRAND JURY**  
FGJ 07-103(WPB)-Tues./No. OLY-46

SUBPOENA FOR:

PERSON

DOCUMENTS OR OBJECT[S]

**YOU ARE HEREBY COMMANDED** to appear and testify before the Grand Jury of the United States District Court at the place, date and time specified below.

|   |  |
|---|--|
| <b>PLACE:</b><br>United States District Courthouse<br>701 Clematis Street<br>West Palm Beach, Florida 33401 | <b>ROOM:</b><br>Grand Jury Room                  |
|   | <b>DATE AND TIME:</b><br>May 8, 2007<br>1:00 pm* |

**YOU ARE ALSO COMMANDED** to bring with you the following document(s) or object(s):

All income tax returns, balance sheets, regulatory filings, minutes of board of directors meetings, and documents required by or filed with the Internal Revenue Service and/or the State of Delaware referring or relating to the period of 1/1/2003 to 12/31/2005.

For the period 1/1/2003 to the present, the names of all employees, copies of all W-2s for all employees, and the names of all corporate directors, board members, and shareholders.

\*Please coordinate your compliance with this subpoena and confirm the date and time, and location of your appearance with Special Agent [REDACTED], Federal Bureau of Investigation, Telephone: (561) 822-5946.

This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

|   |  |                         |
|---|--|-------------------------|
| CLERK   |    | DATE:<br>April 24, 2007 |
| (BY) DEPUTY CLERK   |  |                         |
| This subpoena is issued upon application of the United States of America<br> | Name, Address and Phone Number of Assistant U.S. Attorney<br>[REDACTED], Assistant U.S. Attorney<br>500 So. Australian Avenue, Suite 400<br>West Palm Beach, FL 33401-6235<br>Tel: (561) 820-8711 x3047<br>Fax: (561) 802-1787 |                         |

\*If not applicable, enter "none."

To be used in lieu of A0116

FORM ORD-227  
JAN.86

06606

**US Atty Cor 00351**

EFTA00235677



U.S. Department of Justice

United States Attorney  
Southern District of Florida

West Palm Beach, FL 33401-6235  
(561) 820-8711

**APPEARANCE NOTICE**

The attached subpoena requires the production of the records specified to a Federal Grand Jury/Trial in the Southern District of Florida.

A new provision of the Federal Rules of Evidence provides that routine business records may be admitted at trial through the declaration of a custodian, if they are provided sufficiently in advance of trial to allow an opportunity for any challenges to their authenticity. Therefore, you may be able to avoid appearing personally at the grand jury/trial at the time and place specified by completely filling out the attached Certification and Inventory and immediately returning it with the records to **Special Agent [REDACTED]** FBI at the following address:

Federal Bureau of Investigation  
505 South Flagler Drive, Ste. 500  
West Palm Beach, Florida 33401-5923

**EARLY VOLUNTARY TURNOVER**

Please note that we are requesting an early voluntary turnover of the materials subpoenaed. The early voluntary turnover date is prior to May 8, 2007.

Sincerely,

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

BY:

  
[REDACTED]  
ASSISTANT UNITED STATES ATTORNEY

06607

**US Atty Cor 00352**

EFTA00235678

**CERTIFICATION OF BUSINESS RECORDS**

I, the undersigned, \_\_\_\_\_, declare that I am:  
employed by/associated with \_\_\_\_\_ in the  
position of \_\_\_\_\_ and by reason of my  
position am authorized and qualified to make this declaration.

In my employment with the above-named bank/company I am familiar with the  
business records it maintains. The above-named bank/company maintains records of its  
business which are:

1. made at or near the time of the occurrence of the matters set forth therein, by,  
or from information transmitted by, a person with knowledge of those matters;
2. kept in the course of regularly conducted business activity; and
3. made by the regularly conducted activity as a regular practice.

Among the records so maintained are the attached records itemized in Appendix A,  
Inventory of Documents.

I declare under penalty of perjury that the foregoing is true and correct.

Date of execution: \_\_\_\_\_

Place of execution: \_\_\_\_\_

Signature: \_\_\_\_\_

06608

**US Atty Cor 00353**



**United States District Court**  
**SOUTHERN DISTRICT OF FLORIDA**

TO: Custodian of Records  
JBGE, Inc.

