



"Sloman, Jeff (USAFLS)"

<[REDACTED]>

11/21/2007 02:48 PM

To <[REDACTED]>

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, Jeff (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, Jeff (USAFLS)" <[REDACTED]>
cc
bcc
Subject Re: [REDACTED]

[REDACTED]

"Sloman, Jeff (USAFLS)" <[REDACTED]>



"Sloman, Jeff
(USAFLS)"
<[REDACTED]>
usdoj.gov>
11/21/2007
02:48 PM

To <[REDACTED]>
cc
Subject Re:

Sure

Sent from my BlackBerry Wireless Handheld

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

From: Jay Lefkowitz <[REDACTED]>
To: Sloman, Jeff (USAFLS)
Sent: Wed Nov 21 14:47:24 2007

[REDACTED]

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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.



"Sloman, Jeff (USAFSL)"

11/27/2007 01:55 PM

To "Jay Lefkowitz" <[REDACTED]>

cc "Acosta, Alex (USAFSL)" <[REDACTED]>

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 21st, 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 Ann 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 29th. Thanks,

Jeff



"Slooman, Jeff (USAFIS)"

02/25/2008 07:43 PM

To <[REDACTED]>

cc "Oosterbaan, Andrew" <[REDACTED]>

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 3rd 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 3rd), 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

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



"Sloman, Jeff (USAFLS)"

02/27/2008 09:45 PM

To

cc "Oosterbaan, Andrew"

bcc

Subject Fw: Epstein

History: This message has been forwarded.

Sent from my BlackBerry Wireless Handheld

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

From: Jeffrey Sloman <[REDACTED]>
To: Sloman, Jeff (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 Ann 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

EFTA00296507

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



"Sloman, Jeff (USAFIS)"

02/29/2008 07:17 PM

To

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 25th 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 27th, 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 12th. 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.

Jeff Sloman, FAUSA



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

03/05/2008 09:09 AM

To "Jay Lefkowitz" [REDACTED]

cc

bcc

Subject RE: Epstein

Jay,

I have again carefully considered your request and have decided not to make an exception here.

Jeff Sloman, FAUSA

From: Jay Lefkowitz [mailto:JLefkowitz@kirkland.com]

Sent: Tuesday, March 04, 2008 4:35 PM

To: Sloman, Jeff (USAFLS)

Subject: Re: Epstein

Jeff,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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

From: "Sloman, Jeff (USAFLS)" [REDACTED]

Sent: 02/29/2008 07:17 PM EST

To: Jay Lefkowitz

Subject: Epstein

Jay,

I know you emailed the U.S. Attorney but I feel compelled to respond.

In my Monday, February 25th 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 27th, 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 12th. 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.

Jeff Sloman, FAUSA

= *****=

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

*****=

=

VILLAFANA

VILLAFANA



"Villafana, Ann Marie C.

\(USAF\ S\)"

<[REDACTED]
j.gov>

09/12/2007 03:44 PM

To [REDACTED]

cc "Lourie, Andrew \(\USAF\ S\)" <[REDACTED]>

bcc

Subject Jeffrey Epstein

History

This message has been replied
to.

Jay – It was nice seeing you again. Andy and I talked with Alex and Jeff. 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.

A. Marie Villafana

Assistant U.S. Attorney

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

West Palm Beach, FL [REDACTED]

Phone [REDACTED]

Fax [REDACTED]



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

09/13/2007 07:27 PM

To "Jay Lefkowitz" <[REDACTED]>

cc

bcc

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.

A. Marie Villafana
Assistant U.S. Attorney
[REDACTED] S. [REDACTED]
West Palm Beach, FL [REDACTED]
Phone [REDACTED]
Fax [REDACTED]

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

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

[REDACTED]
[REDACTED]

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



"Villafana, Ann
Marie C.
(LISAELSV)"

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,

Marie

A. Marie Villafana

Assistant U.S. Attorney

[REDACTED] S. [REDACTED], [REDACTED]

West Palm Beach, FL [REDACTED]

Phone [REDACTED]

Fax [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, ■■■.;
in violation of Title 18, United States Code, Section 113(a)(5).

