

**PRIVILEGED AND CONFIDENTIAL
ATTORNEY-WORK PRODUCT
REFLECTS PRIVILEGED ATTORNEY/CLIENT COMMUNICATIONS**

MEMORANDUM

TO: FILE

FROM: DARREN K. INDYKE

**RE: WRONGDOING BY ATTORNEYS IN THE EPSTEIN
CRIMINAL MATTER**

DATE: September 25, 2008

1. Gerald Lefcourt, Esq.
 - A. Left/Lost in a public area confidential documents that wound up being reported on in the press.
 - B. Never explained to JEE that there was an opportunity to move probation to the VI
 - C. Advised JEE that Aggravated Assault ran the risk of being a sex offense in certain states.
 - D. Hired Lilly Sanchez telling JEE that Lilly's relationship with Menschel was paramount. Lilly ended up telling Menschel that we did not want to fight. Lilly previously had an affair with Menschel.
 - E. Jerry and Lilly prepared a letter that emphasized that there was no sex in this case, even though JEE told them that this was not true. In response, Jerry and Lilly said that the state could file a rape charge, but Jack Goldberger has advised that Barry Krischer said the state would never do that.
 - F. Jerry shot down every effort of Mike Tein and Guy Lewis because Lilly advised that Guy had been fired from his job as a US Attorney. Jerry refused to meet Mike Tein in Miami when Jerry was at the Breakers in Palm Beach because Jerry said that he did not want to drive in rush hour traffic. Jerry claimed that Mike and Guy "fucked up" the Lilly/Marie Villafana relationship. When Marie said they thought they wanted my passport, so I could not run, Jerry refused to contact Andy Lourie, saying that Jerry was certain that Andy would decline prosecution and that Guy and Mike were wrong to suggest keeping in contact.
 - G. When Menschel said that he wanted us to make proposal with bite, Jerry said no, they will decline, so why give anything away.
 - H. Jerry said that the FBI would need NEW MEAT, as they don't like cases that are stale.

- I. Jerry said there was no jurisdiction, and when the Post reporter called and said it was the phone use that the government was concerned about, Jerry said that was ridiculous.
- J. When Mike Tein wanted JEE to meet with Andy Lourie, Jerry said no way.
- K. Jerry convinced himself that Lanna was on Jerry's side, though Lanna said that she would lead the GJ to bring no charge, but lead the GJ to bring a charge of solicitation. Jerry then defended her decision.
- L. Jerry said that the Police could not release the police reports as that would be a gross violation.
- M. Jerry said we should not respond to the press, as it would only generate another story. This lasted for years.
- N. Jerry refused to attend a meeting as he said that Jeff Zucker, himself, had invited Jerry to the US Open and Jerry wanted to go.
- O. Jerry told JEE that Jeff Sloman only blew with the wind and was not involved.
- P. Jerry assured JEE that according to Lilly Alex Acosta read everything we sent, which turned out not to be true.
- Q. Jerry told JEE that Alex held a meeting every Monday to bring him up to speed on what was happening.
- R. We did not take one affirmative step.
- S. We hired Mr. White to represent Marina, a friend of Jerry's to represent Darren
- T. The Cordero lawsuit has cost more than a quarter of a million dollars and still no result.
- U. Jerry was sure that that the USAO would decline and only when Andy Lourie said that if the USAO could make a case, they would bring it, did Jerry finally become concerned.
- V. Jerry refused to allow Alan Dershowitz to attend meetings with Andy, though Andy said that he liked Alan and thought that Jerry was a pompous lightweight.
- W. When it became time to negotiate a resolution, Jerry added three months to the fifteen he was told to offer because Jerry said that six months misdemeanor was the only way. Andy Lourie was happily surprised at this.
- X. The Procuring charge to which JEE was required to plead guilty under the NPA was entirely fictitious. In order for JEE to be guilty of procuring, it was required that JEE received money for procuring minors for prostitution, which obviously was not what occurred factually. Jerry (as well as Alan Dershowitz) specifically told JEE that it was impossible for the government's lawyers to suggest that JEE plead guilty to procuring where the facts do not fit the charge. Contrary to what Jerry and Alan told JEE, the government insisted that JEE plead guilty to procuring even though the facts did not fit the charge.

