

Dexter and Marie – I know you have not solicited any input from the Epstein lawyers, and that Epstein as an intervenor has only the potential for future participation in the ongoing CVRA that remains at a liability not remedy phase, but in reviewing the two principal court orders (dkt 99, dkt 189) and in particular footnote 6 of the 6-19-13 court opinion (dkt 189) that there are two important points that help the Government’s position (and therefore help Epstein’s): first, that the USAO was always in good faith, guided by the Attorney General Guidelines for Victim and Witness Assistance that were revised in May of 2012 and which still require the initiation of a federal prosecution as a pre-condition to the application of victim rights, see section IIIA (“the CVRA establishes court-enforceable rights for those who are directly and proximately harmed **by a charged offense**”(emphasis added), section IIIC1 which defines a crime victim for CVRA rights as a person “directly and proximately harmed as a result of the commission of a federal offense...**if the offense is charged in federal district court...**”. (emphasis added). See also section IIIC4. Agencies such as the DEA expressly incorporate this limitation on when they provide victim or witness assistance, see DEA Victim Witness Assistance Program’s adoption of the Attorney General Guidelines definition of a victim as a “person directly and proximately harmed...if the offense is charged in federal district court”. Similarly, the most recent opinion of the Office of Legal Counsel to the Attorney General on the CVRA, provided by you to J Marra, Dkt 90-1, limits the CVRA crime victim rights to occasions where there is the initiation of a federal criminal charge. We have also collected many cases that have adopted this limitation on the CVRA. Although this legal position has not yet been accepted by J Marra, it speaks eloquently to the framework of your decision-making.

Second, the notion that there is anything to the suggestion of a “deliberate conspiracy between Epstein and federal prosecutors to keep the victims in the dark...” is belied by the ongoing efforts of Epstein to contest the September 24, 2007 NPA in his many appeals to the Department of Justice and by your efforts – documented in the privilege logs - to continue to investigate (including an ongoing Grand Jury) in the event the NPA was not effectuated through the state plea. There was no “conspiracy”. There was at most a concurrence of interests, yours as set forth in Ms Villafana’s Declaration filed in 2008, Epstein’s as set forth in Mr. Lefkowitz’ communications to you during the relevant time period.