R

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

A

A. MARIE VILLAFANA
ASSISTANT UNITED STATES ATTORNEY

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, [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 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. **E**

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. **T** 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.

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

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.

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

Date: _____

R

By: _____

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

Date: _____

By: _____

A
JEFFREY EPSTEIN, DEFENDANT

Date: _____

By: _____

JAY LEFKOWITZ, ESQ.
ATTORNEY FOR DEFENDANT

F

T



"Villafana, Ann Marie C.
(USAFLS)"
[REDACTED]
j.gov>

09/14/2007 09:57 AM

To "Jay Lefkowitz" <[REDACTED]>

cc

bcc

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.

A. Marie Villafana
Assistant U.S. Attorney
[REDACTED] S. [REDACTED]
West Palm Beach, FL [REDACTED]
Phone [REDACTED]
Fax [REDACTED]

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

From: Jay Lefkowitz [mailto:[REDACTED]]
Sent: Friday, September 14, 2007 9:40 AM
To: Villafana, Ann Marie C. (USAFLS)
Subject: Follow up

[REDACTED]

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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.



"Ann Marie
Villafana"

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.

--

Ann Marie Villafana
[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,

F

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,

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).

D

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

R

A. MARIE VILLAFANA
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, ■■■; 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.

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.

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.

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.

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. 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 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.

15. 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: _____
JAY LEFKOWITZ, ESQ.
ATTORNEY FOR DEFENDANT



"Ann Marie Villafana"

<[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.



"Ann Marie Villafana"
<[REDACTED]@gmail.com>

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?



"Ann Marie Villafana" <[REDACTED]>

om>

09/16/2007 10:35 AM

To "Jay Lefkowitz" <[REDACTED]>

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.



"Ann Marie
Villafana"

<[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. [REDACTED] at her home. The agents and I would need to speak with Ms. [REDACTED] and Ms. [REDACTED] 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. [REDACTED] 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'. >>>

UNITED STATES vs. JEFFREY EPSTEIN
PLEA PROFFER

On August __, 2007, FBI Special Agents E. Nesbitt Kuyrkendall and Jason Richards traveled to the home of [REDACTED] [REDACTED] to serve her with a federal grand jury subpoena in connection with an investigation pending in the Southern District of Florida. Ms. [REDACTED] works as [REDACTED]. Ms. [REDACTED] began speaking with the agents and then excused herself to go upstairs to [REDACTED]. While upstairs, Ms. [REDACTED] telephoned the defendant, Jeffrey Epstein, and informed him that the FBI agents were at her home. Mr. Epstein was then aboard a civilian aircraft in the Southern District of Florida, and was about to return to Teterboro, New Jersey. Mr. Epstein instructed Ms. [REDACTED] not to speak with the agents and reprimanded her for allowing them into her home. Mr. Epstein then re-directed his airplane, traveling to the U.S. Virgin Islands instead of the New York City area, thereby keeping the Special Agents from serving target letters on [REDACTED] and [REDACTED].

During that flight, while in the special aircraft jurisdiction of the United States, the defendant telephoned Ms. [REDACTED] and applied pressure to keep her from complying with the grand jury subpoena that the agents had served upon her. In particular, Mr. Epstein warned Ms. [REDACTED] 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.

Also during that flight, while in the special aircraft jurisdiction of the United States, the defendant became angry regarding the federal investigation and became verbally abusive and threatening towards his female companion, [REDACTED]

although he did not intend to strike her. Based upon Mr. Epstein's words, Ms.

██████████ reasonably was in fear that Mr. Epstein was about to touch her offensively.



"Ann Marie Villafana"

<[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 Andy 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 Andy's): 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. Andy 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

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,

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.



