

Dear Jeff

We have taken to heart your suggestion of erring on the side of caution. As I have previously stated, Mr. Epstein is committed to honoring each and every one of his obligations under the Non-Prosecution Agreement (the "NPA"). As you are aware, Mr. Epstein is currently serving the community control portion of his sentence. We have requested the transfer of the supervision from the State of Florida to the state of his residence i.e. the Virgin Islands. I write you prior to his final acceptance of the approved transfer in order to confirm that you would not consider this action as a violation of our agreement.

All transfers of supervision are administered under the Interstate Compact for Transfer of Adult Supervision ("ICAOS"). The ICAOS, as you may already be aware, is an agreement, to which all fifty states, Puerto Rico, and the United States Virgin Islands are signatories and by which they are all legally bound. It carries with it the weight of federal law. In fact, any state law that may conflict with the ICAOS is actually superseded by it. With regard to the transfer of supervision, the position of the ICAOS is clear, that is, if an offender requests, and the state which imposed the sentence (the "Sending State", in this case Florida) agrees, to transfer the offender's supervision to the place of his primary residence, the state receiving the transfer request (the "Receiving State", U.S.V.I.) is generally obligated to accept that transfer. The ICAOS policy dictates that the Receiving State is barred in most circumstances from rejecting the transfer request. In those cases where the offender is subject to enhanced restrictions, the offender still may apply for transfer, however, because of the additional manpower burden and the considerable expense associated with the enhanced restrictions, (in Mr. Epstein's case, community control) the Receiving State had the right to deny the transfer request.

Mr. Epstein has made a request to the State of Florida in order to transfer the supervision of his community control sentence to the Virgin Islands, where he maintains his primary residence. The State of Florida has approved the transfer and the Virgin Islands has agreed to accept the transfer and to maintain the same exact enhanced conditions of supervision as were imposed by Mr. Epstein's community control sentence in the State of Florida. However, be assured that Mr. Epstein will not effectuate the transfer until and unless he is confident that you would not somehow interpret his transfer as a breach of the NPA.

His transfer has been effectuated in the ordinary course of sentencing. Even the federal government's general policy is that inmates whose primary residence is different from the state of incarceration, should be allowed and would be better off if they could serve their supervision close to their home. BOP allows for and encourages those that have been federally sentenced to be able to serve their prison sentences in their home state.

Although the federal government is the counter party to the NPA, the NPA clearly contains no provision requiring that Mr. Epstein's community control sentence be served in the State of Florida. Moreover, we believe that the issue of the

in which state Mr. Epstein serves his community control sentence could not raise any federal concern, and that the transfer of Mr. Epstein's supervision is a purely a state probation decision regarding the implementation of Mr. Epstein's sentence in which the federal government agreed it would not intervene. Once again, however, out of an abundance of caution, we are confirming the fact that your office will not take a position on this matter. .

For all of these reasons, we can find no federal interest ,as to where Mr. Epstein he serves his supervision, but would respectfully request your response.