- Y. Jack Goldberger advised that in talking to Lanna, Lanna believed that the Palm Beach Police Chief should be involved in the filing of the solicitation of prostitution charge. When JEE advised Gerry of this, Gerry proceeded to lecture JEE on the role of the police and state attorney's office in the criminal justice process. According to Gerry, police role is limited to that of investigators and they have no authority, right or say in what charges are ultimately brought by the state as a result of the police investigation. Consequently, Gerry insisted that it would be Barry and Lanna who tell the Police Chief what to do and the local police chief, who is small time, has no power in this process, so F__ him. Once again Gerry's ego would not allow the possibility that a local police chief could have any impact on the matter being negotiated between him and the state attorney. Obviously, Gerry was dead wrong because it was the police chief, who being left out of the process, got the FBI and the US Attorney's office involved, taking the process out of the hands of the state and causing an unprecedented investigation and involvement by federal authorities in what was clearly a local matter.
2. Lilly Sanchez
- A. Lilly provided us with a bad reading of the Section 796.03, registrable offense, that set off another battle with Marie Villfana
 - B. At an all hands meeting, Lilly said that she had a Federal misdemeanor, a maritime offense since the property was on the water, that made us look ridiculous. Lilly said that she had a number of such cases. This was bolstered by Jack Goldberger's statement that he had a maritime case which was sufficient because the house touched the water.
 - C. Though Jerry kept touting Lilly's former job, Roy said that Lilly was supposed to remain in the background.
 - D. Lilly advised JEE that Menschel knew that the state plea would entail no jail time.
 - E. Lilly prepared documents that were childish and stated incorrect information, then apologized stating that she had become very busy.
 - F. Lilly told Menschel "off the record" that Jerry and Alan thought that because of the numbers the case would be hard to fight (which obviously interfered with the ability to negotiate an appropriate deal for JEE)
3. Alan Dershowitz
- A. Though Alan said that Barry Krischer had asked Alan for a copy of his book, Barry Krischer refused to return Alan's calls.
 - B. Alan never told JEE about the probation option, but told me that Recarey would try to violate me and that it would be a five year sentence. Alan never told JEE that before JEE could be violated there would have to be a probation hearing. Alan never told JEE about the

possibility/ability of moving probation to the VI, which would have avoided Recarey being able "to violate JEE."

- C. Alan lectured Lanna and Dahlia when he met with them, alienating them immediately.
 - D. Alan had us give Steven Pinker \$10,000 for a letter.
 - E. Alan hired Herb Stern and paid him \$100,000 for an opinion that was never read.
 - F. Alan said at an all hands meeting that it would be malpractice for Alan to recommend to JEE that we take this to trial. That comment sealed JEE's fate.
 - G. Alan said that he had to tell Lanna that there was no sex though Alan knew that to be untrue.
 - H. Alan told JEE that it was impossible for the government's lawyers to suggest that JEE plead guilty to procuring because the facts did not fit the charge. However, the government insisted upon JEE pleading guilty to that charge otherwise the government would have held him in breach of the NPA.
4. Roy Black
- A. Roy recommended Guy Fronstein saying that Guy had a relationship with Dahlia Weiss, though Dahlia said that she hated Guy.
 - B. There were great, well known local counsels and we chose the bottom of the barrel. Had we associated with Jack David Roth or Richard Lubin, this never would have happened.
 - C. Roy never attended a meeting. He gave us Guy and Mike, and said that I should fire all other lawyers because Guy and Mike had a good relationship with Andy Lourie.
5. Jay Lefkowitz
- A. Alex Acosta told Jay three times that Marie Villafana was off the case, though this was obviously untrue.
 - B. Jay said that Alex would never refuse to take Jay's call, though this is what happened.
 - C. Jay said to include JEE's relationship with President Clinton and the USAO's disclosure to the NY Times in the presentation to Justice and our presentation was dismissed without a hearing.
6. Guy Lewis and Mike Tein
- A. Guy and Mike said that 2255 would be excised from the NPA, but this did not happen.
 - B. Guy and Mike said that Andy Lourie bought in to the Wilt Chamberlain story.
 - C. Guy and Mike said that Guy was friendly with Barry M and called JEE Christmas Eve to say that Guy had talked and met with Alice Fisher. Guy had also spoken to Drew Roth, and got absolutely nowhere.