**SUBPOENA TO TESTIFY  
BEFORE GRAND JURY**  
FGJ 07-103(WPB)-Tues./No. OLY-47

SUBPOENA FOR:

PERSON

DOCUMENTS OR OBJECT(S)

**YOU ARE HEREBY COMMANDED** to appear and testify before the Grand Jury of the United States District Court at the place, date and time specified below.

|   |  |
|---|--|
| <b>PLACE:</b><br>United States District Courthouse<br>701 Clematis Street<br>West Palm Beach, Florida 33401 | <b>ROOM:</b><br>Grand Jury Room                  |
|   | <b>DATE AND TIME:</b><br>May 8, 2007<br>1:00 pm* |

**YOU ARE ALSO COMMANDED** to bring with you the following document(s) or object(s):

All income tax returns, balance sheets, regulatory filings, minutes of board of directors meetings, and documents required by or filed with the Internal Revenue Service and/or the State of Delaware referring or relating to the period of 1/1/2003 to 12/31/2005.

For the period 1/1/2003 to the present, the names of all employees, copies of all W-2s for all employees, and the names of all corporate directors, board members, and shareholders.

\*Please coordinate your compliance with this subpoena and confirm the date and time, and location of your appearance with Special Agent [REDACTED], Federal Bureau of Investigation, Telephone: (561) 822-5946.

This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

|                   |  |                                |
|-------------------|--|--------------------------------|
| CLERK             |  | <b>DATE:</b><br>April 24, 2007 |
| (BY) DEPUTY CLERK |  |                                |

This subpoena is issued upon application of the United States of America



Name, Address and Phone Number of Assistant U.S. Attorney  
Ann C. Villafaña, Assistant U.S. Attorney  
500 So. Australian Avenue, Suite 400  
West Palm Beach, FL 33401-6235  
Tel: (561) 820-8711 x3047  
Fax: (561) 802-1787

\*If not applicable, enter "none."

To be used in lieu of A0110

FORM ORD-227  
JAN.86

06610

**US Atty Cor 00355**

EFTA00235681



U.S. Department of Justice

United States Attorney  
Southern District of Florida

500 S. Australian Ave., Suite 400  
West Palm Beach, FL 33401-6235  
(561) 820-8711

**APPEARANCE NOTICE**

The attached subpoena requires the production of the records specified to a Federal Grand Jury/Trial in the Southern District of Florida.

A new provision of the Federal Rules of Evidence provides that routine business records may be admitted at trial through the declaration of a custodian, if they are provided sufficiently in advance of trial to allow an opportunity for any challenges to their authenticity. Therefore, you may be able to avoid appearing personally at the grand jury/trial at the time and place specified by completely filling out the attached Certification and Inventory and immediately returning it with the records to **Special Agent [REDACTED]**, FBI at the following address:

Federal Bureau of Investigation  
505 South Flagler Drive, Ste. 500  
West Palm Beach, Florida 33401-5923

**EARLY VOLUNTARY TURNOVER**

Please note that we are requesting an early voluntary turnover of the materials subpoenaed. The early voluntary turnover date is prior to May 8, 2007.

Sincerely,

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

BY:

ASSISTANT UNITED STATES ATTORNEY

06611

**US Atty Cor 00356**

EFTA00235682

**CERTIFICATION OF BUSINESS RECORDS**

I, the undersigned, \_\_\_\_\_, declare that I am:  
employed by/associated with \_\_\_\_\_ in the  
position of \_\_\_\_\_ and by reason of my  
position am authorized and qualified to make this declaration.

In my employment with the above-named bank/company I am familiar with the  
business records it maintains. The above-named bank/company maintains records of its  
business which are:

1. made at or near the time of the occurrence of the matters set forth therein, by,  
or from information transmitted by, a person with knowledge of those matters;
2. kept in the course of regularly conducted business activity; and
3. made by the regularly conducted activity as a regular practice.

Among the records so maintained are the attached records itemized in Appendix A,  
Inventory of Documents.

I declare under penalty of perjury that the foregoing is true and correct.

Date of execution: \_\_\_\_\_

Place of execution: \_\_\_\_\_

Signature: \_\_\_\_\_

06612

**US Atty Cor 00357**

EFTA00235683





"Villafana, Ann  
 Marie C.  
 (USAFLS)"  
 <Ann.Marie.C.Villafana@usdoj.gov>

To "Jay Lefkowitz" <JLefkowitz@kirkland.com>  
 cc  
 bcc  
 Subject RE: Other attorneys

09/26/2007 11:01 AM

History: This message has been forwarded.

Hi Jay - Can you give me a call at 561 209-1021 this morning? I am meeting with the agents and want to give them their marching orders regarding what they can tell the girls.

Also, please remove Babbitt and Searcy from the list. There is too great a chance of an appearance of impropriety with Babbitt and I received a bad report about Searcy last night.

Thank you.

*A. Marie Villafana*

Assistant U.S. Attorney

500 S. Australian Ave, Suite 400

West Palm Beach, FL 33401

Phone 561 209-1047

Fax 561 820-8777

[REDACTED]

**US\_Atty\_Cor\_00359**