

Dear Mr. Krischer,

On numerous occasions, both in writing and orally, your office invited me to submit to you any exculpatory material regarding the Epstein case. We have done so throughout the investigation. In an effort to assure that the exculpatory material becomes part of the official record of this case, as it should under Florida law, I am sending this up-to-date summary, with attached backup material, for inclusion in the record.

Chronological Summary of Exculpatory Material

On __ a search was conducted of Epstein's home. Nothing incriminating was found.

On ___ Dershowitz met with Krischer who told him that "if your client didn't get laid or get a blow job he wouldn't be prosecuted."

On ___ Weiss, an assistant prosecutor assigned to the case, said that the case was "not serious."

On ___ Krischer called Dershowitz to inform him that he was bringing the case to the grand jury as a "protection for your client." He explained that he had "serious doubts" about the credibility of the witnesses and he wanted to see whether they would repeat their accusations under oath in a grand jury room, with its formality and solemnity.

On February 16, 2006, there was a meeting at the prosecutors' office, at which Belohlavek indicated that the prosecution was considering offering a deal involving several counts of contributing to the delinquency of a minor, which is a misdemeanor.¹ As Belohlavek put it, "We're investigating felonies, so that best would [sic] [we] could do would be to plead Jeffrey Epstein down to a misdemeanor." Dershowitz responded by seeking some kind of pretrial intervention or other non-public resolution. The idea of

¹ Webber took shorthand notes of the entire meeting and produced a memorandum detailing the discussion

pleading to a felony was never even on the table, and it was not proposed or suggested by Belohlavek.

An agreement was reached that the defense would provide Belohlavek with the results of its investigation of Hall, and Belohlavek agreed that she would call off the grand jury that was then scheduled. The results of the investigation proved that Hall had a long history of grand larceny, lying about her age and prostitution. She described herself in her emails as a "prostitute." The prosecutor reached a decision that Hall was not a credible witness and that no charges would be brought based on her allegations.

On ___ Krischer advised Dershowitz to "cool it" and do nothing further and that it was likely that case would go away, because the prosecutor could not use Hall as a witness and that the only other witness Gonzalez would probably not be forthcoming.

On April __, 2006 Belohlavek informed Dershowitz that the case was once again going to be put before the grand jury, with a single witness, Gonzalez, and single charge. She refused to specify the charge or indicate what Gonzales was alleging, except that she acknowledged that it did not involve sexual intercourse or oral sex and that it did allegedly involve some kind of touching.

The defense advised Belohlavek and Weiss that Gonzalez was not a credible witness, that she was a drug addict with a history of confinement, that she lied about her age on her website, that she featured a nude picture in a provocative, sexual pose on her website, that she bragged about her sexual promiscuity, that the police had come to her home on ___ after she and her sister had been brought home at five in the morning by a young drug dealer and that she was so under the influence that she could not even stand up. Her parents were both convicted fraudsters whose obvious motive was extortion.

Epstein submitted to a lie detector test by a distinguished polygrapher and passed it with flying colors. The defense requested that the alleged victims be tested as well, but they have not been. Epstein has submitted to psychological evaluations, which demonstrate that he poses no danger.

Belohlavek has characterized the alleged victims as "prostitutes" and said that this was not a serious case. Nonetheless on ____, she gave Fronstin an ultimatum that unless

he agreed within one hour to an entirely inappropriate felony charge – aggravated assault with intent to commit a felony – the case would be brought in front of the grand jury. There have never been any allegations of assaultive behavior, unconsented touching or anything that would constitute aggravated assault. But suddenly the grand jury threat escalated, and Belohlavek told Fronstin that other witnesses would testify that there was sex. These witnesses include Hall, who the prosecutors had previously decided was not credible and could not ethically be put before the grand jury. Belohlavek again refused to specify what the allegations were or what the charge might be.

In light of these and other facts the defense is confident that if the case were to go to trial, the jury would disbelieve the uncorroborated lies of the alleged victims and acquit the defendant. The only reason the defendant is prepared to accept the proposed deal, is to end the Kafkaesque matter – he still has never been told what he is being accused of and by whom – by submitting a “best interest” plea in which he denies any guilt.

Sincerely,

Alan M. Dershowitz