"Villafana, Ann Marie C.

\(USAFLS\)"

<[REDACTED]
j.gov>

09/17/2007 09:43 AM

To [REDACTED] "Jay Lefkowitz"

cc "Gerald Lefcourt" <[REDACTED]>

\(USAFLS\)"

\(USAFLS\)"

bcc

Subject Hearing before Judge Marra has been tal

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.

A. Marie Villafaña

Assistant U.S. Attorney

S. [REDACTED]

[REDACTED]

Phone [REDACTED]

Fax [REDACTED]



"Villafana, Ann
Marie C.
(USAFIS)"

<[REDACTED]@usdoj.gov>

09/17/2007 11:45
AM

To "Jay Lefkowitz" <[REDACTED]>

cc

bcc

Subject Non-Prosecution Agreements

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>>

A. Marie Villafana

Assistant U.S. Attorney

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

Phone [REDACTED]

Fax [REDACTED]



070911 Epstein Non-Prosecution Agreement.wpd



070911 Epstein Non-Prosecution Agreement.doc

**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

UNITED STATES ATTORNEY



"Villafana, Ann Marie C.
(USAFLS)"

[REDACTED]
j.gov>

09/17/2007 01:11 PM

To [REDACTED]

cc "Garcia, Rolando (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 Rolando (who is stepping in for Andy). 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,

Marie



"Villafana, Ann Marie C. (USAFLS)"

09/18/2007 09:14 AM

To "Jay Lefkowitz" <[REDACTED]>

cc

bcc

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).

A. Marie Villafana

Assistant U.S. Attorney

S. [REDACTED]

West [REDACTED]

Phone [REDACTED]

Fax [REDACTED]

[REDACTED]

[REDACTED]rol.

"Villafana, Ann Marie C. (USAFLS)"

<[REDACTED]>

09/18/2007 08:44 AM

To "Jay Lefkowitz"

<[REDACTED]>

cc

Subject Draft Agreements?

t

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;

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. [REDACTED]. 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.

A. Marie Villafañá

Assistant U.S. Attorney

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

[REDACTED]
Phone [REDACTED]

Fax [REDACTED]



"Villafana, Ann Marie C.

V(USAFIS)"

<[REDACTED]
j.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 Andy 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.

Rolando 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 Barry and/or Lanna, so we can hash out the still existing issues and get a signed document.

A. Marie Villafaña

Assistant U.S. Attorney

[REDACTED] S. [REDACTED], [REDACTED]

West [REDACTED] L [REDACTED]

Phone [REDACTED]

[REDACTED]

From: "Villafana, Ann Marie C. \USAFLS\)"

[REDACTED]

To: Jay Lefkowitz

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.

Phone [REDACTED]

Fax [REDACTED]

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

[REDACTED]
[REDACTED]
[REDACTED]

"Villafana, Ann Marie
C. \USAFLS\)"

To "Jay Lefkowitz"

<[REDACTED]>
[REDACTED]

[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).

A. Marie Villafana
Assistant U.S. Attorney
[REDACTED] S. [REDACTED]
West Palm Beach, FL [REDACTED]
Phone [REDACTED]

Fax [REDACTED]

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

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

"Villafana, Ann Marie C.
(USAFLS)"

< [REDACTED] >

To "Jay Lefkowitz"

[REDACTED]

09/18/2007 08:44 AM

cc

Su Draft Agreements?

bj
ec
t

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; 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. [REDACTED]. 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.

A. Marie Villafañe

Assistant U.S. Attorney

[REDACTED] S. [REDACTED], [REDACTED]

West Palm Beach, FL [REDACTED]

Phone [REDACTED]

Fax [REDACTED]

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070918 12.22 pm Plea Agreement 1512 counts.wpd

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: _____

GERALD LEFCOURT, ESQ.
ATTORNEY FOR DEFENDANT

